

---

## STATUTORY INSTRUMENTS

---

# 1996 No. 725

## The Business Tenancies (Northern Ireland) Order 1996

### *Introductory*

#### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“business” includes—

- (a) a trade, profession or employment; and
- (b) any activity carried on by a body of persons whether corporate or unincorporate, whether or not carried on for gain or reward;

“current tenancy” means the tenancy under which the tenant holds for the time being;

“date of termination” has the meaning assigned to it by Article 6(1);

“the holding”, in relation to a tenancy to which this Order applies, means (subject to Article 16(2)) the property comprised in the tenancy, there being excluded any part thereof which is occupied neither by the tenant nor by a person employed by the tenant and so employed for the purposes of a business by reason of which the tenancy is one to which this Order applies;

“the landlord”, in relation to a tenancy ( “the relevant tenancy”), means the person (whether or not he is the immediate landlord) who is the owner of that estate in the property comprised in the relevant tenancy which for the time being fulfils the following conditions, that is to say—

- (a) that it is an estate in reversion expectant (whether immediately or not) on the termination of the relevant tenancy; and
- (b) that it is either the fee simple or a tenancy which will not come to an end within 14 months or less—
  - (i) by effluxion of time, or
  - (ii) by virtue of a notice already served being a notice served in relation to that tenancy by the immediate landlord or tenant thereof in accordance with the terms of that tenancy, or
  - (iii) by virtue of a notice to determine, or
  - (iv) by virtue of a notice under Article 7 requesting a new tenancy,and is not itself in reversion expectant (whether immediately or not) on an estate which fulfils these conditions;

“Lands Tribunal rules” means rules made under section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964;

“mortgage” includes a charge or lien;

“notice to determine” means a notice served by a landlord in accordance with Article 6;

---

**Changes to legislation:** The Business Tenancies (Northern Ireland) Order 1996, Section 2 is up to date with all changes known to be in force on or before 12 October 2023. 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](#)

---

“notice to quit” means a notice to end a tenancy served by the immediate landlord in accordance with the provisions (whether express or implied) of that tenancy;

“predecessor in title” in relation to a landlord or a tenant means any person through whom the landlord or the tenant, as the case may be, has derived title;

“premises” includes land and buildings;

“public authority” includes any department of the Government of the United Kingdom or of Northern Ireland, any district council, any public body or authority constituted by or under any statutory provision and (without prejudice to Article 4(1)(k)) any holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992;

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

“tenancy” (subject to any provision of this Order to the contrary) includes a tenancy created before or after the commencement of this Order and also includes a tenancy created or renewed in pursuance of any statutory provision (including this Order), but does not include a tenancy at will, howsoever arising, or a tenancy at sufferance, or any mortgage term or any estate arising in favour of a mortgagor solely by reason of his attorning tenant to his mortgagee;

“tenancy application” has the meaning assigned to it by Article 10(1);

“term certain” in relation to a tenancy means any definite period of certain duration whether or not the tenancy is renewable for further such periods.

(3) For the purposes of this Order a person shall be deemed to have a controlling interest in a company if he has the power to secure, by means of the holding of shares or the possession of voting power in or in relation to the company, or by virtue of any powers conferred by the articles of association or other document regulating the company, that the affairs of the company are conducted in accordance with his wishes.

(4) References in this Order to an agreement between the landlord and the tenant (except in Article 24) shall be construed as references to an agreement in writing between them.

[<sup>F1</sup>(5) References in this Order to a tenancy dependent on the fall of a life or other uncertain event are to the tenancy into which such a tenancy is converted by Article 37(4) of , and Schedule 3 to, the Property (Northern Ireland) Order 1997.]

---

**F1**    1997 NI 8

**Changes to legislation:**

The Business Tenancies (Northern Ireland) Order 1996, Section 2 is up to date with all changes known to be in force on or before 12 October 2023. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 18(6) inserted by [2022 c. 46 s. 62\(2\)](#)
- art. 18A inserted by [2022 c. 46 s. 62\(3\)](#)
- art. 18B18C inserted by [2022 c. 46 s. 64\(2\)](#)