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STATUTORY INSTRUMENTS

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**2006 No. 1459**

**The Private Tenancies (Northern Ireland) Order 2006**

**PART II**

**OBLIGATIONS OF LANDLORDS AND TENANTS**

*Particulars relating to the tenancy, etc.*

**Tenant to be given notice regarding certain matters**

4.—(1) Where, on or after the commencement of this Order, a private tenancy of a dwelling-house is granted, the landlord under the tenancy shall, within 28 days after the date on which the tenancy is granted, give to the tenant a notice in such form, and containing such particulars and other information relating to the tenancy, as may be prescribed.

(2) Where, on or after the commencement of this Order, a prescribed term of a private tenancy of a dwelling-house is varied, the landlord under the tenancy shall, within 28 days after the date on which the term of the tenancy is varied, give to the tenant a notice in such form, and containing such information relating to the variation of the term, as may be prescribed.

(3) Paragraph (2) applies whether the private tenancy was granted before or after the commencement of this Order, and in that paragraph “varied” includes varied by omission.

(4) A tenant shall not be required to make a payment in respect of any notice under this Article.

(5) A landlord who fails to comply with paragraph (1) or (2) shall be guilty of an offence under this Order.

**Tenant to be provided with a rent book**

5.—(1) The landlord of a dwelling-house let under a private tenancy shall, within 28 days after the date on which the tenancy is granted, provide the tenant with a rent book for use in respect of the dwelling-house.

(2) A rent book—

(a) shall be used to maintain a written record of rent and other payments made in respect of a tenancy, and

(b) shall contain such particulars and information relating to the tenancy as may be prescribed.

(3) A tenant shall not be required to make a payment in respect of the provision of a rent book.

(4) If the landlord under a private tenancy fails to comply with paragraph (1), he and, subject to paragraph (6), any person who on his behalf demands or receives rent in respect of the dwelling-house held under that tenancy while the failure continues, shall be guilty of an offence under this Order.

(5) If any default in respect of which a landlord is convicted of an offence under paragraph (4) continues for more than 14 days after that conviction, that landlord shall be deemed to have committed a further offence under that paragraph in respect of that default.

*Status: Point in time view as at 03/05/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Private Tenancies (Northern Ireland) Order 2006, PART II. (See end of Document for details)*

(6) If any person other than the landlord is charged with an offence under paragraph (4), it shall be a defence for him to prove that he neither knew nor had reasonable cause to believe this Article had not been complied with.

### *[<sup>F1</sup>Tenancy deposit schemes*

#### **Textual Amendments**

**F1** Arts. 5A, 5B and preceding cross-heading inserted (3.5.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\), ss. 2, 25\(2\)](#)

#### **Tenancy deposit schemes**

**5A.**—(1) The Department may by regulations make provision for securing that one or more tenancy deposit schemes are available for the purpose of safeguarding tenancy deposits paid in connection with private tenancies.

(2) A “tenancy deposit scheme” is a scheme which is made for the purpose of safeguarding tenancy deposits paid in connection with private tenancies and facilitating the resolution of disputes arising in connection with such deposits.

(3) Regulations under paragraph (1)—

- (a) must provide for the appointment of a body or person (“the scheme administrator”) to establish and maintain a scheme of a prescribed description;
- (b) must provide that a scheme or an amendment to a scheme does not come into force unless approved by the Department;
- (c) may confer or impose on the scheme administrator such powers or duties in connection with a scheme as are prescribed;
- (d) may provide for information held by a scheme administrator to be disclosed to prescribed persons for prescribed purposes.

(4) The Department may make payments to a scheme administrator.

(5) In this Article and Article 5B—

“money” means money in the form of cash or otherwise;

“tenancy deposit”, in relation to a private tenancy, means any money intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising.

(6) In this Article and Article 5B references to a landlord in relation to any private tenancy include references to a person acting on behalf of the landlord in relation to the tenancy.

#### **Requirements relating to tenancy deposits**

**5B.**—(1) Any tenancy deposit paid to a person in connection with a private tenancy must, as from the time when it is received, be dealt with in accordance with an approved scheme.

(2) A person must not require the payment of a tenancy deposit in connection with a private tenancy which is not to be subject to the requirement in paragraph (1).

(3) Where a landlord receives a tenancy deposit in connection with a private tenancy, the initial requirements of an approved scheme must be complied with by the landlord in relation to the deposit within the period of 14 days beginning with the date on which it is received.

(4) For the purposes of this Article “the initial requirements” of an approved scheme are such requirements imposed by the scheme as fall to be complied with by a landlord on receiving such a tenancy deposit.

(5) A landlord who has received such a tenancy deposit must give the tenant and any relevant person such information relating to—

- (a) the approved scheme applying to the deposit,
- (b) compliance by the landlord with the initial requirements of the scheme in relation to the deposit, and
- (c) the operation of this Article and Article 5A in relation to the deposit,

as may be prescribed.

(6) The information required by paragraph (5) must be given to the tenant and any relevant person—

- (a) in the prescribed form or in a form substantially to the same effect, and
- (b) within the period of 28 days beginning with the date on which the deposit is received by the landlord.

(7) A person must not, in connection with a private tenancy, require a deposit which consists of property other than money.

(8) In paragraph (7) “deposit” means a transfer of property intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising.

(9) The provisions of this Article apply despite any agreement to the contrary.

(10) A person who contravenes paragraph (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person who contravenes any other provision of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

(12) In this Article—

“approved scheme” means a scheme for the time being in force under Article 5A;

“property” means moveable property;

“relevant person” means any person who, in accordance with arrangements made with the tenant, paid the deposit on behalf of the tenant.]

### *Repair and maintenance*

#### **Application of Articles 7 to 11**

6. The provisions set out in Articles 7 to 11 apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the commencement of this Order, and
- (b) any protected or statutory tenancy which immediately before the commencement of this Order was a regulated tenancy under the Rent Order;

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but only in so far as those provisions are not inconsistent with any express provision in the contract of tenancy.

### **Landlord's duties to repair**

7.—(1) The landlord under a private tenancy—

- (a) shall keep in repair the structure and exterior of the dwelling-house comprised in that tenancy;
- (b) shall, subject to Article 8, keep in repair the interior of the dwelling-house;
- (c) shall keep in repair and in proper working order—
  - (i) the installations in the dwelling-house for the supply and use of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences),
  - (ii) the installations in the dwelling-house for space heating or heating water,
  - (iii) any appliances for making use of the supply of water, gas or electricity which the landlord has provided under the terms of the tenancy, and
  - (iv) any fixtures, fittings or furnishings which the landlord has provided under the terms of the tenancy.

(2) The duty imposed by paragraph (1)(a) includes a duty to keep exterior paintwork in reasonable order.

(3) In this Article “structure and exterior” includes drains, gutters and external pipes.

### **Care of premises by tenant**

8. The tenant under a private tenancy—

- (a) shall take proper care of the premises comprised in that tenancy as a good tenant;
- (b) shall make good any damage to those premises wilfully or negligently done or caused to the premises by the tenant, by any tenant of his or by any other person lawfully living in or lawfully visiting the premises;
- (c) shall keep the interior of the dwelling-house in reasonable decorative order; and
- (d) shall not carry out any alterations to those premises without the consent of the landlord, but that consent shall not be unreasonably withheld.

### **Landlord's obligations under private tenancy of parts of building**

9. Where a dwelling-house let under a private tenancy consists of a part of a building and the tenant under the private tenancy is entitled to the use (whether with others or not) for access or other purposes of other parts of the building or its curtilage, the landlord shall—

- (a) keep in good order and condition any part of the building or curtilage which the tenant is entitled to use as mentioned above;
- (b) ensure that any part of the building or curtilage which the tenant is entitled to use as mentioned above for access is adequately lit and safe to use.

### **General qualifications on landlord's duties**

10. The duties imposed on the landlord by Articles 7 and 9 do not require the landlord—

- (a) to carry out works or repairs for which the tenant is liable by virtue of Article 8;
- (b) to keep in repair or maintain anything—

- (i) which was not constructed or provided by the landlord or any person from whom he derives title, or
- (ii) which the tenant is entitled to remove from the dwelling-house;
- (c) to rebuild or re-instate the dwelling-house in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident.

### **Standard of repair and knowledge of disrepair**

**11.**—(1) In determining the standard of repair required by virtue of Articles 7 to 9, regard is to be had to the age, character and prospective life of the premises.

(2) A landlord is not under a duty to carry out works by virtue of Articles 7 and 9 unless he has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works.

### *Inspection, etc. of premises*

### **Entry and inspection of premises**

**12.**—(1) The tenant under a private tenancy shall permit the landlord, and persons authorised by him for the purpose, to enter the premises comprised in the tenancy at reasonable times and upon reasonable notice in order to—

- (a) inspect the state of repair of the premises, and
- (b) carry out any works which the landlord is under a duty to execute.

(2) Where—

- (a) the landlord under a private tenancy wishes to carry out any works which he is under a duty to execute, and
- (b) the tenant will not permit him to do so,

the landlord may apply to the county court for an order empowering him, and persons authorised by him for the purpose, to enter the dwelling-house and carry out the works.

(3) An order under paragraph (2) may be made subject to conditions as to—

- (a) the time at which the works are to be carried out, and
- (b) any provision to be made for the accommodation of the tenant and his household,

as the court may think fit.

(4) Where, in the exercise of powers conferred by this Article, any damage is caused to the premises or any property in or on the premises by the landlord or any person authorised by him, the landlord shall make that damage good.

### *Duration of private tenancies*

### **Tenancies to be for a term certain**

**13.**—(1) Where, on or after the commencement of this Order—

- (a) a private tenancy is granted, and
- (b) the contract of tenancy does not provide that the duration of the tenancy is to be for a term certain,

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the tenancy shall take effect for a term certain of 6 months, beginning on the day on which the tenant is entitled to take possession of the dwelling-house.

(2) Nothing in this Article applies to a statutory tenancy.

#### **Length of notice to quit**

**14.**—(1) A notice by a landlord or tenant to quit a dwelling-house let under a private tenancy shall not be valid unless it is given in writing not less than 4 weeks before the date on which it is to take effect.

(2) Paragraph (1) applies whether the private tenancy was granted before or after the commencement of this Order.

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