
STATUTORY INSTRUMENTS

1996 No. 725

The Business Tenancies (Northern Ireland) Order 1996

Continuation, and termination or renewal, of tenancies

Request by tenant for a new tenancy

7.—(1) A tenant may, subject to and in accordance with this Article, make a request for a new tenancy where the current tenancy is — —

- (a) a tenancy granted for a term certain exceeding 9 months, whether or not continued by Article 5; or
- (b) a tenancy granted for a term certain not exceeding 9 months, where the circumstances are as mentioned in the exception in Article 4(1)(c); or
- (c) a tenancy granted for a term certain exceeding one year and thereafter from year to year; or
- (d) a tenancy granted for a period dependent on the fall of a life or other uncertain event continued by Article 5.

(2) A tenant's request for a new tenancy shall be for a tenancy beginning with such date, not more than 12 nor less than 6 months after the making of the request, as may be specified therein, and in the case of such a tenancy as is specified in sub-paragraph (a), (b) or (c) of paragraph (1) such date shall not be earlier than the date on which but for this Order the current tenancy would come to an end by effluxion of time or could be brought to an end by notice to terminate served by the tenant under and in accordance with the terms (whether express or implied) of that tenancy.

(3) A tenant's request for a new tenancy shall not have effect unless it is made by notice in the prescribed form served on the landlord and sets out in general terms the tenant's proposals as to—

- (a) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);
- (b) the rent to be payable under the new tenancy;
- (c) the duration of the new tenancy; and
- (d) the other terms of the new tenancy.

(4) A tenant's request for a new tenancy shall not be made—

- (a) if the landlord has already served a notice to determine; or
- (b) except with the consent of the landlord, if the tenant has already served a notice under Article 8,

and no such notice as is mentioned in sub-paragraph (a) or (b) shall be served by the landlord or the tenant after the making by the tenant of a request for a new tenancy.

(5) Where the tenant makes a request for a new tenancy in accordance with this Article, the current tenancy shall, subject to Article 11 and to Article 20(2), terminate immediately before the date specified in the request for the beginning of the new tenancy.

(6) Within 2 months of the making of a tenant's request for a new tenancy in accordance with this Article, the landlord shall serve notice on the tenant—

- (a) that he is willing to grant a new tenancy on the tenant's terms (or on those terms as modified by an agreement reached between the landlord and the tenant); or
- (b) that he will oppose a tenancy application by the tenant (and any such notice shall state on which of the grounds mentioned in Article 12 the landlord will oppose the application).