
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 72

BUSINESS TENANCIES

**The Business Tenancies (Notices)
Regulations (Northern Ireland) 1997**

Made - - - - *20th February 1997*
Coming into operation *1st April 1997*

The Department of Finance and Personnel, in exercise of the powers conferred on it by Article 40(1) of the Business Tenancies (Northern Ireland) Order 1996⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Business Tenancies (Notices) Regulations (Northern Ireland) 1997 and shall come into operation on 1st April 1997.

Interpretation

2. In these Regulations—
“the Order” means the Business Tenancies (Northern Ireland) Order 1996;
a form referred to by number means the form so numbered in the Schedule.

Forms of notice

3. The forms of notice set out in the Schedule shall be used as follows—
- (a) a notice served under Article 5(2)(a) of the Order by the landlord, being a notice terminating a tenancy which has been continued by Article 5(1) and has subsequently ceased to be a tenancy to which the Order applies, shall be in Form 1;
 - (b) a notice served under Article 5(2)(c) of the Order by the immediate landlord, being a notice requiring possession at the date of expiry of a tenancy dependent on the effluxion of time, shall be in Form 2;
 - (c) a notice served under Article 6 of the Order, being the landlord’s notice to determine a tenancy to which the Order applies, shall be in Form 3;

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- (d) a notice served under Article 7 of the Order, being a tenant's request for a new tenancy, shall be in Form 4;
- (e) a notice served under Article 29 of the Order, being a notice for particulars, shall be in Form 5.

Revocation of Business Tenancies (Notices) Regulations (Northern Ireland) 1964

- 4. The Business Tenancies (Notices) Regulations (Northern Ireland) 1964(2) are hereby revoked.

Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

20th February 1997.

James McKeown
Assistant Secretary

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SCHEDULE

Regulation 3

Forms

FORM 1 BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996(S.I. 1996/725 (N.I. 5)) (“THE ORDER”) **Landlord’s Notice under Article 5(2)(a) terminating Tenancy which has ceased to be a Tenancy to which the Order applies**

Name and address of tenant:

Premises situate at and known as:.....

Name and address of landlord:

I/We hereby **GIVE YOU NOTICE TERMINATING YOUR TENANCY** of the above-mentioned premises **ON THE** **DAY OF** **19/20** .

I/we draw your attention to the note at the end of this Notice. You should seek professional advice on this Notice as soon as possible.

Signed.....(Landlord/Agent of landlord)

Date

Important Note to Tenant

Article 5(2) of the Business Tenancies (Northern Ireland) Order 1996 provides that a tenancy continued by Article 5(1) of the Order which at any time thereafter ceases to be a tenancy to which the Order applies may (without prejudice to its termination in accordance with any of the terms of the tenancy) be terminated by not less than 3 nor more than 6 months’ notice in the prescribed form served by the landlord on the tenant.

FORM 2 BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996(S.I. 1996/725 (N.I. 5)) (“THE ORDER”) **Landlord’s Notice under Article 5(2)(c) of the Order to Tenant of Tenancy to which the Order does not apply requiring possession at the end of the Tenancy**

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Name and address of tenant:

Premises situate at and known as:.....
.....

Name and address of the immediate landlord:

I/We hereby **GIVE YOU NOTICE OF THAT I/WE REQUIRE POSSESSION** of the above-mentioned premises **ON THE** **DAY OF** **19/20** , on which date your tenancy is due to expire.

I/WE DRAW YOUR ATTENTION TO THE NOTE AT THE END OF THIS NOTICE. YOU SHOULD SEEK PROFESSIONAL ADVICE ON THIS NOTICE AS SOON AS POSSIBLE.

[This notice is served under Article 5(2)(c) of the Business Tenancies (Northern Ireland) Order 1996.]

I
Signed.....(Immediate landlord/Agent
of the immediate landlord)
Date.....

Important Note to Tenant

Article 5(2)(c) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (“the Order”) provides that if within 12 months before the date of expiry of a tenancy dependent upon the effluxion of time (that is, a tenancy with a fixed term) the immediate landlord serves a notice in the prescribed form (that is, a notice like this notice) on the tenant stating that such landlord requires possession of the premises at the date of expiry and the notice is served at a time when the premises are not occupied by the tenant for the purposes of a business then the Order shall not apply to that tenancy — even if after the date of service of this notice and before the date of expiry of the tenancy the premises are occupied by the tenant for the purposes of a business.

FORM 3BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996(S.I. 1996/725 (N.I. 5)) (“THE ORDER”)Landlord’s Notice to Determine Business Tenancy under Article 6 of the Order

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Name and address of tenant:.....

Premises situate at and known as:.....

.....

Name and address of landlord:

.....

1. I/We hereby **GIVE YOU NOTICE TERMINATING YOUR TENANCY ON THE DAY OF 19/20 .**

2. **I am/We are willing that the tenant should have a new tenancy on the following general terms:—**

The property proposed to be comprised in the tenancy (being either the whole or part of the property comprised in the current tenancy) (*here state the property*):

.....

The proposed rent to be payable under the new tenancy:

.....

The proposed date of commencement and duration of the new tenancy:

.....

The other terms of the new tenancy:.....

.....

.....

.....

.....

.....

OR

2. **I/we would oppose a tenancy application by the tenant on the following ground(s) mentioned in Article 12 of the Order:—**

.....

.....

.....

YOU SHOULD SEEK PROFESSIONAL ADVICE ON THIS NOTICE AS SOON AS POSSIBLE.

Your particular attention is drawn to Articles 6, 10, 12 and 13 and 14 to 16 of the Order

Signed.....Landlord/Agent of landlord

Date.....

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FORM 4 BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996(S.I. 1996/725 (N.I. 5)) (“THE ORDER”) **Tenant’s Request for New Tenancy under Article 7 of the Order**

Name and address of landlord:

Premises situate at and known as:.....

.....

Name and address of tenant:.....

.....

I/We hereby request you under Article 7 of the Order to grant me a new tenancy on the following general terms.

The property proposed to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy) (*here state the property*):

.....

.....

The proposed rent to be payable under the new tenancy:

.....

The proposed date of commencement of and duration of the new tenancy:

.....

The other proposed terms of the new tenancy:

.....

.....

.....

YOU SHOULD SEEK PROFESSIONAL ADVICE ON THIS NOTICE AS SOON AS POSSIBLE.

Your particular attention is drawn to Article 7(6) of the Order: within 2 months of a request for a new tenancy the landlord must serve on the tenant a notice either that the landlord is willing to grant a new tenancy on the tenant’s terms (or on the tenant’s terms as modified by an agreement between the landlord and the tenant) or that he will oppose a tenancy application by the tenant on such of the grounds mentioned in Article 12 of the Order as are stated in the landlord’s notice.

Signed.....(Tenant/Agent of tenant)

Date.....

FORM 5 BUSINESS TENANCIES (NORTHERN IRELAND) ORDER 1996(S.I. 1996/725 N.I. 5) (“THE ORDER”) **Notice for particulars under Article 29**

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Name, address and capacity of person on whom this notice is being served:

.....
.....

Premises situate at and known as:.....

.....

Name, address and capacity of person who is serving this notice:

.....
.....

I hereby require you under Article 29 of the Order within one month after the service of this Notice on you to furnish to me in writing the following information so far as it is within your possession or procurement:—

(State the information required by this Notice)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signed:.....

Date.....

Address to which particulars are to be sent:

.....
.....

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the forms of notices to be used under the Business Tenancies (Northern Ireland) Order 1996 ([S.I. 1996/725 \(N.I. 5\)](#)) (“the Order”). They also revoke the Business Tenancies (Notices) Regulations (Northern Ireland) 1964 ([S.R. & O. \(N.I.\) 1964 No. 215](#)) (the “previous Regulations”) which prescribed the forms of notices to be used under the Business Tenancies Act (Northern Ireland) 1964 ([1964 c. 36 \(N.I.\)](#)) (“the Act of 1964”). That Act is repealed by the Order.

The main changes from the previous Regulations under the Act of 1964 are in Form 3 (landlord’s notice to determine a business tenancy under Article 6 of the Order) and Form 4 (tenant’s request for a new tenancy under Article 7 of the Order): these reflect the new provisions, particularly Articles 6 and 7 of the Order. Form 5 (notice of particulars) reflects the increased width of the power to obtain particulars in Article 29 of the Order.