

# PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 1459

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## EXPLANATORY MEMORANDUM

### COMMENTARY ON PROVISIONS

#### **Part IV Certificates of Fitness and Rent Control**

The purpose of Part IV is to improve the standard of fitness of privately rented dwelling-houses through the introduction of a system of inspection and rent control. Responsibility for conducting fitness inspections will rest with district councils. A dwelling-house which does not obtain a certificate of fitness will be subject to rent control. A dwelling-house which is granted a certificate of fitness will be subject to rent control only if it is let under a protected or statutory tenancy. A fitness inspection will be required for all new lettings not falling into the prescribed category. Other tenancies will be inspected for fitness at the request of the landlord or tenant. In Chapter I, **Articles 30 and 31** define various terms including “prescribed dwelling-house”. Such a dwelling-house will not require a certificate of fitness and will not be subject to rent control unless it is let under a protected or statutory tenancy.

Under Chapter II, **Articles 33 to 38** set out the new system of fitness inspections. Where any dwelling-house to which Article 33 applies is let after the commencement of the Order, the landlord must apply to have it inspected. In addition such a dwelling-house may be inspected at any time (whether the tenancy was granted before or after commencement of the Order) if the landlord or tenant makes an application under Article 33(6) and 35. Where a dwelling-house meets the standard of fitness for human habitation a certificate of fitness will be issued under Article 36(4). Where it does not meet the standard of fitness for human habitation a notice of refusal will be issued under Article 36(5).

Under Chapter III, **Articles 39 to 54** establish the system of rent control to be applied to controlled tenancies of dwelling-houses which have been served with a notice of refusal and all protected and statutory tenancies. **Article 42** provides for the rent officer to determine an appropriate rent based on the Housing Executive points scheme but also taking into account other factors including the local reference rent used by the Housing Executive for Housing Benefit determinations and the general condition and state of repair of the dwelling-house. **Articles 43 and 44** provide that a landlord or tenant may apply to have the rent officer’s determination considered by a rent assessment committee. The committee may confirm or vary the rent officer’s decision. **Article 45** provides for the landlord or tenant of a dwelling-house let under a protected or statutory tenancy to apply for a further rent determination where there has been a change in circumstances. **Articles 46 and 47** provide for the keeping of a register of rents and the means by which the register can be amended. **Articles 48 to 52** establish a rent limit, being the maximum rent which can be charged in respect of controlled tenancies and provide for the offences and means of recoupment applicable in cases of overpayment or overcharging.

**Article 55** provides for periodic reviews of registered rents.