



2022 CHAPTER 20

Tenant to be given notice regarding certain matters

1.—(1) The 2006 Order is amended in accordance with subsections (2) to (4).

(2) In Part 2, after the italic heading “Particulars relating to the tenancy, etc.” insert—

“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.

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.

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.”.

(3) In Article 68(1) (prosecution and punishment of offences), after “Article” insert “4A(4), 4B(5), 4C(3),”.

(4) In Article 68A (fixed penalty for certain offences)—

(a) in paragraph (1), after “has committed” insert—

- “(za) an offence under Article 4A(4) or 4B(5), except one deemed to have been committed by virtue of Article 4C(1);
- (zb) an offence under Article 4C(3);”;

(b) in paragraph (8), after “under Article” insert “4A(4), 4B(5), 4C(3),”.

(5) Omit section 1 of the Housing (Amendment) Act (Northern Ireland) 2011.

Tenant to be given notice regarding certain past matters

2. Schedule 1 provides for the giving of notice regarding certain matters to the tenants of dwelling-houses that are let under a private tenancy on the date on which section 1 comes into operation—

- (a) where the tenancy was granted on or after 30 June 2011 but before the date on which section 1 comes into operation;
- (b) where certain terms of the tenancy were varied on or after 30 June 2011 but before the date on which section 1 comes into operation.

Tenant to be provided with a rent receipt for payment in cash

3.—(1) The 2006 Order is amended as follows.

(2) For Article 5 substitute—

“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.

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).

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.”.

(3) In Article 50 (tenancies subject to rent control: rent in excess of limit to be irrecoverable), after paragraph (3) insert—

“(4) In paragraph (2) “similar document” does not include a receipt under Article 5(2).”.

(4) In Article 66(1)(a) (service on an agent named in the rent book deemed to be service on the landlord), for “the rent book” substitute “a rent book”.

(5) In Article 68(1) (prosecution and punishment of offences), for “5(4)” substitute “5(7), 5ZA(3)”.

(6) In Article 68A (fixed penalty for certain offences)—

- (a) in paragraph (1), after sub-paragraph (zb) (as inserted by section 1), insert—
 - “(zc) an offence under Article 5(7), except one deemed to have been committed by virtue of Article 5ZA(1);
 - (zd) an offence under Article 5ZA(3);”;
- (b) in paragraph (8), after “4C(3),” (as inserted by section 1) insert “5(7), 5ZA(3),”.

Limit on tenancy deposit amount

- 4.—(1) The 2006 Order is amended as follows.
- (2) After Article 5ZB (as inserted by section 3) insert—

“Limit on tenancy deposit amount

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;

Status: This is the original version (as it was originally enacted).

(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.”.
- (3) In Article 68(1) (prosecution and punishment of offences), after “5ZA(3)” (as inserted by section 3) insert “, 5ZC(4)”.
- (4) In Article 68A (fixed penalty for certain offences)—
- (a) in paragraph (1), after sub-paragraph (zd) (as inserted by section 3) insert—
 - “(ze) an offence under Article 5ZC(4);”;
 - (b) in paragraph (8), after “5ZA(3),” (as inserted by section 3) insert “5ZC(4),”.
- (5) The following provisions (inserted by subsection (2)) have effect as follows—
- (a) Article 5ZC(1)(a) prohibits the making of a requirement within that sub-paragraph on or after the commencement date;
 - (b) Article 5ZC(1)(b) prohibits the making of a requirement within that sub-paragraph on or after the commencement date, regardless of the date on which the deposit was paid or the date on which the first tenancy ends;
 - (c) Article 5ZD(1) does not prevent the recovery of a tenancy deposit under a legal obligation that existed before the commencement date (whether that obligation accrues before or after that date);
 - (d) Article 5ZD(2) has effect in relation to tenancy deposits that are paid on or after the commencement date except where the deposit was required to be paid under or in connection with a legal obligation that existed before the commencement date (whether that obligation accrues before or after that date);
 - (e) Article 5ZD(2) has effect in relation to tenancy deposits that are retained on or after the commencement date except where the deposit was liable to be retained under or in connection with a legal right that existed before the commencement date (whether that right accrues before or after that date).
- (6) In subsection (5) “commencement date” means the date on which this section comes into operation.

Increase in time limits for requirements relating to tenancy deposits

5. In Article 5B of the 2006 Order (requirements relating to tenancy deposits)

- (a) in paragraph (3), for “14 days” substitute “28 days”;

(b) in paragraph (6)(b), for “28 days” substitute “35 days”.

Certain offences in connection with tenancy deposits to be continuing offences

6. In Article 5B of the 2006 Order (requirements relating to tenancy deposits), after paragraph (11) insert—

“(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.”.

Regulation of rent

7.—(1) The 2006 Order is amended as follows.

(2) After Article 5B insert—

“Rent decreases

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
- (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.”.

(3) In Article 72 (provisions concerning regulations)—

(a) in paragraph (3), after “5A,” insert “5C, 5D(3) or (5),”;

(b) after paragraph (4) insert—

“(5) Before laying a draft of regulations under Article 5D(5) before the Assembly, the Department must consult—

(a) such persons as appear to it to be representative of landlords,

(b) such persons as appear to it to be representative of tenants, and

(c) such persons as the Department considers appropriate (which may include landlords or tenants).”.

Fire, smoke and carbon monoxide alarms, etc.

8.—(1) The 2006 Order is amended as follows.

(2) After Article 11 insert—

“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).

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.

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.

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.

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.

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”.

(3) In Article 68(1) (prosecution and punishment of offences), after “5ZC(4),” (as inserted by section 4) insert “11B(4),”.

(4) Article 68A (fixed penalty for certain offences) is amended as follows.

(5) In paragraph (1)—

- (a) at the end of sub-paragraph (a), omit “or”;
- (b) after that sub-paragraph insert—

“(aa) an offence under Article 11B(4);”.

(6) In paragraph (8), after “5B(10)” insert “, 11B(4)”.

Energy efficiency regulations

9. Schedule 2 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning the energy efficiency of dwelling-houses let under a private tenancy.

Electrical safety standards regulations

10. Schedule 3 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning electrical safety standards in dwelling-houses let under a private tenancy.

Validity requirements for notices to quit given by landlords and tenants

11.—(1) The 2006 Order is amended in accordance with subsections (2) to (7).

(2) Article 14 (length of notice to quit) is amended in accordance with subsections (3) to (5).

(3) For paragraph (1) substitute—

“(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.”.

(4) For paragraphs (1A) and (2) substitute—

“(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

(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.”.

(5) At the end of the heading to the Article add “: by landlords”.

(6) After Article 14 insert—

“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.”.

(7) In Article 72 (provisions concerning regulations)—

- (a) in paragraph (3), after “5D(3) or (5),” (as inserted by section 7) insert “14, 14A,”;

(b) in paragraph (5) (as inserted by section 7), after “Article 5D(5)” insert “, 14 or 14A”.

(8) In consequence of subsections (3) and (4), omit section 3 of the Housing (Amendment) Act (Northern Ireland) 2011.

(9) At any time before the coming into operation of sub-paragraph (a) of Article 14(1) (as inserted by subsection (3)), paragraph (1) of that Article has effect as if, before sub-paragraph (b), there were inserted—

“(aa) it is given in writing, and”.

(10) At any time before the coming into operation of the paragraph (1A) of Article 14 that is inserted by subsection (4), that Article has effect as if, before paragraph (2), there were inserted—

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

- (a) 4 weeks, if the tenancy has not been in existence for more than 12 months;
- (b) 8 weeks, if the tenancy has been in existence for more than 12 months but not for more than 10 years;
- (c) 12 weeks, if the tenancy has been in existence for more than 10 years.”.

(11) The amendments made by this section do not apply in relation to a notice to quit given before the date on which this section comes into operation.

Payment options for tenants: power to make provision and duty to consult

12.—(1) The Department for Communities may by regulations make provision for the purpose of ensuring that, when a private tenancy of a dwelling-house is granted, the tenant is given options as to the method of payment of rent and other sums due in respect of the tenancy.

(2) Regulations under subsection (1) may in particular—

- (a) impose duties on prospective landlords to provide specified information or documents before the terms of a tenancy are agreed;
- (b) require that tenancy agreements, or proposed tenancy agreements, contain specified terms or (if they are in writing) that they be in a specified form;
- (c) specify methods of payment that must or must not be offered by a prospective landlord, or that may or must not be agreed by the parties, for the purposes of payment of rent or other sums due in respect of a tenancy;
- (d) make provision as to the rights of tenants or landlords to vary any term of the tenancy as to the method of payment (including provision restricting or excluding any such right);

- (e) make provision as to the consequences of a failure to accept, or a failure to tender, payment by a method agreed under a tenancy (including provision as to whether or not the tenant is to be regarded as being in arrears);
 - (f) make provision as to the consequences of a breach of a prohibition imposed by the regulations or a failure to comply with a requirement imposed by them (including provision that creates offences);
 - (g) amend any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);
 - (h) make such consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.
- (3) In subsection (2), “specified” means specified in the regulations.
- (4) Any offence created by virtue of subsection (2)(f)—
- (a) is not to be triable on indictment or punishable with imprisonment;
 - (b) is not to be punishable with a fine exceeding level 4 on the standard scale.
- (5) The Department must consult the following persons as to whether to exercise the power conferred by subsection (1)—
- (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).
- (6) 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.
- (7) The Department must lay and publish the report under subsection (6) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.
- (8) The Department may not make regulations under subsection (1) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Interpretation

13. In this Act “the 2006 Order” means the Private Tenancies (Northern Ireland) Order 2006.

Commencement

14.—(1) The following provisions come into operation on the day after the day on which this Act receives Royal Assent—

- (a) sections 12 and 13;
- (b) this section; and
- (c) section 15.

(2) The following provisions come into operation on the day after the day on which this Act receives Royal Assent insofar as they confer power to make regulations—

- (a) section 1;
- (b) section 2 and Schedule 1;
- (c) section 7;
- (d) section 8;
- (e) section 9 and Schedule 2;
- (f) section 10 and Schedule 3; and
- (g) section 11, except in so far as it confers a power to make regulations under Article 14(3) of the 2006 Order (as inserted by subsection (4) of that section).

(3) Subsections (4) and (5) apply to the provisions of section 11, except—

- (a) the provisions of that section commenced by subsection (2)(g),
- (b) subsection (3) of that section in so far as it inserts sub-paragraph (a) into Article 14(1) of the 2006 Order, and
- (c) subsection (4) of that section in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article.

(4) The provisions to which this subsection applies come into operation on the day after the day on which this Act receives Royal Assent.

(5) But if (apart from this subsection) those provisions would 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 they come into operation at the end of that period.

(6) Section 11(4), in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article, comes into operation on the coming into operation of the first regulations made under Article 14(5) of the 2006 Order (as inserted by section 11(4)).

(7) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(8) An order under this section may make such transitory or transitional provision, or savings, as the Department for Communities considers appropriate.

Short title

15. This Act may be cited as the Private Tenancies Act (Northern Ireland) 2022.