
STATUTORY INSTRUMENTS

1978 No. 1050

Rent (Northern Ireland) Order 1978

PART XI

MISCELLANEOUS AND GENERAL

Length of notice to quit under tenancies of dwelling-houses

62. A notice by a landlord or tenant to quit a dwelling-house let (whether before or after the commencement of this Order) under a [^{F1} private] tenancy shall not be valid unless it is given not less than four weeks before the date on which it is to take effect.

F1 1981 NI 3

Inspection and entry of certain premises

63.—(1) A district council may, if an application in that behalf is made to it by the landlord or tenant of a dwelling-house let on a regulated tenancy, cause the dwelling-house to be inspected with a view to ascertaining whether it meets the regulated tenancy standard.

(2) The tenant under a protected or statutory tenancy shall permit the landlord, and persons authorised by him for the purpose, to enter the premises comprised in the tenancy at reasonable times and upon reasonable notice—

- (a) in order to inspect them and carry out any works which, by virtue of this Order, the landlord is under a duty to execute;
- (b) in order to inspect the state of repair of the premises.

[^{F2}(2A) Subject to paragraphs (2B) and (2C), where—

- (a) the landlord under a restricted tenancy wishes to carry out such works as are specified in a statement issued by a district council under paragraph (2) of Article 9 (works necessary to enable dwelling-house to meet the regulated tenancy standards); and
- (b) the works cannot be carried out without the consent of the tenant, but the tenant is unwilling to give his consent;

the landlord may apply to the county court for an order empowering him, or a person authorised by him, to enter the dwelling-house and carry out the works.

(2B) An order under paragraph (2A) may be made subject to such conditions as to—

- (a) the time at which the works are to be carried out; and
- (b) any provision to be made for the accommodation of the tenant and his household,

as the court may think fit.

(2C) In determining whether to make such an order and, if it is made, what (if any) conditions it should be subject to, the court shall have regard to all the circumstances and in particular to—

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978, PART XI. (See end of Document for details)

- (a) any disadvantage to the tenant that might be expected to result from the works;
- (b) the accommodation that might be available for him whilst the works are carried out; and
- (c) the age and health of the tenant;

but the court shall not take into account the means and resources of the tenant.]

(3) Where, in the exercise of powers conferred by paragraph (2), any damage is caused to the premises or any property in or on the premises, by the landlord or any person authorised by him, the landlord shall make that damage good.

F2 1983 NI 15

Tenant sharing accommodation with persons other than landlord

64.—(1) Where a tenant has the exclusive occupation of any accommodation (in this Article referred to as “the separate accommodation”) and—

- (a) the terms as between the tenant and his landlord on which he holds the separate accommodation include the use of other accommodation (in this Article referred to as “the shared accommodation”) in common with another person or other persons, not being or including the landlord, and
- (b) by reason only of the circumstances mentioned in sub-paragraph (a), the separate accommodation would not, apart from this Article, be a dwelling-house let on or subject to a protected or statutory tenancy,

the separate accommodation shall be deemed to be a dwelling-house let on a protected tenancy or, as the case may be, subject to a statutory tenancy and the following provisions of this Article shall have effect.

(2) Where, for the purpose of determining the net annual value of the separate accommodation, it is necessary to make an apportionment under this Order, regard is to be had to the circumstances mentioned in paragraph (1)(a).

(3) Subject to paragraph (4), while the tenant is in possession of the separate accommodation (whether as a protected or statutory tenant), any term or condition of the contract of tenancy terminating or modifying, or providing for the termination or modification of, his right to the use of any of the shared accommodation which is living accommodation shall be of no effect.

(4) Where the terms and conditions of the contract of tenancy are such that at any time during the tenancy the persons in common with whom the tenant is entitled to the use of the shared accommodation could be varied, or their number could be increased, nothing in paragraph (3) shall prevent those terms and conditions from having effect so far as they relate to any such variation or increase.

(5) Subject to paragraph (6) and without prejudice to the enforcement of any order made thereunder, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person under whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and Article 13(1) shall apply accordingly.

(6) Subject to paragraph (7), on the application of the landlord, the county court may make such order, either—

- (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation, or

- (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise,

as the court thinks just.

(7) No order shall be made under paragraph (6) so as to effect any termination or modification of the rights of the tenant which, apart from paragraph (3), could not be effected by or under the terms of the contract of tenancy.

(8) In this Article “living accommodation” means accommodation of such a nature that the fact that it constitutes or is included in the shared accommodation is (or, if the tenancy has ended, was) sufficient, apart from this Article, to prevent the tenancy from constituting a protected or statutory tenancy of a dwelling-house.

Certain sub-lettings not to exclude any part of sub-lessor's premises from Order

65.—(1) Where the tenant of any premises consisting of a dwelling-house has sub-let a part, but not the whole, of the premises, then, as against his landlord or any superior landlord, no part of the premises shall be treated as not being a dwelling-house let on or subject to a protected or statutory tenancy by reason only that—

- (a) the terms on which any person claiming under the tenant holds any part of the premises include the use of accommodation in common with other persons; or
- (b) part of the premises is let to any such person at a rent which includes payments in respect of board, attendance or use of furniture.

(2) This Article does not affect the rights against, and liabilities to, each other of the tenant and any person claiming under him, or of any two such persons.

Overholding

66. A tenant shall not be deemed for the purposes of section 76 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 (payment of double rent for overholding) wilfully to hold over any land comprised in a tenancy by reason only of his remaining in possession thereof under or by virtue of this Order.

Adjustment for differences in lengths of rental periods

67.—(1) In ascertaining for the purposes of this Order whether there is any difference with respect to rents or rates between one rental period and another (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths.

(2) For the purposes of an adjustment referred to in paragraph (1)—

- (a) one month shall be treated as equivalent to one-twelfth of a year; and
- (b) one week shall be treated as equivalent to one fifty-second of a year.

Appropriate district councils

68. Where an application may be made under this Order to a district council in relation to a dwelling-house, the application shall be made to the council in whose area the dwelling-house is situated.

Status: Point in time view as at 01/01/2006.

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County court jurisdiction

69.—(1) A county court shall have jurisdiction, either in the course of any proceedings relating to a dwelling or on an application made for the purpose by the landlord or the tenant, to determine any question—

- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house;
- (b) as to the rent recoverable under a regulated or restricted tenancy;
- (c) as to whether a tenancy is a restricted or regulated tenancy,
- [^{F3}(d) as to whether a landlord should be empowered to enter a dwelling-house under Article 63 (2A).]

or as to any matter which is or may become material for determining any such question.

(2) A county court shall have jurisdiction to deal with any claim or other proceedings arising out of any of the provisions of this Order (except Part IX) notwithstanding that by any reason of the amount of the claim or otherwise the case would not, apart from this paragraph, be within the jurisdiction of a county court.

(3) If, under this Order, a person takes proceedings in the High Court which he could have taken in the county court he shall not be entitled to receive any costs.

F3 1983 NI 15

Prosecution of offences

70. Offences under this Order are, subject to Article 54(3), punishable summarily.

Net annual value

71.—(1) The net annual value on any day of a dwelling-house shall be ascertained for the purposes of this Order as follows:—

- (a) if the dwelling-house is a hereditament for which a net annual value is then shown in the valuation list, it shall be that net annual value;
- (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its net annual value shall be taken to be such value as is found by a proper apportionment or aggregation of the net annual value or values so shown;
- (c) if Article 12(3) applies in relation to the dwelling-house, its net annual value shall be taken to be the value appointed, under Article 44(2) of the Rates (Northern Ireland) Order 1977 , to so much of the dwelling-house as is used for the purposes of a private dwelling;
- (d) if Article 12(4) applies in relation to the dwelling-house, its net annual value shall be taken to be the net annual value shown in the valuation list for the dwelling-house.

(2) Any question arising under this Article as to the proper apportionment or aggregation of any value or values shall be determined by the Commissioner of Valuation for Northern Ireland.

(3) Any person who is aggrieved by the decision of the Commissioner of Valuation for Northern Ireland under paragraph (2) as to the proper apportionment or aggregation of any value or values may, within twenty-eight days from the date on which he receives notice of the decision, appeal to the Lands Tribunal against the decision.

(4) Where, after the commencement of this Order—

- (a) the valuation list is altered so as to vary the net annual value of the hereditament of which the dwelling-house consists or forms part; and
- (b) the alteration has effect from a date not later than that commencement, the net annual value of the dwelling-house on the commencement of this Order shall be ascertained as if the value shown in the valuation list on that commencement had been the value shown in the list as altered.

(5) Paragraphs (1) to (4) apply in relation to any other land as they apply in relation to a dwelling-house.

Information

72. The Department^{F4} and the Executive, acting either jointly or individually] may publish information, for the assistance of landlords and tenants, as to their rights and duties and as to the procedure for enforcing those rights or securing the performance of those duties.

F4 2003 NI 2

Service of notices on landlord's agents

73.—(1) Any document required or authorised by this Order to be served on a landlord of a dwelling-house shall be deemed to be duly served on him if it is served—

- (a) on any agent of the landlord named as such in the rent book; or
- (b) on the person who receives the rent of the dwelling-house.

(2) [^{F5}If—]

- ^{F5}(a) the tenant under a private tenancy of a dwelling-house, or
- (b) a district council for the purposes of enabling it to perform any of its functions under this Order,]

serves upon any such agent or other person as is referred to in paragraph (1) a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

(3) If any such agent or other person as is referred to in paragraph (2) fails or refuses forthwith to comply with a notice served on him under that paragraph, he shall be liable to^{F5} a fine not exceeding £500], unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

F5 1983 NI 15

^{F6}Method of serving certain documents

73A.—(1) Any document to be served under any of the following provisions of this Order, namely Articles 8, 9, 10, 25(6), 25A(2), 26(4), 46 and 73(2) and paragraph 2(1) of Schedule 6 may be served by being sent by ordinary post.

(2) In section 24(1) of the Interpretation Act (Northern Ireland) 1954 (service of documents), as it applies to the service by post of such a document, the word “registering” shall be omitted.]

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Status: Point in time view as at 01/01/2006.

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Regulations

74.—(1) The Department may make regulations—

- (a) prescribing forms for notices, certificates and other documents required or authorised under this Order;
- (b) requiring such notices, certificates and documents to contain such information as may be specified in the regulations;
- (c) prescribing the procedure on applications to, and to be followed by, rent assessment committees;
- (d) prescribing anything which is required by this Order to be prescribed;
- (e) generally for carrying into effect this Order.

(2) Regulations under paragraph (1) may contain provisions modifying Schedule 6, but any such regulations shall be made subject to affirmative resolution.

(3) Subject to paragraph (2), regulations under paragraph (1) shall be subject to negative resolution.

Application to Crown property

75.—(1) Subject to Article 5(7), this Order shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown estate as it applies in relation to premises in which no such estate subsists or ever subsisted.

(2) In this Article “Crown estate” means an estate—

- (a) which belongs to the Crown in right of Her Majesty's Government in the United Kingdom or in Northern Ireland; or
- (b) which is held in trust for Her Majesty for the purposes of a government department.

Prohibition of agreements excluding Order

76. This Order shall have effect notwithstanding any agreement to the contrary.

Amendments, savings and repeals

77. *Para.(1), with Schedule 8, effects amendments*

(2) The savings in Schedule 9 shall have effect.

Para.(3), with Schedule 10, effects repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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