
STATUTORY INSTRUMENTS

1986 No. 767 (N.I. 5)

NORTHERN IRELAND

**The Commission on Disposals of Land
(Northern Ireland) Order 1986**

Laid before Parliament in draft

Made

29th April 1986

Coming into operation in accordance with Article 1(2)

At the Court at Windsor Castle, the 29th day of April 1986

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c 28

Title and commencement

1.—(1) This Order may be cited as the Commission on Disposals of Land (Northern Ireland) Order 1986.

(2) This Order shall come into operation on the expiration of four months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

1954 c. 33 (N.I.)

Certain stipulations concerning disposals of land and revision of rents to be void

3.—(1) Where, on a disposal of land, an agent acting for the person making the disposal is entitled to be paid a commission, any stipulation made on the disposal to the effect that the person acquir-

THE COMMISSION ON DISPOSALS OF LAND (NI) ORDER 1986
SI 1986/767 (NI 5)

ing the land shall pay the whole or any part of the commission shall be void.

(2) Paragraph (1) applies only in relation to contracts for the disposal of land made after the coming into operation of this Order.

(3) Paragraph (1) does not apply to the acquisition of land by agreement by a person or body authorised or capable of being authorised under a statutory provision in force at the date of the agreement to acquire that land compulsorily.

(4) Where, in relation to a letting of land, an agent acting for the landlord is entitled to be paid a commission for or in connection with—

(a) the undertaking of a review of the rent payable under the letting; or

(b) the extension or renewal of the letting;

any stipulation to the effect that the tenant shall pay the whole or any part of the commission shall be void.

(5) Paragraph (4) applies only in relation to agreements made after the coming into operation of this Order.

(6) Any money paid under a stipulation to which paragraph (1) or (4) applies shall be recoverable by the person by whom it was paid.

(7) In this Article—

“agent” means an auctioneer, estate agent or any other person acting as an agent;

“commission” includes fees, charges, disbursements, expenses and remuneration;

“disposal” includes any dealing mentioned in paragraphs (a) to (f) of section 45(3) of the Interpretation Act (Northern Ireland) 1954;

“letting” includes a letting by way of lease and a letting by way of any agreement conferring a right to use land for cropping or grazing, and the expressions “landlord” and “tenant” shall be construed accordingly; and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

1954 c. 33 (N.I.)

1972 c. 12 (N.I.)

(8) The Commission on Sales of Land Act (Northern Ireland) 1972 is hereby repealed; but nothing in this paragraph shall be taken to validate any stipulation that was void immediately before the coming into operation of this Order.

G. I. de Deney,
Clerk of the Privy Council.

**THE COMMISSION ON DISPOSALS OF LAND (NI) ORDER 1986
SI 1986/767 (NI 5)**

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that any stipulation made on a disposal of land, requiring the person acquiring the land to pay any commission due to an agent of the person disposing of it, is to be void. Any similar stipulation made in relation to the undertaking of a review of the rent payable under a letting, or in connection with the extension or renewal of a letting, is also rendered void.

The Order applies only in relation to contracts and agreements made after its coming into operation.

STATUTORY INSTRUMENTS

1986 No. 767 (N.I. 5)

NORTHERN IRELAND

**The Commission on Disposals of Land
(Northern Ireland) Order 1986**

Printed by The Universities Press (Belfast) Ltd. and published by Her Majesty's Stationery Office

790/BL Z25 C20 5/86

ISBN 0 11 066767 0