

SCHEDULES

SCHEDULE 2

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1. In this Schedule—

“the Act of 1964” means the Business Tenancies Act (Northern Ireland) 1964;

“the commencement” means the commencement of this Order.

Transitional provisions

2. Where before the commencement a tenancy was terminated by the fall of a life or the occurrence of any other uncertain event and at the commencement the tenant thereof was entitled to make but had not made an application under the Act of 1964 to the Lands Tribunal for the grant of a new tenancy, notwithstanding such termination that tenancy shall be deemed to continue by Article 5 and the provisions of this Order shall apply accordingly.

3. Where, before the commencement,—

(a) the landlord served a notice to determine under section 4 of the Act of 1964; or

(b) the tenant made a request for a new tenancy under section 5 of that Act,

that notice or request shall continue to have effect in accordance with that Act (and, for the purposes of that notice or request, the other provisions of that Act shall continue to have effect accordingly) and nothing in this Order, except this paragraph, shall have effect in relation to the notice or request or anything done in consequence of it.

4. For the purposes of this Order, a notice served by the tenant under section 6 of the Act of 1964 shall be treated as a notice served under Article 8.

5. For the purposes of Article 23 the qualifying period may include a period beginning before the commencement and ending after the commencement.

6. Where, before the commencement, an agreement had been made to which subsection (3) of section 20 of the Act of 1964 applied, that agreement shall not be affected by the repeal of section 20 but shall have effect as if it referred to a right of compensation conferred by Article 23 (except in such a case as is mentioned in paragraphs (a) and (b) of section 20(2), the reference in paragraph (a) to Part I of that Act being read as a reference to this Order).

7. Articles 2.5 and 26 shall apply only to tenancies entered into after the commencement.

8. Article 27(2) shall not have effect where the tenant quit the holding before the commencement.

9. Nothing in Article 29 shall apply to a notice under section 23 of the Act of 1964 served before the commencement, but subsection (6) of that section shall continue to apply to such a notice.

10.—(1) Notwithstanding the repeal by this Order of the Act of 1964, a claim for compensation for improvements under section 30(2) of that Act may be served within the time mentioned in

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Changes to legislation: The Business Tenancies (Northern Ireland) Order 1996 is up to date with all changes known to be in force on or before 04 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

paragraph (a) or, as the case requires, paragraph (b) of section 31(1) of that Act, whether that time began to run before or after the commencement; but no such claim may be served unless a notice of improvement under section 34 was served before the commencement and had not been withdrawn.

(2) Where a claim for compensation is served as mentioned in sub-paragraph (1), the functions under Part II of the Act of 1964 of the Lands Tribunal or of the tenant, the landlord, a superior landlord or any other person may, or as the case requires, shall be exercised as if the Act of 1964 had not been repealed.

(3) For the purposes of this paragraph, references in Part II of the Act of 1964 (except in section 34) to Part I of that Act or section 5 or 5(6) include, respectively, references to this Order or Article 7 or 7(6).

Savings

11. Nothing in the Act of 1964 or this Order affects any right that any person may have under the Town Tenants (Ireland) Act 1906 in respect of an improvement made before 1st January 1965.

12. Nothing in this Order affects the operation of the Planning (Northern Ireland) Order 1991.

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