STATUTORY INSTRUMENTS

# 2006 No. 1459

# The Private Tenancies (Northern Ireland) Order 2006

## PART I

INTRODUCTORY

### Title and commencement

**1.**—(1) This Order may be cited as the Private Tenancies (Northern Ireland) Order 2006.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The other provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

**Subordinate Legislation Made**

**P1** Art. 1(3) power fully exercised: different dates appointed for specified provisions by S.R. 2006/428, **arts. 2**, 3

### General interpretation

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Assembly.

(2) In this Order–

"the appropriate district council", in relation to a dwelling-house, means the district council in whose district the dwelling-house is situated;

"commencement of this Order" means the date on which the provision of this Order in which that expression occurs comes into operation;

"the Department" means the Department for Social Development;

"dwelling-house" includes part of a house;

"the Executive" means the Northern Ireland Housing Executive;

"final determination", in relation to an appeal, shall be construed in accordance with Article 23(3) and (4);

"the landlord" includes any person from time to time deriving title under the original landlord and also includes, in relation to any dwelling-house, any person other than the tenant who is, or but for Part III of the Rent Order would be, entitled to possession of the dwelling-house;

"let" includes sub-let;

"modify" includes amend or repeal;

"prescribed" means prescribed by regulations made by the Department;

"private tenancy" has the meaning given in Article 3;

"protected tenancy" shall be construed in accordance with Article 3 of the Rent Order;

"rates" means the regional rate and the district rate;

"rent" does not include any sum payable on account of rates;

"the rent officer" means the person appointed under Schedule 1 to act as rent officer;

"the Rent Order" means the Rent (Northern Ireland) Order 1978 (NI 20);

"statutory provision" has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;

"statutory tenancy" shall be construed in accordance with Article 4(5) of the Rent Order;

"tenancy" includes, except where the context otherwise requires, a statutory tenancy;

"tenant" includes, except where the context otherwise requires, a statutory tenant and also includes a sub-tenant and any person deriving title under the original tenant or sub-tenant.

**Meaning of "private tenancy"**

**3.**—(1) In this Order "private tenancy"–

(a) means any tenancy of a dwelling-house except–

(i) a fee farm grant, or

(ii) any of the tenancies described in paragraph (2); and

(b) includes, except where the context otherwise requires, a protected tenancy and a statutory tenancy.

(2) Those tenancies are–

(a) a tenancy for a term certain exceeding 99 years, unless that tenancy is, or may become, terminable before the end of that term by notice given to the tenant;

(b) a tenancy under which the estate of the landlord belongs to–

(i) the Crown (whether in right of Her Majesty's Government in the United Kingdom or in Northern Ireland);

(ii) a government department;

(iii) the Executive;

(iv) a registered housing association;

or is held in trust for Her Majesty for the purposes of a government department; and

(c) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday.

(3) In paragraph (2)(b)–

(a) "government department" includes a department of the government of the United Kingdom; and

(b) "registered", in relation to a housing association, means registered in the register maintained under Part II of the Housing (Northern Ireland) Order 1992 (NI 15).

**Changes to legislation:**
There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, PART I.