Business Tenancies Act (Northern Ireland) 1964

1964 CHAPTER 36

PART III

MISCELLANEOUS AND SUPPLEMENTARY

47 Mortgagees in possession.

Anything authorised or required by the provisions of this Act, other than subsection (2), (3) or (4) of section 23, to be done at any time by, to or with a landlord, shall, if at that time the estate of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver is in receipt of the rents and profits, be deemed to be authorised or required to be done by, to or with the mortgagee instead of that landlord.

48 Determination of tenancies of derelict land.

(1) Where in relation to a tenancy continued by virtue of Part I or granted under that Part the immediate landlord on an application to the Lands Tribunal satisfies the Lands Tribunal—

(a) that he has taken all reasonable steps to communicate with the person last known to him to be the tenant and has failed to do so;

(b) that during the period of six months ending with the date of the application neither the tenant nor any person claiming under him has been in occupation of the property comprised in the tenancy or any part thereof; and

(c) that during the said period either no rent was payable by the tenant or the rent payable has not been paid;

the Lands Tribunal may if it thinks fit by order determine the tenancy as from the date of the order.

(2) Nothing in this section shall prejudice or affect the right of a landlord to bring an action for the recovery of any land under [[F1] Article 12(3) of the County Courts (Northern Ireland) Order 1980].

F1 1980 NI 3

49 Application of capital money under the Settled Land Acts.

(1) Capital money arising under the Settled Land Acts 1882 and 1890 may be applied—

(a) in payment, as for an improvement authorised by the said Acts, of any money expended and costs incurred under and in pursuance of this Act in or about the execution of an improvement;

(b) in payment of any sum payable to a tenant in respect of compensation under this Act and any costs, charges, and expenses payable to such tenant in relation to his claim for such compensation;

(c) in payment of the costs, charges, and expenses incurred in or in relation to opposing an application to the Lands Tribunal under this Act.

(2) The satisfaction of a claim for compensation under this Act shall be included amongst the purposes for which a tenant for life may raise money under section 18 of the Settled Land Act 1882 .

(3) Where a landlord liable to pay compensation under this Act, or to pay such costs, charges and expenses as are mentioned in subsection (1)(*c*), is a tenant for life or in a fiduciary position, he may require the sum payable in respect of such compensation and all such costs, charges and expenses to be paid out of any capital money held on the same trusts as the settled land.

(4) In subsection (3) the expression “capital money” includes any personal estate held on the same trusts as the land, and the expression “settled land” includes land held on trust for sale.

50 Protection of landlords in fiduciary capacities.

(1) Where a landlord is a person entitled to receive the rents and profits from any premises comprised in a tenancy as trustee or in any character otherwise than for his own benefit and money is payable by such landlord to his tenant in respect of compensation under this Act or in respect of costs, charges or expenses in relation to any application by the tenant under this Act, the following provisions shall have effect, that is to say:—

(a) such money shall not be recovered personally against such landlord nor shall he be under any liability to pay such money, but such money shall be a charge on and recoverable only against the premises comprised in the said tenancy and all property real or personal, held by the landlord on the same trusts or in the same character as the premises comprised in the said tenancy;

(b) such landlord shall, either before or after having paid such money to such tenant, be entitled to obtain from a county court an order charging such premises and all property, real or personal, held by him on the same trusts or in the same character as such premises with the payment of the amount of such money and of all costs properly incurred by him in obtaining such order or raising the amount of the charge;

(c) if such landlord neglects or fails to pay such money within one month after such tenant has quitted such premises, such tenant shall be entitled to obtain from a county court an order directing that such premises and all property, real or personal, held by such landlord on the same trusts or in the same character as such premises shall be charged with the payment of the amount of such moneys or of so much thereof as is then unpaid and of all costs properly incurred by him in obtaining such order or in raising the amount of the charge.

(2) Any company having power to lend money on mortgage or to advance money for the improvement of land may take an assignment of any charge made by a county court under this section, and such company may assign any such charge so assigned to them to any person whomsoever.

51 Provisions as to notices.

(1) Any form of notice or other document (other than any notice or document required by section 19(5)) required by this Act to be prescribed shall be prescribed by regulations made by the Ministry of Home Affairs[F2] subject to negative resolution.

(2) Where the form of a notice is to be prescribed for any of the purposes of this Act, that form may include such explanation of the relevant provisions of this Act as appears to the Ministry of Home Affairs[F2] requisite for informing any persons of their rights and obligations under those provisions.

F2 SRO (NI) 1973/504

52 Service of notices.

Any notice, request or other instrument required or authorised by this Act to be served on or by any person shall be in writing and, without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954 , the person on or by whom it is to be served shall include any agent of that person, duly authorised in writing in that behalf.

53 Application and adaptations of certain enactments.

(1) The Town Tenants Act (Ireland) 1906 [M1] shall cease to apply to tenancies to which Part I applies, so however that nothing in this Act shall affect any right that any person may have under that Act in respect of an improvement made before the commencement of this Act.

(2) Nothing in the foregoing provisions of this Act shall affect the operation of section 5 of the Criminal Law Amendment Act 1912 , … *residue amends s.5 of 1912 c.20*

Subs. (3) rep. by 1971 c. 13 (NI)

(4) Nothing in this Act shall affect the operation of the Planning Acts (Northern Ireland), 1931 and 1944[F3].

F3 1972 NI 17

Marginal Citations
M1 1906 c. 54

Changes to legislation: *There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964, PART III. (See end of Document for details)*

S. 54 rep. by SLR 1973

55 Interpretation.

(1) In this Act—

"compensation under this Act" means compensation under section 19 and compensation under Part II or either of them;

"enactment" means any provision of an Act of the Parliament of Northern Ireland or of the Parliament of the United Kingdom whether public general, local or private, and of any instrument made under any such Act;

"Lands Tribunal" means the Lands Tribunal for Northern Ireland;

"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;

"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.

(2) References in this Act to an agreement between the landlord and the tenant (except in subsections (1) and (2) of section 20 and in section 42) shall be construed as references to an agreement in writing between them.

56 Short title and transitional provisions.

(1) This Act may be cited as the Business Tenancies Act (Northern Ireland) 1964.

Subs. (2) rep. by SLR 1973

(3) The transitional provisions set out in Schedule 2 shall have effect as from the commencement of this Act.

Changes to legislation:
There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964, PART III.