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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.*

**[<sup>F1</sup>Tenant to be given notice regarding certain matters: grant of tenancy**

**4A.**—(1) This Article applies where a private tenancy of a dwelling-house is granted on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation.

(2) The landlord under the tenancy must, within 28 days after the date on which the tenancy is granted, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed particulars and other prescribed information relating to the tenancy.

(3) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

(4) A landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.

**Textual Amendments**

**F1** Arts. 4A-4C inserted (28.4.2022 for specified purposes, 1.4.2023 in so far as not already in operation) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 1(2), 14(2)(a)**; S.R. 2023/20, art. 2, Sch.

**Tenant to be given notice regarding certain matters: variation of certain terms**

**4B.**—(1) This Article applies where, on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, a prescribed term of a private tenancy of a dwelling-house is varied; and it applies regardless of the date on which the tenancy was granted.

(2) The landlord under the tenancy must, within 28 days after the date on which the term of the tenancy is varied, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed information relating to the variation of the term.

(3) In paragraphs (1) and (2) “varied” includes varied by omission.

(4) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

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

*Status: Point in time view as at 01/04/2023.*

*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)*

**Textual Amendments**

**F1** Arts. 4A-4C inserted (28.4.2022 for specified purposes, 1.4.2023 in so far as not already in operation) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 1(2)**, 14(2)(a); S.R. 2023/20, art. 2, Sch.

**Continued failure by landlord to provide notice under Article 4A or 4B after conviction or fixed penalty**

**4C.**—(1) If a landlord is convicted of an offence under Article 4A(4) or 4B(5), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under that paragraph in respect of that failure.

(2) Paragraph (3) applies where—

- (a) a landlord fails to comply with Article 4A(2) or 4B(2),
- (b) the landlord is given a fixed penalty notice under Article 68A in respect of an offence under Article 4A(4) or 4B(5) on the grounds of that failure, and
- (c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with Article 4A(2) or 4B(2) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence under this Order.]

**Textual Amendments**

**F1** Arts. 4A-4C inserted (28.4.2022 for specified purposes, 1.4.2023 in so far as not already in operation) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 1(2)**, 14(2)(a); S.R. 2023/20, art. 2, Sch.

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

**4.** <sup>F2</sup> .....

**Textual Amendments**

**F2** [Art. 4](#) repealed (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), **ss. 1, 24, 25(1)**, **Sch.**; S.R. 2011/241, **art. 2(1)**, Sch. 1

**[<sup>F3</sup>Tenant to be provided with a rent receipt for payment in cash**

**5.**—(1) This Article applies where the tenant of a dwelling-house makes to the landlord in cash—

- (a) any payment in consideration of the grant, renewal or continuance of a private tenancy, or
- (b) any payment in satisfaction (or part satisfaction) of an obligation arising under a private tenancy.

(2) The landlord must provide the tenant with a written receipt for the payment stating—

- (a) the date of payment;
- (b) what the payment was for;
- (c) the amount paid;
- (d) if any amount remains outstanding, that amount;
- (e) if no further amount remains outstanding, that fact.

- (3) Where a tenant pays a single sum consisting of two or more payments—
- (a) the duty in paragraph (2)(c) includes a duty to state how the sum paid is apportioned between each payment, and
  - (b) sub-paragraphs (d) and (e) of that paragraph apply in respect of each payment.
- (4) Where, in the case of any payment within paragraph (1)(b), it is not possible for the person giving the receipt to state with certainty the amount that was required to satisfy the obligation in question, sub-paragraphs (d) and (e) of paragraph (2) require the matters mentioned in them to be stated to the best of that person’s knowledge and belief.
- (5) The receipt must be provided—
- (a) at the time the payment is made, or
  - (b) if that is not possible, as soon as reasonably possible after that time.
- (6) A tenant must not be required to make a payment in respect of the provision of the receipt.
- (7) In the event of a failure to comply with paragraph (2) or (5), the following are guilty of an offence under this Order—
- (a) the landlord, and
  - (b) any person appointed by the landlord to provide the receipt.
- (But see Article 5ZB for a defence to this offence.)
- (8) In this Article—
- “landlord” includes a former landlord and (in a case falling within paragraph (1)(a)) a prospective landlord;
  - “tenant” includes a former tenant and (in a case falling within paragraph (1)(a)) a prospective tenant.]

#### Textual Amendments

- F3** Arts. 5-5ZB substituted for art. 5 (1.4.2023) by Private Tenancies Act (Northern Ireland) 2022 (c. 20), ss. 3(2), 14(7); S.R. 2023/20, art. 2, Sch.

### [<sup>F3</sup>Continued failure by landlord to provide rent receipt after conviction or fixed penalty

**5ZA.**—(1) If a landlord is convicted of an offence under Article 5(7)(a) in respect of a failure to comply with Article 5(2), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under Article 5(7)(a) in respect of that failure.

- (2) Paragraph (3) applies where—
- (a) a landlord fails to comply with Article 5(2),
  - (b) the landlord is given a fixed penalty notice under Article 68A in respect of an offence under Article 5(7)(a) on the grounds of that failure, and
  - (c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with Article 5(2) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence under this Order.

(But see Article 5ZB for a defence to this offence.)

- (4) In this Article “landlord” has the meaning given by Article 5(8).

*Status: Point in time view as at 01/04/2023.*

*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)*

### Textual Amendments

**F3** Arts. 5-5ZB substituted for art. 5 (1.4.2023) by Private Tenancies Act (Northern Ireland) 2022 (c. 20), ss. 3(2), 14(7); S.R. 2023/20, art. 2, Sch.

### Controlled tenancies: defence to offences under Articles 5 and 5ZA

**5ZB.**—(1) This Article applies where, in the case of a controlled tenancy (within the meaning given by Article 40(4)), a payment in cash was made in respect of rent for the tenancy.

(2) If—

- (a) a person is charged with an offence under Article 5(7) and a qualifying receipt was provided in accordance with Article 5(5), or
- (b) a person is charged with an offence under Article 5ZA(3) and a qualifying receipt was provided at any time before the end of the period of 14 days mentioned in Article 5ZA(3) (including before the fixed penalty notice was given),

paragraph (6) applies.

(3) A receipt is a qualifying receipt for the purposes of paragraph (2) if—

- (a) it complies with Article 5(2)(a), (b) and (c),
- (b) it complies with Article 5(2)(d) and (e) in respect of any payment, other than the rent, that was included in the sum paid, and
- (c) either condition A or condition B is met.

(4) Condition A is that—

- (a) after the cash payment, no further amount in respect of rent in fact remained outstanding,
- (b) the receipt stated that there was an amount outstanding, and
- (c) that amount consists wholly of a sum that is irrecoverable by virtue of Article 50(1).

(5) Condition B is that—

- (a) after the cash payment, an amount in respect of rent in fact remained outstanding (“the true arrears”),
- (b) the receipt stated as outstanding an amount that was more than the true arrears, and
- (c) the difference between the stated amount and the true arrears consists wholly of a sum that is irrecoverable by virtue of Article 50(1).

(6) It is a defence to the offence under Article 5(7) or (as the case may be) Article 5ZA(3) for the person charged to prove that the landlord (or former landlord) had a bona fide claim that the sum mentioned in paragraph (4)(c) or (5)(c) was recoverable.]

### Textual Amendments

**F3** Arts. 5-5ZB substituted for art. 5 (1.4.2023) by Private Tenancies Act (Northern Ireland) 2022 (c. 20), ss. 3(2), 14(7); S.R. 2023/20, art. 2, Sch.

*[<sup>F4</sup>Limit on tenancy deposit amount*

**Textual Amendments**

- F4** Arts. 5ZC, 5ZD and cross-heading inserted (1.4.2023 with effect in accordance with s. 4(5)) by Private Tenancies Act (Northern Ireland) 2022 (c. 20), ss. 4(2), 14(7); S.R. 2023/20, art. 2, Sch.

**Tenancy deposit limit of 1 month's rent**

**5ZC.**—(1) A person (A) must not—

- (a) require the payment by another person of a tenancy deposit in connection with a private tenancy, or
- (b) require that the person to whom a tenancy deposit would otherwise be repaid (B) consent to the retention of a deposit (by A or a third person) in connection with a private tenancy,

that is in excess of the amount of 1 month's rent payable under the tenancy.

(2) For the purposes of paragraph (1)(b), A requires that B consent to the retention of a deposit if—

- (a) a tenancy deposit is paid (at any time) in connection with a private tenancy (“the first tenancy”),
- (b) a person proposes to grant, or has granted, a private tenancy of that or another dwelling-house (whether to the tenant of the first tenancy or to another person), and
- (c) A requires that B consent to some or all of the deposit continuing to be held, on or after the ending of the first tenancy, in connection with the new tenancy.

(3) “1 month's rent payable under the tenancy”, where the rent under a private tenancy is not payable monthly, means—

- (a) where the rent under the tenancy is payable for periods of whole months, the rent for a period divided by the number of months in the period;
- (b) where the rent is payable for periods determined otherwise than by reference to whole months, the rent attributable to 1 day's letting under the tenancy multiplied by 30.

(4) A person who contravenes paragraph (1) is guilty of an offence under this Order.

(5) Where a person—

- (a) is convicted of an offence under paragraph (4), and
- (b) has received or, as the case may be, retained a tenancy deposit in excess of the amount of 1 month's rent payable under the tenancy,

the court may order the excess to be repaid to the person who paid it.

(6) In this Article—

“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;

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

**Breach of tenancy deposit limit: recoverability of excess**

**5ZD.**—(1) A tenancy deposit in relation to a private tenancy that has not been paid is irrecoverable to the extent that it exceeds the amount of 1 month’s rent payable under the tenancy (and this is so despite anything in any agreement).

(2) Where, in connection with a private tenancy—

- (a) a tenancy deposit has been paid or retained (as defined in paragraph (3)), and
- (b) at the time of payment or retention, or at any time thereafter, the deposit exceeds the amount of 1 month’s rent payable under the tenancy,

the excess is recoverable by the person who paid it.

(3) For the purposes of paragraph (2), if—

- (a) a tenancy deposit is paid (at any time) in connection with a private tenancy (“the first tenancy”),
- (b) a private tenancy is granted of that or another dwelling-house (whether to the tenant of the first tenancy or to another person) or (where the first tenancy is a protected tenancy) a statutory tenancy comes into existence, and
- (c) on or after the ending of the first tenancy, some or all of the deposit continues to be held in connection with the new tenancy,

the deposit is retained in connection with the new tenancy.

(4) In this Article “1 month’s rent payable under the tenancy” and “tenancy deposit” have the same meaning as in Article 5ZC.]

*[<sup>F5</sup>Tenancy deposit schemes***Textual Amendments**

**F5** 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 [<sup>F6</sup>28 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 [<sup>F7</sup>35 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.

*Status: Point in time view as at 01/04/2023.*

*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)*

(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.

[<sup>F8</sup>(11A) A person who commits an offence by failing to comply with the requirements of paragraph (3) or (6) continues to commit the offence throughout any period during which the failure continues.]

(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.]

#### Textual Amendments

- F6** Words in art. 5B(3) substituted (1.4.2023) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 5\(a\), 14\(7\); S.R. 2023/20, art. 2, Sch.](#)
- F7** Words in art. 5B(6)(b) substituted (1.4.2023) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 5\(b\), 14\(7\); S.R. 2023/20, art. 2, Sch.](#)
- F8** Art. 5B(11A) inserted (1.4.2023) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 6, 14\(7\); S.R. 2023/20, art. 2, Sch.](#)

#### <sup>F9</sup>Rent decreases

#### Textual Amendments

- F9** Arts. 5C-5E and cross-heading inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 7\(2\), 14\(2\)\(c\)](#)

#### Rent decreases

**5C.**—(1) This Article applies in relation to private tenancies.

(2) The Department may by regulations do either or both of the following regarding the rent payable under private tenancies in relation to which this Article applies—

- (a) provide that, for a prescribed period, the rent is, or may not exceed, a prescribed proportion of the rent that would be payable apart from the regulations;
- (b) provide that, for a prescribed period, the rent is, or may not exceed, the rent that was payable on a prescribed date, or during an earlier prescribed period.

(3) Regulations under paragraph (2) may not—

- (a) specify, for the purposes of sub-paragraph (a) of that paragraph, a proportion that is less than 90%;
- (b) provide for any limitation, or any series of limitations, to last for longer than 4 years in relation to any particular tenancy.

(4) Regulations under paragraph (2) may in particular—

- (a) provide for how the rent that would be payable apart from the regulations is to be determined;
- (b) provide that—



- (i) the prescribed date for the purposes of sub-paragraph (b) of that paragraph, or
  - (ii) the earlier prescribed period for those purposes,
- is a date, or a period, that falls before the date on which the Private Tenancies Act (Northern Ireland) 2022 was passed;
- (c) provide for different limitations to apply to the same tenancy for different periods;
  - (d) provide for exceptions in relation to tenancies of prescribed descriptions, or make different provision in relation to tenancies of different descriptions;
  - (e) make further or consequential provision in relation to the limitations, including provision amending any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);
  - (f) make such other consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.
- (5) Tenancies may be described for the purposes of paragraph (4)(d) by reference to (among other things)—
- (a) the amount of rent payable under the tenancy;
  - (b) the area within which the dwelling-house in question is situated;
  - (c) whether the tenant is in receipt of housing benefit or any other benefit payable under a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (6) The Department must consult the following persons as to whether to exercise the powers conferred by paragraph (2)—
- (a) district councils,
  - (b) such persons as appear to it to be representative of landlords,
  - (c) such persons as appear to it to be representative of tenants, and
  - (d) such other persons as it considers appropriate (which may include landlords or tenants).
- (7) The Department must prepare a report on the consultation and—
- (a) lay the report before the Assembly, and
  - (b) publish it in such manner as the Department considers appropriate.
- (8) The Department must lay and publish the report under paragraph (7) before the end of the period of 6 months beginning with the day on which the Private Tenancies Act (Northern Ireland) 2022 receives Royal Assent.
- (9) If the Department does not make regulations under paragraph (2) before the end of the period of 12 months beginning with the date on which it lays the report under paragraph (7), this Article ceases to have effect at the end of that period.

#### *Rent increases*

#### **Restriction on frequency of rent increases**

**5D.**—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

- (2) The rent payable under a tenancy to which this Article applies may not be increased—
- (a) within the period of 12 months beginning with the date on which the tenancy is granted, or

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- (b) within the period of 12 months beginning with the date on which the last increase took effect;

but this is subject to regulations under paragraph (3).

(3) The Department may by regulations specify circumstances in which paragraph (2) does not apply.

(4) Circumstances specified under paragraph (3) may include, in particular, circumstances in which the dwelling-house let under the tenancy is renovated, refurbished, altered or extended.

(5) The Department may by regulations amend paragraph (2)(a) or (b) so as to substitute, for the period that is for the time being specified there, a period that is 12 months or more but not more than 2 years.

### **Requirement to give written notice of increase**

**5E.**—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

(2) The rent payable under a tenancy to which this Article applies may not be increased unless the landlord gives written notice complying with paragraphs (3) to (5).

(3) The notice must specify—

- (a) the date on which the increase in the rent will take effect, and
- (b) the rent that will be payable after the increase.

(4) The date specified under paragraph (3)(a) must be not less than 3 months after the date on which the notice is given to the tenant.

(5) The notice must—

- (a) contain such other information, and
- (b) be in such form,

as may be prescribed.]

### *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;

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.

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(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.

#### **[<sup>F10</sup>Application of Articles 11B to 11F**

**11A.**—(1) The provisions set out in Articles 11B to 11F apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, and
- (b) any private tenancy of a dwelling-house granted before the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation (but only from the prescribed date).

(2) For the purposes of paragraph (1)(b), a statutory tenancy is to be treated as if it were a private tenancy granted before the commencement of section 8 of the Private Tenancies Act (Northern Ireland) 2022 (regardless of when the dwelling-house in question became subject to the statutory tenancy).

#### **Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2), 14(2)(d)**

#### **Landlord’s duties: fire, smoke and carbon monoxide alarms**

**11B.**—(1) The landlord under a private tenancy must keep in repair and in proper working order—

- (a) sufficient appliances for detecting fire or smoke, and for giving warning in the event that they are detected, and
- (b) sufficient appliances for detecting whether carbon monoxide is present at levels that are harmful to people, and for giving warning if it is.

(2) The Department may by regulations set minimum standards for the purpose of determining whether the duties under paragraph (1) have been complied with.

(3) The standards that may be set under paragraph (2) include standards as to the number, type and condition of appliances that should be installed in circumstances specified in the regulations.

(4) A landlord who fails to comply with a duty under paragraph (1) is guilty of an offence under this Order.

#### **Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2), 14(2)(d)**

#### **Tenant’s duties: fire, smoke and carbon monoxide alarms**

**11C.** The tenant under a private tenancy—

- (a) must take proper care of the appliances installed for the purposes of Article 11B as a good tenant;

- (b) must make good any damage to those appliances wilfully or negligently done or caused by the tenant, by any tenant of his or hers or by any other person lawfully living in or lawfully visiting the premises.

**Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Landlord's duties: private tenancy of part of a building**

**11D.** Where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

**Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**General qualification on landlord's duties**

**11E.** The duties imposed on the landlord by Article 11B do not require the landlord to carry out works or repairs for which the tenant is liable by virtue of Article 11C.

**Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

**Knowledge of disrepair**

**11F.** A landlord is not under a duty to carry out works by virtue of Article 11B unless the landlord has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works]

**Textual Amendments**

**F10** Arts. 11A-11F inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), **ss. 8(2)**, 14(2)(d)

*[<sup>F11</sup>Energy efficiency*

**Textual Amendments**

**F11** Arts. 11G, 11H and cross-heading inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\)](#), s. 14(2)(e), **Sch. 2 para. 2**

**Energy efficiency of dwelling-houses let under a private tenancy**

- 11G.**—(1) The Department may by regulations provide that a person may not—
- (a) grant a private tenancy of a dwelling-house to which paragraph (2) applies;
  - (b) continue to let out under a private tenancy a dwelling-house to which paragraph (2) applies.
- (2) This paragraph applies to a dwelling-house—
- (a) in relation to which there is an energy performance certificate, and
  - (b) that falls below such level of energy efficiency (as demonstrated by the energy performance certificate) as is provided for by the regulations.
- (3) Regulations under paragraph (1) may provide for the granting to a person, in respect of a dwelling-house, of—
- (a) an exemption on the ground that the dwelling-house is of such description as is provided for in the regulations;
  - (b) an exemption that is to have effect for a period of time and is subject to the condition that specified works or measures for improving efficiency in the use of energy in the dwelling-house are carried out within that period (an “improvement exemption”);
  - (c) an exemption on such other grounds as may be provided for in the regulations.
- (4) In paragraph (3)—
- (a) “exemption” means an exemption from a prohibition imposed under paragraph (1);
  - (b) “specified” means specified in the improvement exemption.
- (5) Regulations that provide for exemptions by virtue of paragraph (3) may include, in particular, provision—
- (a) for exemptions to be granted by a prescribed person or prescribed persons (the “authority”);
  - (b) about the making of applications to the authority (including provision about the evidence which must or may be provided with applications);
  - (c) for exemptions to have effect for a specified period of time (including provision for the authority to determine that period);
  - (d) for a limit on the estimated cost of works or measures that may be specified in an improvement exemption (including a limit set by reference to the value of the dwelling-house or any other prescribed circumstances);
  - (e) for the authority to maintain a publicly-accessible register of exemptions granted;
  - (f) about appeals to a prescribed person or body against decisions regarding exemptions (including provision about how such appeals may be disposed of and the effect of any exemption pending the determination of an appeal);
  - (g) about the inspection of dwelling-houses for the purposes of an application for an exemption or for the purposes of an appeal;
  - (h) in a case where an application or appeal is made in respect of a dwelling-house which is (on the date the application or appeal is made) let under a private tenancy, for the applicant or appellant to be exempt from a prohibition imposed under paragraph (1)(b) in respect of the dwelling-house pending the determination of the application or appeal;
  - (i) about the consequences of providing false or misleading information in an application to the authority or in proceedings on an appeal (including provision creating criminal offences or invalidating exemptions);

- (j) for a person who acquires an estate in a dwelling-house which is (on the date of the acquisition) let under a private tenancy to be exempt from a prohibition imposed under paragraph (1)(b) in respect of that dwelling-house for a prescribed period of time.
- (6) The regulations may provide that if—
  - (a) a person is granted an improvement exemption, and
  - (b) the person complies with prescribed conditions regarding the giving of notice to any tenant of the dwelling-house, or with such other conditions as may be prescribed,works or measures specified in the exemption are to be regarded, for the purposes of Article 12, as works that the person is under a duty to execute.
- (7) The regulations may also include such supplementary, incidental or consequential provision as the Department considers appropriate, including provision modifying any statutory provision.
- (8) In this Article—
  - “private tenancy” does not include a protected tenancy or a statutory tenancy;
  - “energy performance certificate” means—
    - (a) an energy performance certificate within the meaning given by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008, or
    - (b) such other statutory document issued for the purpose of determining or recording the energy performance or efficiency of a dwelling-house as may be prescribed.
- (9) In paragraph (8) “statutory document” has the meaning given by section 1(e) of the Interpretation Act (Northern Ireland) 1954.

**Private tenancy energy efficiency regulations: power to create offences**

- 11H.**—(1) Regulations under Article 11G may provide that a person who breaches a prohibition imposed under paragraph (1) of that Article is guilty of an offence.
- (2) Regulations under Article 11G may provide that a person commits an offence if—
    - (a) the person is granted an improvement exemption;
    - (b) the person fails, without reasonable excuse, to carry out the works or measures specified in the exemption within the period of time so specified;
    - (c) Article 11G(2) applies to the dwelling-house immediately after the expiration of that period of time; and
    - (d) at any time during which the exemption had effect, the person—
      - (i) granted a private tenancy of the dwelling-house, or
      - (ii) continued to let the dwelling-house out under a private tenancy that was granted before the exemption had effect.
  - (3) The regulations may provide for inspections of a dwelling-house in respect of which an exemption has been granted by virtue of Article 11G(3)(b), for the purpose of investigating whether an offence created by virtue of this Article has been committed.
  - (4) The regulations may set out circumstances in which a person is, or is not, to be regarded as having a reasonable excuse for the purposes of an offence created by virtue of paragraph (2) (including circumstances where a person ceases to hold an estate in the dwelling-house).
  - (5) Any offence created by regulations under Article 11G—
    - (a) is not to be triable on indictment or punishable with imprisonment;

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(b) is not to be punishable with a fine exceeding level 5 on the standard scale (but, in the case of an offence in respect of a prohibition imposed under Article 11G(1)(b), this is subject to paragraphs (6) to (9)).

(6) Paragraphs (7) and (8) apply where regulations under Article 11G create an offence in respect of a prohibition imposed under Article 11G(1)(b).

(7) The regulations must provide that where—

- (a) a person is convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial conviction”),
- (b) after the initial conviction, the person continues to let out the dwelling-house under the tenancy, and
- (c) the person is convicted of an offence in respect of that continued letting in breach of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”),

the continuing offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the letting continues after the initial conviction.

(8) The regulations must also provide that where—

- (a) a person grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b),
- (b) the person is given a fixed penalty notice under Article 68A in respect of an offence on the grounds of that breach,
- (c) the person pays the fixed penalty stated in the notice,
- (d) after payment of the fixed penalty, the person continues to let out the dwelling-house under the tenancy in breach of a prohibition imposed under Article 11G(1)(b), and
- (e) the person is convicted of an offence in respect of that continued breach (“the post-payment offence”),

the post-payment offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the breach continues after payment.

(9) A fine imposed by virtue of paragraph (7) or (8) may exceed level 5 on the standard scale.]

### *[<sup>F12</sup>Electrical safety standards*

#### **Textual Amendments**

**F12** Arts. 11I-11K and cross-heading inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), s. 14\(2\)\(f\), Sch. 3 para. 2](#)

#### **Electrical safety standards for dwelling-houses let under a private tenancy**

**11I.—**(1) The Department may by regulations impose duties on the landlord of a dwelling-house let under a private tenancy for the purposes of ensuring that electrical safety standards are met during the period when the dwelling-house is let under the tenancy.

(2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to—

- (a) the installations in the dwelling-house for the supply and use of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.



(3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.

(4) The regulations may make provision about—

- (a) how and when checks are carried out;
- (b) who is qualified to carry out checks.

(5) The regulations may require the landlord to undertake works as a result of checks carried out by the qualified person.

(6) The regulations may require the landlord—

- (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met;
- (b) to give a copy of the certificate to the tenant, or a prospective tenant, or any other person specified in the regulations;
- (c) where the electrical safety standards are not met, to obtain from the qualified person a written description of the works required to meet the standards.

(7) Regulations under this Article are referred to in Articles 11J and 11K as “electrical safety standards regulations”.

#### **Electrical safety standards regulations: power to create an offence**

**11J.**—(1) Electrical safety standards regulations may provide that a landlord who fails to comply with a duty imposed under Article 11I(1) is guilty of an offence.

(2) Any offence created by virtue of paragraph (1)—

- (a) is not to be triable on indictment or punishable with imprisonment;
- (b) is not to be punishable with a fine exceeding level 5 on the standard scale.

#### **Electrical safety standards regulations: other enforcement**

**11K.**—(1) Electrical safety standards regulations may make provision, for the enforcement of a duty imposed under Article 11I(1)—

- (a) under which a landlord may be required to take remedial action;
- (b) under which a district council may, with the consent of the tenant, arrange for a person to enter the dwelling-house and take remedial action.

(2) Regulations made by virtue of paragraph (1) may include, in particular, provision about procedural matters.

(3) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(a) may include, in particular, provision enabling the landlord to make representations against any requirement to take remedial action.

(4) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(b) may include, in particular, provision—

- (a) about appeals against any proposed remedial action;
- (b) enabling a district council to recover from the landlord any costs incurred by it in taking remedial action (“remedial costs”);
- (c) enabling a district council to recover from any agent of the landlord any remedial costs, up to the total amount of money held by the agent on behalf of the landlord;
- (d) under which any remedial costs due under the regulations are deemed, until recovered, to be charged on and payable out of the estate of the landlord in the land in relation to

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which the costs were incurred and the estate in that land of any person deriving title from the landlord;

- (e) about the enforceability and registration of any charge created under the regulations;
- (f) about the application of costs recovered.]

### *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,

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 <sup>[F13]</sup>: by landlords**

**14.**—<sup>[F14]</sup>(1) A notice by a landlord to quit a dwelling-house let under a private tenancy is not valid unless—

- (a) it is in the prescribed form and contains the prescribed information, and
- (b) it is given not less than the relevant period before the date on which it is to take effect.]

[<sup>F15</sup>(1A) For the purposes of paragraph (1) the relevant period is—

- (a) 8 weeks, if the tenancy has not been in existence for more than 12 months;
- (b) 4 months, if the tenancy has been in existence for more than 12 months but not for more than 3 years;
- (c) 6 months, if the tenancy has been in existence for more than 3 years but not for more than 8 years; and
- (d) 7 months, if the tenancy has been in existence for more than 8 year

but this is subject to regulations made under paragraph (5).

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

(3) The Department may by regulations amend any sub-paragraph of paragraph (1A) so as to provide a different relevant period.

(4) Regulations under paragraph (3) may provide that the relevant period is different in different cases within a particular sub-paragraph of paragraph (1A) described by reference to the period for which the tenancy has been in existence.

(But this is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(5) The Department may by regulations provide that, in cases falling within the circumstances set out in paragraph (6), the relevant period for the purposes of paragraph (1) is as prescribed in the regulations.

(6) The circumstances are—

- (a) the tenant is in substantial arrears of rent;
- (b) the tenant, or a member of the tenant's household, has engaged in serious anti-social behaviour in, or in the locality of, the dwelling-house;
- (c) the tenant, or a member of the tenant's household, is convicted of a relevant criminal offence.

(But see paragraph (9) for provision regarding other circumstances.)

(7) Regulations under paragraph (5)—

- (a) may make provision that applies to all cases that fall within a sub-paragraph of paragraph (6) and, for that purpose, may make provision about the meaning of any expression used in that sub-paragraph;
- (b) may make provision that applies to cases of a prescribed description that fall within a sub-paragraph of paragraph (6);
- (c) may provide that the relevant period is different in different cases that fall within a sub-paragraph of paragraph (6) described by reference to the period for which the tenancy has been in existence;
- (d) may make provision about the evidence to be provided to show that a case falls within a sub-paragraph of paragraph (6) or within a prescribed description.

(But sub-paragraphs (a) to (c) are without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(8) The Department—

- (a) may not make regulations under paragraph (5) that come into operation before the end of the emergency period within the meaning of section 1(2) of the Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020, but

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(b) must make regulations under paragraph (5) that come into operation before the end of the period of 2 years beginning with the date on which this Act receives Royal Assent.

(9) The Department may by regulations amend paragraph (6) so as to add to the list of circumstances set out in it.

(10) Amendments made by virtue of regulations under paragraph (3), and provision made by regulations under paragraph (5), do not apply in relation to a notice to quit given before the date on which the regulations come into operation.]

#### Textual Amendments

**F13** Words in art. 14 heading added (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 11\(5\), 14\(2\)\(g\)\(3\)-\(5\)](#) (with s. 11(11))

**F14** Art. 14(1) substituted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 11\(3\), 14\(2\)\(g\)\(3\)-\(5\)](#) (with s. 11(11))

**F15** Art. 14(1A)-(10) substituted for art. 14(1A)(2) (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 11\(4\), 14\(2\)\(g\)\(3\)-\(6\)](#) (with s. 11(11))

#### Modifications etc. (not altering text)

**C1** Art. 14 applied (with modifications) (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 11\(10\), 14\(2\)\(g\)\(3\)-\(5\)](#) (with s. 11(11))

**C2** Art. 14(1) applied (with modifications) (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022 \(c. 20\), ss. 11\(9\), 14\(2\)\(g\)\(3\)-\(5\)](#) (with s. 11(11))

#### [<sup>F16</sup>Length of notice to quit: by tenants

**14A.—**(1) A notice by a tenant to quit a dwelling-house let under a private tenancy is not valid unless—

- (a) it is given in writing, and
- (b) it is given not less than the relevant period before the date on which it is to take effect.

(2) For the purposes of paragraph (1) the relevant period is—

- (a) 4 weeks, if the tenancy has not been in existence for more than 10 years;
- (b) 12 weeks, if the tenancy has been in existence for more than 10 years.

(3) Paragraph (1) applies regardless of the date on which the private tenancy was granted.

(4) The Department may by regulations amend paragraph (2) so as to provide that, in relation to a tenancy in existence for more than 12 months but not more than 10 years, the relevant period is a period that is more than 4 weeks but not more than 12 weeks.

(5) Regulations under paragraph (4) may provide that the relevant period is different in different cases within that paragraph described by reference to the period for which the tenancy has been in existence.

(But this is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(6) Any amendment made by virtue of regulations under paragraph (4) does not apply in relation to a notice to quit given before the date on which the amendment comes into operation.]

**Textual Amendments**

**F16** Art. 14A inserted (28.4.2022 for specified purposes) by [Private Tenancies Act \(Northern Ireland\) 2022](#) (c. 20), **ss. 11(6), 14(2)(g)(3)-(5)** (with s. 11(11))

**Status:**

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**Changes to legislation:**

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