

SCHEDULES

SCHEDULE 1

Article 35.

PROVISIONS FOR THE PURPOSES OF THIS ORDER WHERE SEVERAL PERSONS STAND IN RELATION OF LANDLORD AND TENANT

Definitions

1. In this Schedule the following expressions have the meanings hereby assigned to them in relation to a tenancy (“the relevant tenancy”), that is to say—

“the competent landlord” means the person who in relation to the tenancy is for the time being the landlord (as defined by Article 2(2)) for the purposes of this Order;

“mesne landlord” means a tenant whose estate is intermediate between the relevant tenancy and the estate of the competent landlord; and

“superior landlord” means a person whose estate is superior to the estate of the competent landlord.

Acts of competent landlords binding on other landlords

2.—(1) Any notice to determine served by the competent landlord under this Order to terminate the relevant tenancy, and any agreement made between that landlord and the tenant as to the granting, duration, or terms of a future tenancy, being an agreement made for the purposes of this Order, shall bind the estate of any mesne landlord notwithstanding that he has not consented to the service of the notice or was not a party to the agreement.

(2) The competent landlord shall have power for the purposes of this Order to give effect to any agreement with the tenant for the grant of a new tenancy beginning with the coming to an end of the relevant tenancy, notwithstanding that the competent landlord will not be the immediate landlord at the commencement of the new tenancy, and any instrument made in the exercise of the power conferred by this sub-paragraph shall have effect as if the mesne landlord had been a party thereto.

(3) Nothing in sub-paragraphs (1) and (2) shall prejudice the provisions of paragraphs 3 and 4.

Provisions as to consent of mesne landlord to acts of competent landlord

3.—(1) If the competent landlord, not being the immediate landlord, serves any such notice or makes any such agreement as is mentioned in paragraph 2(1) without the consent of every mesne landlord, any mesne landlord whose consent has not been given thereto shall be entitled to compensation from the competent landlord for any loss arising in consequence of the service of the notice or the making of the agreement.

(2) If the competent landlord applies to any mesne landlord for his consent to such a notice or agreement, that consent shall not be unreasonably withheld or delayed, but may be given subject to any conditions which may be reasonable (including conditions as to the modification of the proposed notice or agreement or as to the payment of compensation by the competent landlord).

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(3) Any dispute as to the amount of compensation payable under this paragraph and any question arising under this paragraph as to whether consent has been unreasonably withheld or delayed or as to whether any conditions imposed on the giving of consent are unreasonable shall be referred to and determined by the Lands Tribunal.

(4) Where the Lands Tribunal determines the amount of compensation payable under this paragraph, it shall order the payment of the sum thereof.

Consent of superior landlord required for agreements affecting his interest

4. An agreement between the competent landlord and the tenant made for the purposes of this Order in a case where—

- (a) the competent landlord is himself a tenant; and
- (b) the agreement would apart from this paragraph operate as respects any period after the coming to an end of the estate of the competent landlord,

shall not have effect unless every superior landlord who will be the immediate landlord of the tenant during any part of that period is a party to the agreement.

SCHEDULE 2

Article 44(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1. In this Schedule—

- “the Act of 1964” means the Business Tenancies Act (Northern Ireland) 1964;
- “the commencement” means the commencement of this Order.

Transitional provisions

2. Where before the commencement a tenancy was terminated by the fall of a life or the occurrence of any other uncertain event and at the commencement the tenant thereof was entitled to make but had not made an application under the Act of 1964 to the Lands Tribunal for the grant of a new tenancy, notwithstanding such termination that tenancy shall be deemed to continue by Article 5 and the provisions of this Order shall apply accordingly.

3. Where, before the commencement,—

- (a) the landlord served a notice to determine under section 4 of the Act of 1964; or
- (b) the tenant made a request for a new tenancy under section 5 of that Act,

that notice or request shall continue to have effect in accordance with that Act (and, for the purposes of that notice or request, the other provisions of that Act shall continue to have effect accordingly) and nothing in this Order, except this paragraph, shall have effect in relation to the notice or request or anything done in consequence of it.

4. For the purposes of this Order, a notice served by the tenant under section 6 of the Act of 1964 shall be treated as a notice served under Article 8.

5. For the purposes of Article 23 the qualifying period may include a period beginning before the commencement and ending after the commencement.

6. Where, before the commencement, an agreement had been made to which subsection (3) of section 20 of the Act of 1964 applied, that agreement shall not be affected by the repeal of section 20 but shall have effect as if it referred to a right of compensation conferred by Article 23 (except in such a case as is mentioned in paragraphs (a) and (b) of section 20(2), the reference in paragraph (a) to Part I of that Act being read as a reference to this Order).

7. Articles 2.5 and 26 shall apply only to tenancies entered into after the commencement.

8. Article 27(2) shall not have effect where the tenant quit the holding before the commencement.

9. Nothing in Article 29 shall apply to a notice under section 23 of the Act of 1964 served before the commencement, but subsection (6) of that section shall continue to apply to such a notice.

10.—(1) Notwithstanding the repeal by this Order of the Act of 1964, a claim for compensation for improvements under section 30(2) of that Act may be served within the time mentioned in paragraph (a) or, as the case requires, paragraph (b) of section 31(1) of that Act, whether that time began to run before or after the commencement; but no such claim may be served unless a notice of improvement under section 34 was served before the commencement and had not been withdrawn.

(2) Where a claim for compensation is served as mentioned in sub-paragraph (1), the functions under Part II of the Act of 1964 of the Lands Tribunal or of the tenant, the landlord, a superior landlord or any other person may, or as the case requires, shall be exercised as if the Act of 1964 had not been repealed.

(3) For the purposes of this paragraph, references in Part II of the Act of 1964 (except in section 34) to Part I of that Act or section 5 or 5(6) include, respectively, references to this Order or Article 7 or 7(6).

Savings

11. Nothing in the Act of 1964 or this Order affects any right that any person may have under the Town Tenants (Ireland) Act 1906 in respect of an improvement made before 1st January 1965.

12. Nothing in this Order affects the operation of the Planning (Northern Ireland) Order 1991.

SCHEDULE 3

Article 44(2).

AMENDMENTS

The Land Acquisition and Compensation (Northern Ireland) Order 1973 (NI 21)

1. In Article 37(4) for “section 19 of the Business Tenancies Act (Northern Ireland) 1964” substitute “Article 23 of the Business Tenancies (Northern Ireland) Order 1996”;

The Housing (Northern Ireland) Order 1983 (NI 15)

2. In Schedule 2, in paragraph 8, for “Part I of the Business Tenancies Act (Northern Ireland) 1964” substitute “the Business Tenancies (Northern Ireland) Order 1996”.

Status: This is the original version (as it was originally made).

SCHEDULE 4

Article 44(3).

REPEALS

Chapter or Number	Short title	Extent of repeal
1906 c. 54.	The Town Tenants (Ireland) Act 1906.	The whole Act.
1912 c. 20.	The Criminal Law Amendment Act 1912.	Section 5(4).
1964 c. 36 (N.I.).	The Business Tenancies Act (Northern Ireland) 1964.	The whole Act.
1968 c. 4 (N.I.).	The Business Tenancies (Amendment) Act (Northern Ireland) 1968.	The whole Act.
1971 c. 7 (N.I.).	The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971.	Section 30.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Schedule 5, in Part II, the amendments to the Town Tenants (Ireland) Act 1906.
1978 NI 20.	The Rent (Northern Ireland) Order 1978.	Article 12(7). In Schedule 8, paragraph 7.
1979 NI 19.	The Perjury (Northern Ireland) Order 1979.	In Schedule 1, paragraph 9.
1980 NI 3.	The County Courts (Northern Ireland) Order 1980.	In Schedule 1, in Part II, the entries relating to the Town Tenants (Ireland) Act 1906 and the Business Tenancies Act (Northern Ireland) 1964.
1982 NI 6.	The Departments (Northern Ireland) Order 1982.	In Schedule 1, in Part II, the entry relating to the Business Tenancies Act (Northern Ireland) 1964.
1985 NI 11.	The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.	In Schedule 15, paragraph 5.
1986 NI 9.	The Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986.	In Schedule 1, in Part I, the entry relating to the Business Tenancies Act (Northern Ireland) 1964.
1990 NI 10.	The Companies (No. 2) (Northern Ireland) Order 1990.	In Schedule 3, paragraph 1.

Chapter or Number	Short title	Extent of repeal
1992 NI 1.	The Electricity (Northern Ireland) Order 1992.	In Schedule 12, paragraph 5.