



2022 CHAPTER 20

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);

Changes to legislation: There are currently no known outstanding effects for the Private Tenancies Act (Northern Ireland) 2022, Section 12. (See end of Document for details)

- (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.

Commencement Information

- II** S. 12 in operation at 28.4.2022 for specified purposes, see [s. 14\(1\)\(a\)](#)

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