
Changes to legislation: There are currently no known outstanding effects for the Private Tenancies Act (Northern Ireland) 2022, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Energy efficiency regulations

4. In Article 68A (fixed penalty for certain offences)—
- (a) in paragraph (1), after sub-paragraph (aa) (as inserted by section 8) insert—
 - “(ab) an offence created by regulations under Article 11G (but this is subject to paragraph (1A))”;
 - (b) after paragraph (1) insert—
 - “(1A) This Article does not apply where—
 - (a) P has been convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial offence”),
 - (b) an authorised officer has reason to believe that, after that conviction, P has committed an offence in respect of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”), and
 - (c) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house under the tenancy in respect of which the initial offence was committed.”;
 - (c) after paragraph (8) insert—
 - “(8A) The fixed penalty payable to a district council under this Article in respect of an offence created by regulations under Article 11G is an amount determined by the council, being an amount not exceeding one-fifth of the amount prescribed as the maximum fine for that offence; but this is subject to paragraphs (8B) and (8C).
 - (8B) Paragraph (8C) applies where—
 - (a) P grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial breach”),
 - (b) P is given a fixed penalty notice under this Article in respect of an offence on the grounds of the initial breach,
 - (c) P pays the fixed penalty stated in the notice,

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- (d) an authorised officer has reason to believe that, after payment of the fixed penalty, P has committed an offence in respect of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”), and
- (e) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house under the tenancy in respect of which the initial breach was committed.

(8C) Where this paragraph applies, the penalty payable is an amount determined by the council, being an amount not exceeding one-five-hundredth of the amount prescribed as the maximum fine for that offence for every day or part of a day for which it appears to the officer that the letting has continued after payment (and, accordingly, the penalty payable may exceed one-fifth of the amount prescribed as the maximum fine for that offence).”.

Commencement Information

- II** Sch. 2 para. 4 in operation at 28.4.2022 for specified purposes, see [s. 14\(2\)\(e\)](#)

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