

*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**

#### *Schedule 1:*

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

This Schedule deals with tenancies granted and variations to tenancy terms made between the repeal of Article 4 of the 2006 Order on the 30 June 2011 and the coming into operation of the new Articles 4A and 4B where the tenancy is still in existence on that coming into operation.

Paragraphs 1 and 2 of the Schedule provide for the giving of certain notices to the tenants of such tenancies. The tenant should be given a notice of prescribed particulars and other prescribed information relating to the tenancy and any prescribed variations within 28 days of the commencement of section 1. These notices must be given free of charge.

Paragraphs 1(3) and 2(4) include a concession to landlords who have already given a notice that substantially meets the requirements of the Schedule at any time between granting the tenancy or, as the case may be, varying the prescribed term and the commencement of section 1, such that they are to be regarded as having complied with the notice requirements in paragraphs 1 and 2.

Where a landlord fails to comply with a requirement under the Schedule to give a notice, the landlord is guilty of an offence. In addition, where a landlord is convicted of such an offence and the failure continues for more than 14 days after conviction, the landlord is deemed to have committed a further such offence in respect of the failure. If a landlord is given a fixed penalty notice in respect of a failure to give a notice under this Schedule and pays it but the failure continues for more than 14 days after payment of the penalty, the landlord is guilty of an offence.

A person guilty of an offence under the Schedule (including where a person is deemed to have committed a further offence after an initial conviction) is punishable on summary conviction with a fine not exceeding level 4 on the standard scale. All offences under the Schedule can be prosecuted by district councils.

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Paragraph 6 of the Schedule sets out a fixed penalty regime that applies to all offences under the Schedule (except in the case where a person has already been convicted and it is suspected that the failure to give the required notice continues).

Paragraph 7 provides that regulations under paragraph 1, 2 or 6 are subject to negative resolution.

Paragraph 9 explains that any expression that is used in both this Schedule and the 2006 Order has the same meaning in this Schedule as in the Order.