
STATUTORY INSTRUMENTS

1996 No. 725

The Business Tenancies (Northern Ireland) Order 1996

Supplemental

Partnerships

32.—(1) This Article applies where—

- (a) a tenancy is held by two or more persons; and
- (b) the property comprised in the tenancy is or includes premises occupied for the purposes of a business; and
- (c) the business (or some other business) was at some time during the existence of the tenancy carried on in partnership by all the persons who were then the tenants or by those and other persons, and the tenants' estate in the premises was then partnership property; and
- (d) the business is carried on (whether alone or in partnership with other persons) by one or some only of the tenants and no part of the property comprised in the tenancy is occupied, in right of the tenancy, for the purposes of a business carried on (whether alone or in partnership with other persons) by the other or others.

(2) In this Article those of the tenants who for the time being carry on the business are referred to as the “remaining tenants” and the others are referred to as the “departed tenants”.

(3) Any notice given by the remaining tenants which, had it been given by all the tenants, would have been a tenant's request for a new tenancy made in accordance with Article 7 shall be treated as such if it states that it is given by virtue of this Article and sets out the facts by virtue of which the persons giving it are the remaining tenants, and references in that Article to the tenant shall be construed accordingly.

(4) A notice given by the landlord to the remaining tenants which, had it been given to all the tenants, would have been a notice under Article 6 shall be treated as such, and references in that Article to the tenant shall be construed accordingly.

(5) A tenancy application under Article 10(1)(b) may, instead of being made by all the tenants, be made by the remaining tenants alone; and where an application is so made—

- (a) this Order shall have effect, in relation to it, as if the references therein to the tenant included references to the remaining tenants alone; and
- (b) the remaining tenants shall be liable, to the exclusion of the departed tenants, for the payment of rent and the discharge of any other obligation under the current tenancy for any rental period beginning after the date specified in the landlord's notice under Article 6 or, as the case may be, beginning on or after the date specified in their request for a new tenancy.

(6) Where the Lands Tribunal makes an order under Article 15 for the grant of a new tenancy on an application made by the remaining tenants it may order the grant to be made to them or to them with the persons carrying on the business in partnership with them; and, in exercising its power under Article 19(2), the Lands Tribunal may have regard to the omission of the departed tenants from the persons who will be the tenant under the new tenancy.

(7) The remaining tenants shall be entitled to recover any sum payable by way of compensation under Article 23 or 27.