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STATUTORY INSTRUMENTS

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**1997 No. 869**

**The Race Relations (Northern Ireland) Order 1997**

**PART III**

**DISCRIMINATION IN OTHER FIELDS**

*Goods, facilities, services and premises*

**Exception from Articles 21(1) and 22: small dwellings**

**23.**—(1) [<sup>F1</sup>In relation to discrimination on grounds other than those of race or ethnic or national origins] Where the conditions mentioned in paragraph (2) are satisfied—

- (a) Article 21(1) does not apply to the provision by a person of accommodation in any premises;
- (b) Article 22(1) does not apply to the disposal by a person of any premises;
- (c) Article 22(4) does not apply to the withholding of any consent or licence.

(2) The conditions are that—

- (a) the relevant occupier resides, and intends to continue to reside, on the premises;
- (b) the relevant occupier shares accommodation on the premises with persons who reside on the premises and are not members of his household;
- (c) the shared accommodation is not storage accommodation or a means of access; and
- (d) the premises are small premises.

(3) For the purposes of this Article, premises are “small premises” if they fall within paragraph (4) or (5).

(4) Premises fall within this paragraph if—

- (a) only the relevant occupier and members of his household reside in the accommodation occupied by him;
- (b) the premises comprise, in addition to the accommodation occupied by the relevant occupier, residential accommodation for at least one other household;
- (c) the residential accommodation for each other household is let, or available for letting, on a separate tenancy or similar agreement; and
- (d) there are not normally more than two such other households.

(5) Premises fall within this paragraph if there is not normally residential accommodation on the premises for more than 6 persons in addition to the relevant occupier and any members of his household.

(6) For the purposes of this Article “the relevant occupier” means—

- (a) in a case falling within Article 21(1), the person providing the accommodation or a near relative of his;

**Changes to legislation:** *The Race Relations (Northern Ireland) Order 1997, Section 23 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) in a case falling within Article 22(1), the person with power to dispose of the premises, or a near relative of his;
  - (c) in a case falling within Article 22(4) the person whose licence or consent is required for the disposal of the premises, or a near relative of his.
- (7) For the purposes of this Article “near relative” means a person's spouse<sup>[F2]</sup> or civil partner], parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or<sup>[F2]</sup> by marriage or civil partnership)].

**F1** SR 2003/341

**F2** [2004 c.33](#)

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**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 17 s.50 Sch.4 para.41](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.24](#)