



STATUTORY INSTRUMENTS.

**S.I. No. 122 of 2015**



HOUSING (LOCAL AUTHORITY TENANCY WARNINGS)  
REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 4, 7, 8, 9 and 10 of the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014), hereby make the following regulations:

1. These Regulations may be cited as the Housing (Local Authority Tenancy Warnings) Regulations 2015.

2. These Regulations come into operation on 13 April 2015.

3. In these Regulations “Act of 2014” means the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014).

4. (1) A person who has attained the age of 16 years and is resident in, or employed at, the dwelling concerned is prescribed as a person on whom a tenancy warning may be served at that dwelling for the purposes of sections 7(4), 8(3) and 9(3) of the Act of 2014.

(2) Where a housing authority is unable to serve a tenancy warning under section 7(4), 8(3) or 9(3) of the Act of 2014 by a method provided for in section 3(1) of the Housing Act 1966 or prescribed in paragraph (1), the authority may serve the warning in one of the following other ways:

(a) subject to paragraph (3), if the tenant has agreed to the service of notices by means of an electronic communication (within the meaning assigned by section 2 of the Electronic Commerce Act 2000 (No. 27 of 2000)), by sending a copy of the warning by that method to the tenant (being an addressee within the meaning assigned by the said section 2);

(b) subject to paragraph (4), by affixing the warning in a conspicuous position on or near the dwelling concerned.

(3) Paragraph (2)(a) only applies where there is a facility to confirm receipt of electronic mail and such receipt has been duly confirmed.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 14th April, 2015.*

(4) Where a housing authority serves a tenancy warning in accordance with paragraph (2)(b), a copy of the warning shall, within two weeks thereafter, be published in at least one newspaper circulating in the area in which the tenant is last known to have resided.

5. (1) The following circumstances are prescribed as types of extenuating circumstances for the purposes of section 10(5) of the Act of 2014:

- (a) a member of the tenant's household, or a close relative of the tenant or such a member, has died in the period of 2 months prior to the issue of the tenancy warning;
- (b) the tenant, a member of the tenant's household or a close relative of the tenant or such a member is, in the opinion of the chief executive of the local authority concerned, seriously ill;
- (c) the tenant, or the household member named in the tenancy warning as having breached a term of the tenancy agreement or a rent-related obligation has been, or will be, for reasons which, in the opinion of the chief executive of the local authority concerned, are beyond the control of the person concerned, absent from the dwelling either continuously for at least half, or cumulatively for at least two-thirds, of the period within which a request to review that warning can be received under section 10(4) of the Act of 2014;
- (d) any other circumstances in which an extension of time under section 10(5) of the Act of 2014 is, in the opinion of the chief executive of the local authority concerned, merited on exceptional medical or compassionate grounds.

(2) In this Regulation—

“close relative” means—

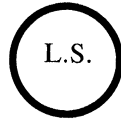
- (a) a spouse, civil partner, cohabitant, lineal ancestor or descendant, stepson, step-daughter, sibling, half-sibling, step-sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law or first cousin, or
- (b) by consanguinity or affinity, an aunt, uncle, nephew or niece,

of a tenant or a member of the tenant's household;

“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010);

“civil partner” means each person in a civil partnership or legal relationship to which section 3 of the Act of 2010 relates;

“cohabitant” means a cohabitant within the meaning of section 172(1) of the Act of 2010.



GIVEN under my Official Seal,  
9 April 2015.

ALAN KELLY,  
Minister for the Environment, Community and  
Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations, which come into operation on 13 April 2015, prescribe—

- the class of person at the local authority dwelling concerned on whom a housing authority may, in the absence of the tenant from that dwelling, serve a tenancy warning under Part 2 of the Housing (Miscellaneous Provisions) Act 2014,
- other methods of serving a tenancy warning where the housing authority is unable to serve a warning by an existing method on the tenant or on a person in the prescribed class, and
- the type of extenuating circumstances in which the chief executive of a local authority may, on application by or on behalf of the tenant, extend the period for requesting a review of a tenancy warning.

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nó trí aon díoltóir leabhar.

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DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

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€2.54



Wt. (B31183). 305. 4/15. Clondalkin. Gr 30-15.