

*These notes refer to the Private Tenancies Act (Northern Ireland)  
2022 (c.20) which received Royal Assent on 27 April 2022*

# Private Tenancies Act (Northern Ireland) 2022

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Section 1:

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

This section inserts new Articles 4A, 4B and 4C into the 2006 Order.

New Article 4A requires the landlord of a private tenancy, within 28 days of granting it, to provide the tenant, free of charge, with a notice containing particulars and other detail relating to the tenancy that will be prescribed in regulations made by the Department. The regulation making power could be used, for example, to provide that the notice contain the main terms of the tenancy.

Article 4A(4) provides that any landlord who fails to give the required notice is guilty of an offence under the 2006 Order.

New Article 4B requires landlords, on the variation of a prescribed term of a tenancy (to be prescribed in regulations made by the Department), to provide the tenant, free of charge, with a notice containing certain information relating to the variation (which information will also be prescribed in the regulations). The landlord will be required to do this within 28 days of the variation.

Article 4B(5) provides that any landlord who fails to give the required notice is guilty of an offence under the 2006 Order.

New Article 4C concerns offences related to a continued failure by a landlord to serve a notice under Article 4A or 4B. Under paragraph (1), a landlord who fails to provide a notice required by Article 4A or 4B and is convicted in respect of that failure is deemed to have committed a further offence under that Article in respect of that failure where the failure continues for more than 14 days after conviction.

Under paragraphs (2) and (3), a landlord who receives a fixed penalty notice in respect of a failure to serve a notice and pays it but continues in that failure for more than 14 days after payment is guilty of an offence under the 2006 Order.

Subsections (3) and (4) of this section amend Articles 68 and 68A of the 2006 Order respectively. The amendment of Article 68(1) ensures that the offences under Articles 4A(4), 4B(5) and 4C(3) (including where further offences under

Articles 4A and 4B are deemed to have been committed) are punishable on summary conviction with a fine not exceeding level 4 on the standard scale. By providing that those offences are “offences under this Order”, they come within Article 68(3) and as such can be prosecuted by district councils.

The amendment of Article 68A provides that fixed penalty notices can be given in respect of the three offences, with the exception that a fixed penalty notice may not be given in respect of offences under Articles 4A(4) and 4B(5) where they are deemed to have been committed by virtue of Article 4C(1). In the latter case the only available option is summary conviction. The amendment also provides that the maximum fixed penalty amount is one-fifth of the maximum fine payable on summary conviction.

Subsection (5) of this section omits the uncommenced section 1 of the Housing (Amendment) Act (Northern Ireland) 2011. That section repeals Article 4 of the 2006 Order (which requires a statement of tenancy terms to be given to a tenant within 28 days of the commencement of a tenancy) but is now redundant as the repeal Schedule to that Act has already (accidentally) repealed Article 4.