
STATUTORY INSTRUMENTS

1996 No. 725

The Business Tenancies (Northern Ireland) Order 1996

Continuation, and termination or renewal, of tenancies

Continuation of tenancies to which this Order applies until terminated in accordance with this Order

5.—(1) A tenancy to which this Order applies shall not come to an end unless terminated in accordance with the provisions of this Order; and subject to the following provisions of this Order such a tenancy may be terminated by—

- (a) a notice to determine served by the landlord in accordance with the provisions of Article 6; or
 - (b) a request for a new tenancy made by the tenant in accordance with the provisions of Article 7.
- (2) Notwithstanding anything in paragraph (1)—
- (a) where a tenancy has been continued by paragraph (1) and at any time thereafter ceases to be a tenancy to which this Order applies, it shall not come to an end by reason only of the cesser, but (without prejudice to its termination in accordance with any terms of the tenancy) it may be terminated by not less than 3 nor more than 6 months' notice in the prescribed form served by the landlord on the tenant;
 - (b) where at a time when a tenancy is not one to which this Order applies by reason only that premises comprised in the tenancy are not occupied by the tenant for the purposes of a business, and the immediate landlord serves notice to quit, the operation of the notice shall not be affected by reason that after the service of the notice such premises are occupied by the tenant for the purposes of a business by reason of which the tenancy becomes one to which this Order applies;
 - (c) if at any time within 12 months before the date of expiry of a tenancy dependent on the effluxion of time—
 - (i) the immediate landlord serves a notice in the prescribed form on the tenant stating that such landlord requires possession of the premises comprised in such tenancy at the said date of expiry; and
 - (ii) at the date of the service of such notice the tenancy is not one to which this Order applies by reason that premises comprised in the tenancy are not occupied by the tenant for the purposes of a business,

this Order shall not apply to such tenancy, notwithstanding that after the date of service of such notice and before the date of expiry of the tenancy premises comprised in the tenancy are occupied by the tenant for the purposes of a business.

Termination of tenancy by the landlord

6.—(1) Subject to Article 11, the landlord may terminate a tenancy to which this Order applies by a notice to determine served on the tenant in the prescribed form specifying the date at which the tenancy is to come to an end (in this Order referred to as “the date of termination”).

(2) A notice to determine shall not have effect unless it complies with the provisions of this Article and, subject to paragraph (3), is served not more than 12 nor less than 6 months before the date of termination specified therein.

(3) In the case of a tenancy which but for this Order could have P been brought to an end by notice to quit—

- (a) paragraph (2) shall, where but for this Order more than 6 months' notice to quit would have been required to bring the tenancy to an end, have effect with the substitution for 12 months of a period 6 months longer than the length of notice to quit which would have been required as aforesaid; and
- (b) the date of termination specified in a notice to determine shall not be earlier than the earliest date on which the immediate landlord could, but for this Order, have brought the tenancy to an end by notice to quit served on the same date as the notice to determine.

(4) In the case of a tenancy dependent on the fall of a life or other uncertain event the landlord may, after the fall of that life or the happening of that uncertain event, terminate the tenancy by a notice to determine served not more than 12 nor less than 6 months before the date of termination specified therein^{F1} and paragraph 2 of Schedule 3 to the Property (Northern Ireland) Order 1997 (termination by a least one month's notice after the fall of the life or the happening of the event) does not apply].

(5) In the case of any tenancy, other than a tenancy referred to in paragraph (3) or (4), a notice to determine shall not specify a date of termination earlier than the date on which, but for this Order, the tenancy would have come to an end by effluxion of time.

(6) A notice to determine shall state whether or not the landlord is willing that the tenant should have a new tenancy and—

- (a) if he is so willing, shall state the general terms of the landlord's proposals as to—
 - (i) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);
 - (ii) the rent to be payable under the new tenancy;
 - (iii) the duration of the new tenancy; and
 - (iv) the other terms of the new tenancy; or
- (b) if he is not so willing, shall state whether the landlord would oppose a tenancy application by the tenant and, if so, on which of the grounds mentioned in Article 12 he would do so.

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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).

Further provisions for the termination of tenancies to which this Order applies

8.—(1) Article 5(1) shall not prevent the coming to an end of a tenancy by surrender or forfeiture, or by the forfeiture of a superior tenancy, or by a notice to terminate the tenancy served by the tenant under and in accordance with the terms (whether express or implied) of that tenancy or by lawful ejection for non-payment of rent.

(2) Where but for this Order a tenancy would come to an end by the effluxion of time and the tenant, not later than 3 months before the date on which but for this Order the tenancy would so come to an end, serves on the immediate landlord a notice that the tenant does not desire the tenancy to be continued, Article 5 shall not have effect in relation to that tenancy.

(3) A tenancy which but for this Order would have come to an end by effluxion of time and which is continuing by virtue of Article 5 may be brought to an end on any date by not less than 3 months' notice served by the tenant on the immediate landlord, whether the notice is served before or after the date on which but for this Order the tenancy would have come to an end by effluxion of time.

Changes to legislation: There are currently no known outstanding effects for the *The Business Tenancies (Northern Ireland) Order 1996*, Cross Heading: *Continuation, and termination or renewal, of tenancies*. (See end of Document for details)

(4) A tenancy which but for this Order would have come to an end on the fall of a life or the happening of any other uncertain event and which is continuing by virtue of Article 5 may be brought to an end on any date by not less than 3 months' notice served by the tenant on the immediate landlord^{F2} and paragraph 2 of Schedule 3 to the Property (Northern Ireland) Order 1997 does not apply].

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Agreements for future tenancies

9. Where a landlord agrees with a tenant holding immediately under him to grant to that tenant a future tenancy of the holding, or of the holding with other land, on terms and from a date specified in the agreement, the tenancy under which the tenant holds for the time being shall continue until that date but no longer, and shall not be a tenancy to which this Order applies.

Changes to legislation:

There are currently no known outstanding effects for the The Business Tenancies (Northern Ireland) Order 1996, Cross Heading: Continuation, and termination or renewal, of tenancies.