



2022 CHAPTER 20

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).”.