EXPLANATORY MEMORANDUM TO

THE SECURE TENANCIES (NOTICE) REGULATIONS (NORTHERN IRELAND) 2014

S.R. 2014 No. 103

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 28(2)(a) of the Housing (Northern Ireland) Order 1983 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule revokes existing provision which prescribes the form of the Notice of Seeking Possession, and prescribes a new form of Notice.

3. Background

3.1. Where the Housing Executive or a registered housing association is minded to seek an order for possession of a secure tenancy, Article 28 of the Housing (Northern Ireland) Order 1983 provides that the court will not entertain such proceedings unless the landlord has served on the tenant a Notice of Seeking Possession in the prescribed form (or, alternatively, the court considers it just and equitable to dispense with the requirement for such a Notice). The form of the Notice of Seeking Possession was prescribed in the Secure Tenancies (Notice) Regulations (Northern Ireland) 1983, as amended by the Secure Tenancies (Notice) (Amendment) Regulations (Northern Ireland) 2003.

3.2. Article 28(3)(a)(i) of the Housing (Northern Ireland) Order 1983 provides that, where possession is being sought on grounds relating to anti-social behaviour, proceedings for possession may be begun immediately. The Statutory Rule amends the prescribed form of Notice to advise tenants that, if they accept an offer of support designed to help them to address their behaviour, the landlord may decide to review its decision to seek an order for possession. However, the amended Notice also warns tenants that if they do not accept an offer of support the landlord is likely to seek to have proceedings for possession begun immediately .

4. Consultation

4.1. The Department has consulted the Housing Executive and the Northern Ireland Federation of Housing Associations about the proposal to make the Statutory Rule.

5. Equality Impact

5.1. An Equality Impact Assessment was not considered necessary as the Statutory Rule would have no negative impact on any equality group.

6. Regulatory Impact

6.1. The Statutory Rule does not require a Regulatory Impact Assessment as it has no impact on costs for business, charities or voluntary bodies.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is not incompatible with any of the Convention Rights or Community law, does not discriminate against any person or class of person on the grounds of religious belief or political opinion and does not modify any enactment in breach of section 7 of that Act.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The form of Notice prescribed in the Statutory Rule is similar to the Notice prescribed for England in the Secure Tenancies (Notice) Regulations 1987 (as amended).

11. Additional Information

11.1. Not applicable.