

Draft Regulations laid before the Assembly under Article 72(3) of the Private Tenancies (Northern Ireland) Order 2006 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No. []

LANDLORD AND TENANT

**The Landlord Registration Scheme
Regulations (Northern Ireland) 2012**

Made - - - - []

Coming into operation []

The Department for Social Development, makes the following Regulations in exercise of the powers conferred on it by Article 65A(1) and (2) and Article 73(1) of the Private Tenancies (Northern Ireland) Order 2006(1).

Citation and commencement

1. These Regulations may be cited as the Landlord Registration Scheme Regulations (Northern Ireland) 2012 and shall come into operation on [].

Interpretation

2. In these Regulations:—

“the register” means the register of landlords of dwelling-houses let under a private tenancy;

“the registrar” means the person appointed by the Department to establish and maintain the register;

“authorised officer” means an officer of the district council, the Department of Finance and Personnel or the Northern Ireland Housing Executive authorised in writing for the purpose of regulation 9;

“landlord” includes a person acting on behalf of the landlord in relation to a tenancy.

Requirement to register

3.—(1) A landlord letting a dwelling-house must register with the registrar in accordance with paragraph (2).

(2) A landlord must:—

- (a) provide the information set out in Schedule 1; and
- (b) at the same time, pay the fee prescribed in Schedule 3.

Timing of registration

4. A landlord must register in accordance with regulation 3 either immediately prior to the letting of a new tenancy, or where there is an existing tenancy, within 12 months from the commencement of these Regulations.

Period of registration and continued registration

- 5.—(1) Registration under regulation 3 shall be for a period of 3 years.
- (2) At the end of each 3 year period, a landlord shall:—
- (a) supply to the registrar such information as may be necessary to ensure that the information supplied for the purposes of regulation 3 is accurate at the date of that supply; and
 - (b) pay the fee for continued registration specified in Schedule 3.

Functions of the registrar

6. The registrar must:—
- (a) develop and maintain a landlord registration system capable of both electronic and non-electronic operation which:—
 - (i) allows for the disclosure of information to persons specified in regulation 9; and
 - (ii) enables a landlord to make amendments or adjustments to registered details held;
 - (b) promote and publicise the requirement of a landlord to register;
 - (c) provide guidance on how the registration system works and how to register;
 - (d) make available the information held on the register under Schedule 2;
 - (e) on completion of the process of registration, issue a certificate of registration containing the:—
 - (i) landlord's name and address;
 - (ii) landlord's registration number; and
 - (iii) period of registration;
 - (f) ensure a landlord is notified:—
 - (i) 4 weeks in advance of the expiry date held on their current registration certificate, of the conditions to be satisfied for continued registration; and
 - (ii) that where he fails to satisfy the conditions for continued registration by the expiry date on the current registration certificate, he is no longer a registered landlord.

Fees

- 7.—(1) The fees payable for registration and continued registration are specified in Schedule 3.
- (2) A person who is the owner of a house in multiple occupation which is registered under a Houses in Multiple Occupation Registration Scheme as provided for under Article 75B and C of the Housing (Northern Ireland) Order 1992 is not liable to pay a fee under regulation 3.

Evidence of registration

8. Where a landlord is registered in accordance with regulation 3, the landlord must include his registration number in correspondence, in so far as the correspondence relates to the discharge of his functions as a landlord.

Disclosure of information to certain bodies

9. Information held by the registrar and not included in the register shall, on request from an authorised officer be disclosed to:—

- (a) a district council for the purpose of enabling or assisting that council to exercise its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978; or
- (b) the Department of Finance and Personnel for the purpose of its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc) (Northern Ireland) Order 2006; or
- (c) the Northern Ireland Housing Executive for the purposes of:—
 - (i) the administration of housing benefit; and/or
 - (ii) the regulation of Houses in Multiple Occupation.

Sealed with the official seal of the Department for Social Development on []

(L.S.)

Jim Wilkinson
A senior officer of the Department for Social
Development

SCHEDULES

SCHEDULE 1

Regulation 3

Information to be provided for the purpose of registration and continued registration

1. A landlord must provide:—
 - (a) the landlord's full name;
 - (b) the name, address and contact number of any agent acting on the landlord's behalf;
 - (c) for each dwelling house let or to be let:—
 - (i) the address including the postcode;
 - (ii) the date the house was built; and
 - (iii) the name and contact details of all joint owners (if any);
 - (d) landlord's address, email address, telephone number(s) (including mobile telephone number(s));
 - (e) correspondence address for the landlord (which must be in Northern Ireland) if different from above;
 - (f) the landlord's date of birth;
 - (g) where the landlord is a landlord who is not liable under regulation 7 (2) to pay a fee:—
 - (i) the House in Multiple Occupation registration certificate number; and
 - (ii) the address of each House in Multiple Occupation;
 - (h) where the landlord is a company, the company registration number.

SCHEDULE 2

Regulation 6

Information included in and excluded from the register

1. Included on the register is:—
 - (a) the names of all registered landlords;
 - (b) the registration numbers; and
 - (c) the full name and contact details of any agent acting on a landlord's behalf.
2. Excluded from the register is the information provided at Schedule 1 under paragraphs 1(c) to 1(h).

SCHEDULE 3

Regulation 7

Fee

1. The fee for registration is £70.

2. The fee for continued registration is £70.
3. The fee for non-electronic registration is £80.
4. The fee for non-electronic continued registration is £80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for landlord registration. They set out the requirements of the landlord registration scheme including the functions and responsibilities of the scheme registrar and the information which a landlord must provide to the registrar in order to register and continue to be registered.

Regulations 1 and 2 provide for citation, commencement and interpretation.

Regulation 3 sets out what a landlord must do in order to become a registered landlord.

Regulation 4 provides for the timing of registration.

Regulation 5 prescribes the period of registration as 3 years and makes provision for continued registration.

Regulation 6 prescribes the functions of the registrar.

Regulation 7 and Schedule 3 prescribe the fees for registration and continued registration and any exemptions from payment of the fee.

Regulation 8 requires a landlord to include his landlord registration number in correspondence, in so far as the correspondence relates to the discharge of his functions as a landlord.

Regulation 9 provides for disclosure of information held by the registrar and not included in the register to certain bodies.

Schedule 1 prescribes the information which the landlord must provide for the purpose of registration and continued registration.

Schedule 2 prescribes the information which is included in and excluded from the register.