

*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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12:

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

This section gives the Department the power to make regulations to ensure that a tenant is given options when a private tenancy is granted as to the method of payment of rent and other sums in respect of the tenancy.

Subsection (2) sets out the provision that the regulations can make in particular. The regulations may:

- impose duties on prospective landlords to provide specified information or documents before the terms of a tenancy are agreed;
- require that tenancy agreements or proposed tenancy agreements contain specified terms or if they are in writing that they should be in a specified form;
- require a prospective landlord to specify methods of payments that must or must not be offered, or may or may not be agreed by the parties for the purposes of payment of rent or other sums due in respect of a tenancy;
- 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;
- make provision for 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;
- make provision for 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;
- amend any statutory provision within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;
- make such consequential, supplementary, transitory or transitional provision or such savings as the Department considers appropriate.

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Any offence created by the regulations is not to be triable on indictment or punishable with imprisonment; and is not to be punishable with a fine exceeding level 4 on the standard scale.

Under subsection (5) the Department must carry out a consultation as to whether to exercise the power. The Department must prepare a report on the consultation and lay it with the Assembly before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.