
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART IV

CERTIFICATES OF FITNESS AND RENT CONTROL

CHAPTER II

CERTIFICATES OF FITNESS

Functions of the appropriate district council

36.—(1) On receiving an application under Article 33 or 35, the appropriate district council shall cause the dwelling-house to be inspected with a view to ascertaining whether it is fit for human habitation.

[^{F1}(1A) A person authorised by the appropriate district council in relation to this Article may, at any reasonable time and having given at least 24 hours' notice to the occupier, and to the owner if known, enter a dwelling-house for the purpose of an inspection under paragraph (1).

(1B) An authorisation under paragraph (1A)—

- (a) shall be in writing; and
- (b) shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.]

(2) The appropriate district council shall not be obliged to entertain an application under Article 33 or 35 unless the application is accompanied by a fee of such amount as may be prescribed.

(3) The appropriate district council shall not be obliged to entertain an application under Article 35 unless the application contains information that is sufficient in the opinion of the council to indicate that the dwelling-house may no longer be fit for human habitation.

(4) Where the appropriate district council is satisfied that a dwelling-house is fit for human habitation, the council shall issue and serve on the landlord of the dwelling-house a certificate (a “certificate of fitness”) to that effect.

(5) Where the appropriate district council is not satisfied that a dwelling-house is fit for human habitation, the council shall issue and serve on the landlord of the dwelling-house a notice (a “notice of refusal”)—

- (a) informing him of its refusal [^{F2}to issue a certificate of fitness] and the reasons for refusal; and
- (b) stating (where appropriate) the works which, in its opinion, would be necessary to enable the dwelling-house to be made fit for human habitation.

(6) The appropriate district council shall, if a dwelling-house is let at the date of an application, serve on the tenant a copy of any certificate of fitness or notice of refusal issued with respect to it.

(7) The appropriate district council shall send to the rent officer and the Executive—

- (a) a copy of any certificate of fitness or notice of refusal issued by it in respect of a dwelling-house, and
- (b) such information relating to the dwelling-house and the tenancy thereof as may be prescribed.

(8) The powers conferred on a district council by this Article shall not prejudice or affect its powers under Part III of this Order or ^{F3}Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011].

Textual Amendments

- F1** Art. 36(1A)(1B) inserted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), [ss. 4, 25\(1\)](#); S.R. 2011/241, [art. 2\(1\)](#), Sch. 1
- F2** Words in art. 36(5)(a) substituted (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), [ss. 16, 19\(1\)](#); S.R. 2010/251, [art. 2](#)
- F3** Words in art. 36(8) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, [Sch. 3 para. 16](#); S.R. 2012/13, art. 2(2), Sch. 2

Changes to legislation:

There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, Section 36.