

## SCHEDULES

### SCHEDULE 1

Tenant to be given notice regarding certain past matters

#### *Fixed penalty notices*

6.—(1) This paragraph applies where on any occasion an authorised officer of a district council has reason to believe that a person (“P”) has committed—

- (a) an offence under paragraph 1(5) or 2(6), except one deemed to have been committed by virtue of paragraph 3(1), or
- (b) an offence under paragraph 3(3).

(2) The authorised officer may give P a notice in the prescribed form offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

(3) A fixed penalty payable under this paragraph is payable to the district council whose officer gave the notice.

(4) Where P is given a notice under this paragraph in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of the period of 14 days, or such other period as may be specified in the notice, following the date of the notice; and
- (b) P may not be convicted of that offence if P pays the fixed penalty before the expiration of that period.

(5) A notice under this paragraph must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(6) A notice under this paragraph must also state—

- (a) the period during which, by virtue of sub-paragraph (4), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(7) The fixed penalty payable to a district council under this paragraph in respect of an offence under paragraph 1(5), 2(6) or 3(3) is an amount determined by the council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence.

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**Changes to legislation:** There are currently no known outstanding effects for the Private Tenancies Act (Northern Ireland) 2022, Cross Heading: Fixed penalty notices. (See end of Document for details)

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(8) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(9) A district council may use amounts paid to it in pursuance of notices under this paragraph only for the purposes of its functions under this paragraph or the 2006 Order, or such other of its functions as may be prescribed.

(10) In this paragraph “authorised officer”, in relation to a district council, means an officer of the council who is authorised in writing by the council for the purposes of this paragraph.

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**Commencement Information**

- I1** Sch. 1 para. 6 in operation at 28.4.2022 for specified purposes, see [s. 14\(2\)\(b\)](#)
- I2** [Sch. 1 para. 6](#) in operation at 1.4.2023 in so far as not already in operation by [S.R. 2023/20](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Private Tenancies Act (Northern Ireland) 2022, Cross Heading: Fixed penalty notices.