

SCHEDULES

SCHEDULE 1

Article 4.

STATUTORY TENANTS BY SUCCESSION

1. Paragraph 2^{F1} . . . or, as the case may be, paragraph 4 shall have effect, subject to Article 4(3), for the purpose of determining who is the statutory tenant of a dwelling-house by succession after the death of the person (in this Schedule referred to as “the original tenant”) who, immediately before his death, was a protected tenant of the dwelling-house or the statutory tenant of it by virtue of his previous protected tenancy.

F1 1986 NI 13

[^{F2}2. The surviving spouse^{F3}, or surviving civil partner,] (if any) of the original tenant, if residing in the dwelling-house immediately before the death of the original tenant, shall after the death be the statutory tenant if and so long as he or she occupies the dwelling-house as his or her residence.]

F2 1986 NI 13

F3 2004 c.33

Para. 3 rep. by 1986 NI 13

4. Where—

- (a) paragraph 2^{F4} . . . does not apply, but
- (b) a person who was a member of the original tenant's family was residing with him at the time of and for the period of six months immediately before his death,

then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

F4 1986 NI 13

5. A person who becomes the statutory tenant of a dwelling-house by virtue of paragraph 2,^{F5} . . . or 4 is in this Schedule referred to as “the first successor”.

F5 1986 NI 13

6. If, immediately before his death, the first successor was still a statutory tenant, paragraph 7^{F6} . . . or, as the case may be, paragraph 9 shall have effect, subject to Article 4(3), for the purpose of determining who is the statutory tenant after the death of the first successor.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

F6 1986 NI 13

[^{F7}7. The surviving spouse^{F8}, or surviving civil partner,] (if any) of the first successor, if residing in the dwelling-house immediately before the death of the first successor, shall after the death of the statutory tenant if and so long as he or she occupies the dwelling-house as his or her residence.]

F7 1986 NI 13

F8 2004 c.33

Para. 8 rep. by 1986 NI 13

9. Where—

- (a) paragraph 7^{F9}. . . does not apply, but
- (b) a person who was a member of the first successor's family was residing with him at the time of and for the period of six months immediately before his death,

then, after his death, that person or if there is more than one such person such one of them as may be decided by agreement, or in default of agreement by the county court, shall be the statutory tenant if and so long as he occupies the dwelling-house as his residence.

F9 1986 NI 13

10.—(1) Where after a succession the successor becomes the tenant of the dwelling-house by the grant to him of another tenancy, “the original tenant” and “the first successor” in this Schedule in relation to that other tenancy, mean the persons who were respectively the original tenant and the first successor at the time of the succession, and accordingly—

- (a) if the successor was the first successor, and, immediately before his death he was still the tenant (whether protected or statutory), paragraphs 7^{F10} and] 9 shall apply on his death,
- (b) if the successor was not the first successor, no person shall become a statutory tenant on his death by virtue of this Schedule.

(2) Sub-paragraph (1) applies—

- (a) even if a successor enters into more than one other tenancy of the dwelling-house, and
- (b) even if both the first successor, and the successor on his death, enter into other tenancies of the dwelling-house.

(3) In this paragraph “succession” means the occasion on which a person becomes the statutory tenant of a dwelling-house by virtue of this Schedule and “successor” shall be construed accordingly.

F10 1986 NI 13

11. In this Schedule references to “the first successor” shall be deemed to include references to a tenant of a dwelling-house to which the Rent Restriction Acts applied immediately before the commencement of this Order whose right to retain possession of that dwelling-house arose on the death of such a person as is mentioned in Article 4(5)(b)(i).

Schedule 2 rep. by 1989 NI 4

Schedule 3 rep. by 1992 NI 15

SCHEDULE 4

Article 13.

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART I

CASES IN WHICH COURT MAY ORDER POSSESSION

Case 1

Where any rent lawfully due from the tenant has not been paid, or any obligation of the protected or statutory tenancy which arises under this Order, or—

- (a) in the case of a protected tenancy, any other obligation of the tenancy, in so far as it is consistent with Part III of this Order, or
- (b) in the case of a statutory tenancy, any other obligation of the previous protected tenancy which is applicable to the statutory tenancy,

has been broken or not performed.

[^{F11}In paragraphs (a) and (b) above any reference to an obligation of a tenancy does not include an obligation to repair, maintain or carry out works to the dwelling-house comprised in the tenancy, other than an obligation arising by virtue of Article 42.]

F11 1992 NI 15

Case 2

Where the tenant or any person residing or lodging with him or any sub-tenant of his—

- (a) has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers; or
- (b) has been convicted of using the dwelling-house or allowing the dwelling-house to be used for immoral or illegal purposes.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

Case 3

Where—

- (a) the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing or lodging with him or any sub-tenant of his, and
- (b) in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 4

Where—

- (a) the condition of any furniture provided for use under the tenancy has, in the opinion of the court, deteriorated owing to ill-treatment by the tenant or any person residing or lodging with him or any sub-tenant of his, and
- (b) in the case of any ill-treatment by a person lodging with the tenant or a sub-tenant of his the court is satisfied that the tenant has not, before the making of the order in question, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant, as the case may be.

Case 5

Where—

- (a) the tenant has given notice to quit, and
- (b) in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as the result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession.

Case 6

Where, without the consent of the landlord, the tenant has, at any time after the commencement of this Order, assigned or sub-let the whole of the dwelling-house or sub-let part of the dwelling-house, the remainder being already sub-let.

Case 7

Where—

- (a) the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment, or in the whole-time employment of some tenant from him or with whom, conditional on housing being provided, a contract for such employment has been entered into, and
- (b) the tenant was in the employment of the landlord or a former landlord; and

- (c) the dwelling-house was let to the tenant in consequence of that employment and he has ceased to be in that employment.

Case 8

Where the dwelling-house is reasonably required by the landlord for occupation as a residence for—

- (a) himself, or
- (b) any son or daughter of his over the age of 18, or
- (c) his father or mother, or
- (d) if the dwelling-house is let on or subject to a regulated tenancy, the father or mother of his^{F12} spouse or civil partner].

and the landlord did not become landlord by purchasing the dwelling-house or any estate therein after the commencement of this Order.

F12 2004 c.33

F12 2004 c.33

Case 9

Where the court is satisfied that the rent charged by the tenant for any sub-let part of the dwelling-house which is a dwelling-house let on a protected tenancy or subject to a statutory tenancy is or was in excess of the maximum rent for the time being recoverable for that part, having regard to Part IV or, as the case may be, Part VI of this Order.

Case 10

Where—

- (a) the dwelling-house is the sole or principal dwelling-house on any agricultural land used for agriculture; and
- (b) the court is satisfied that the landlord intends to sell the land.

For the purposes of this Case “agriculture” has the same meaning as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 .

PART II

CASES IN WHICH COURT MUST ORDER POSSESSION

Case 11

(1) [^{F13}Where a person (in this Case referred to as “the owner-occupier”) who let the dwelling-house on a protected tenancy had, at any time before the letting, occupied it as his residence], and

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- (a) not later than the commencement of that tenancy the landlord gave notice to the tenant that possession might be recovered under this Case; and
- (b) the dwelling-house has not since the commencement of that tenancy been let by the owner-occupier on a protected tenancy with respect to which the condition mentioned in sub-paragraph (a) was not satisfied; and
- [^{F14}(c) the court is of the opinion that the conditions set out in Part V of this Schedule one of those in sub-paragraphs (a) and (c) to (f) of paragraph (2) is satisfied.]

(2) If the court is of the opinion that, notwithstanding that the condition in paragraph (1)(a) or (b) is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of those sub-paragraphs.

[^{F13}(3) Where the dwelling-house has been let by the owner-occupier on a protected tenancy (in this paragraph referred to as “the earlier tenancy”) granted on or after 16th November 1984 but not later than the end of the period of two months beginning with the day of the coming into operation of the Rent (Amendment) (Northern Ireland) Order 1985 and either—

- (a) the earlier tenancy was granted for a term certain (whether or not followed by a further term or to continue thereafter from year to year or some other period) and was during that term a protected shorthold tenancy as defined in Article 92 of the Housing (Northern Ireland) Order 1983, or
- (b) the conditions mentioned in paragraphs (a) to (c) of Case 18 were satisfied in relation to the dwelling-house and the earlier tenancy,

then for the purposes of sub-paragraph (b) of paragraph (1) the condition in sub-paragraph (a) of that paragraph is to be treated as having been satisfied with respect to the earlier tenancy.]

F13 1985 NI 10
F14 1983 NI 15

F13 1985 NI 10
F14 1983 NI 15

[^{F15}Case 12

F15 1983 NI 15

Where the owner intends to occupy the dwelling-house as his residence at such time as he might retire from regular employment and has let it on a protected tenancy before he has so retired and—

- (a) not later than the commencement of the protected tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (b) the dwelling-house has not, since the commencement of the Housing (Northern Ireland) Order 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (a) was not satisfied; and
- (c) the court is of the opinion that of the conditions set out in Part V one of those in sub-paragraphs (b) to (e) of paragraph (2) is satisfied.

If the court is of the opinion that, notwithstanding that the conditions in paragraph (a) and (b) are not complied with, it is just and equitable to make an order for possession of the dwelling-house,

the court may dispense with the requirements of either or both of those paragraphs, as the case may require.]

Case 13

Where—

- (a) the dwelling-house is held for the purpose of being available for occupation by a minister or a full-time lay missionary of any religious denomination as a residence from which to perform the duties of his office; and
- (b) the court is satisfied that the dwelling-house is required for occupation by such a minister or missionary as such a residence.

Case 14

Where the dwelling-house was at any time occupied by a person under the terms of his employment as a person employed in agriculture and—

- (a) the tenant neither is nor at any time was so employed by the landlord and is not the widow of a person who was so employed, and
- (b) not later than 1st April 1979 or the date of the commencement of the protected tenancy in question (whichever is the later), the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture;

and for the purposes of this Case “employed”, “employment” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland Order) 1977 .

Case 15

Where proposals for amalgamation, approved for the purposes of a scheme under section 26 of the Agriculture Act 1967 , have been carried out and, at the time when the proposals were submitted, the dwelling-house was occupied by a person responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of the land comprised in the amalgamation and—

- (a) after the carrying out of the proposals, the dwelling-house was let on a protected tenancy otherwise than to, or to the widow of, either a person ceasing to be so responsible as part of the amalgamation or a person who is, or at any time was, employed by the landlord in agriculture, and
- (b) not later than the date of the commencement of the protected tenancy in question the tenant was given notice in writing that possession might be recovered under this Case, and
- (c) the court is satisfied that the dwelling-house is required for occupation by a person employed, or to be employed, by the landlord in agriculture, and
- (d) the proceedings for possession are commenced by the landlord at any time during the period of 5 years beginning with the date on which the proposals for the amalgamation were approved or, if occupation of the dwelling-house after the amalgamation continued in, or was first taken by, a person ceasing to be responsible as mentioned in paragraph (

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a) or his widow, during a period expiring 3 years after the date on which the dwelling-house next became unoccupied.

For the purposes of this Case “employed” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

Case 16

(1) Where—

- (a) the last occupier of the dwelling-house before the date of the commencement of the protected tenancy in question was a person, or the widow of a person, who was at some time during his occupation responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of land which formed, together with the dwelling-house, an agricultural unit, and
- (b) the tenant is neither—
 - (i) a person, or the widow of a person, who is or has at any time been responsible for the control of the farming of any part of that land, nor
 - (ii) a person, or the widow of a person, who is or at any time was employed by the landlord in agriculture, and
- (c) the creation of the tenancy was not preceded by the carrying out in connection with any of that land of an amalgamation approved for the purposes of a scheme under section 26 of the Agriculture Act 1967, and
- (d) not later than the date of the commencement of the protected tenancy in question the tenant was given notice in writing that possession might be recovered under this Case, and
- (e) the court is satisfied that the dwelling-house is required for occupation either by a person responsible or to be responsible (whether as owner, tenant, or servant or agent of another) for the control of the farming of any part of that land or by a person employed or to be employed by the landlord in agriculture, and
- (f) where the date of the commencement of the protected tenancy in question was before the commencement of this Order, the proceedings for possession are commenced by the landlord before the expiry of 5 years from the date on which the occupier referred to in paragraph (a) went out of occupation.

(2) For the purposes of this Case “employed” and “agriculture” have the same meanings as in the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 and “amalgamation” has the same meaning as in Part II of the Agriculture Act 1967.

(3) In this Case “agricultural unit” means land which is occupied as a unit for agricultural purposes, including any dwelling-house or other building occupied by the same person for the purpose of farming the land.

*F*¹⁶Case 17

F16 1983 NI 15

Where the dwelling-house was let under a protected shorthold tenancy (or is treated under Article 95 of the Housing (Northern Ireland) Order 1983 as having been so let) and—

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978. (See end of Document for details)

- (a) there either has been no grant of a further tenancy of the dwelling-house since the end of the protected shorthold tenancy or, if there was such a grant, it was to a person who immediately before the grant was in possession of the dwelling-house as a protected or statutory tenant; and
- (b) the proceedings for possession were commenced after appropriate notice by the landlord to the tenant and not later than three months after the expiry of the notice.

A notice is appropriate for this Case if—

- (i) it is in writing and states that proceedings for possession under this Case may be brought after its expiry; and
- (ii) it expires not earlier than three months after it is served and, if at the time of service the tenancy is a periodic tenancy, not earlier than the date by which that periodic tenancy could be brought to an end by a notice to quit served by the landlord on the same day;
- (iii) it is served—
 - (a) in the period of three months immediately preceding the date on which the protected shorthold tenancy comes to an end; or
 - (b) if that date has passed, in the period of three months immediately preceding any anniversary of that date; and
- (iv) in a case where a previous notice has been served by the landlord on the tenant in respect of the dwelling-house, and that notice was an appropriate notice, it is served not earlier than three months after the expiry of the previous notice.]

F¹⁷Case 18

F17 1983 NI 15

Where the dwelling-house was let by a person (in this Case referred to as “the owner”) at any time after the commencement of the Housing (Northern Ireland) Order 1983 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the commencement of that tenancy the owner was a member of the regular armed forces of the Crown;
- (c) not later than the commencement of that tenancy the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since the commencement of the said Order of 1983, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) was not satisfied; and
- (e) the court is of the opinion that—
 - (i) the dwelling-house is required as a resident for the owner; or
 - (ii) of the conditions set out in Part V of this Schedule one of those in paragraphs (c) to (f) is satisfied.

If the court is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

Status: Point in time view as at 01/01/2006.
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For the purposes of this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the Northern Ireland Assembly Disqualification Act 1975.]

PART III

PROVISION APPLICABLE TO CASE 8

A court shall not make an order for possession of a dwelling-house by reason only that the circumstances of the case fall within Case 8 in Part I if the court is satisfied that, having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order than by refusing to grant it.

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

1. For the purposes of Article 13(1)(a), a certificate of the Executive or of a registered housing association certifying that the Executive or the registered housing association, as the case may be, will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

2. Where no such certificate as is mentioned in paragraph 1 is produced to the court, accommodation shall be deemed to be suitable for the purposes of Article 13(1)(a) if it consists of either—

- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or^{F18} (other than one under which the landlord might recover possession of the dwelling-house under one of the Cases in Part II of this Schedule)]
- (b) premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by Part III of this Order in the case of a protected tenancy^{F18} of a kind mentioned in sub-paragraph (a)].

and, in the opinion of the court, the accommodation fulfils the relevant conditions as defined in paragraph 3.

F18 1983 NI 15

3.—(1) For the purposes of paragraph 2, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (a) similar as regards rental and extent to the accommodation afforded by dwelling-house provided in the neighbourhood by the Executive for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and his family; or
- (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.

(2) For the purposes of sub-paragraph (1)(a), a certificate of the Executive stating—

- (a) the extent of the accommodation afforded by dwelling-houses provided by the Executive to meet the needs of tenants with families of such number as may be specified in the certificate, and
- (b) the amount of the rent charged by the Executive for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

4. Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of the Public Health Acts or the Housing Acts.

5. Any document purporting to be a certificate of the Executive or of a registered housing association named therein issued for the purposes of this Schedule and to be signed by a member of the Executive or by an authorised employee of the Executive or by a member of the committee of the registered housing association, as the case may be, shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.

[^{F19}Part V

Provisions applying to Cases 11, 12 and 18

F19 1983 NI 15

1. In this Part of this Schedule—

“mortgage” includes a charge;

“owner” means, in relation to Case 11, the owner-occupier; and

“successor in title” means any person deriving title from the owner, other than a purchaser for value or a person deriving title from a purchaser for value.

2. The conditions referred to in paragraph (1)(c) of Case 11, in paragraph (c) of Case 12 and in paragraph (e)(ii) of Case 18 are that—

- (a) the dwelling-house is required as a residence for the owner or any member of his family who resided with the owner when he last occupied the dwelling-house as a residence;
- (b) the owner has retired from regular employment and requires the dwelling-house as a residence;
- (c) the owner has died and the dwelling-house is required as a residence for a member of his family who was residing with him at the time of his death;
- (d) the owner has died and the dwelling-house is required by a successor in title as his residence or for the purpose of disposing of it with vacant possession;
- (e) the dwelling-house is subject to a mortgage, made by deed and granted before the tenancy, and the mortgagee—
 - (i) is entitled to exercise a power of sale conferred on him by the mortgage or by section 19 of the Conveyancing Act 1881; and

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- (ii) requires the dwelling-house for the purpose of disposing of it with vacant possession in exercise of that power; and
- (f) the dwelling-house is not reasonably suitable to the needs of the owner, having regard to his place of work, and he requires it for the purpose of disposing of it with vacant possession and of using the proceeds of that disposal in acquiring, as his residence, a dwelling-house which is more suitable to those needs.]

SCHEDULE 5

Article 28(1).

RENT ASSESSMENT COMMITTEES

1. The Department shall draw up and revise a panel of persons to act as chairmen and other members of rent assessment committees.

2. The panel shall consist of a number of persons appointed by the Department,^{F20} . . .

F20 1983 NI 15

[^{F21}3. The Department shall nominate one person on the panel to act as rent officer and may nominate another person on the panel to act as deputy rent officer.]

F21 1983 NI 15

4. Subject to paragraphs 5 to 8, the number of rent assessment committees, the areas for which any such committees shall act and the constitution of those committees shall be determined by the rent officer or, in the case of the rent officer's absence or incapacity, by the deputy rent officer.

5. Subject to paragraph 6, each rent assessment committee shall consist of a chairman and one or two other members.

6. The rent officer may, if he thinks fit, direct that when dealing with a case in such circumstances as may be specified in the direction, the chairman sitting alone may, with the consent of the parties, exercise the functions of a rent assessment committee.

7. There shall be paid to members of the panel such remuneration and allowances as the Department, with the consent of the Department of the Civil Service, may determine.

8. The Department may make available to rent assessment committees such of its officers as it considers necessary.

SCHEDULE 6

Article 28(2).

APPLICATIONS FOR DETERMINATION OF APPROPRIATE RENTS

1.—(1) An application for the determination of an appropriate rent by a rent assessment committee shall be sent to the rent officer.

(2) The rent officer shall assign an application sent to him under sub-paragraph (1) to such rent assessment committee as he considers appropriate.

2.—(1) The rent assessment committee to which an application for the determination of an appropriate rent is assigned—

- (a) may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period of not less than twenty-one days from the service of the notice as may be specified in the notice, such information as it may reasonably require; and
- (b) shall serve on the landlord and on the tenant a notice specifying a period of not less than twenty-one days from the service of the notice during which either representations in writing or a request to make oral representations may be made by him to the committee.

(2) If any person fails without reasonable cause to comply with any notice served on him under sub-paragraph (1)(a), he shall be guilty of an offence and liable to^{F22} a fine not exceeding £500].

F22 1983 NI 15

3. Where, within the period specified in paragraph 2(1)(b), or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

4.—(1) The committee shall make such inquiry (if any) as it thinks fit and consider any information supplied or representation made to it in pursuance of paragraph 2 or 3 and—

- (a) if it appears to it that the rent sought to be registered is an appropriate rent, it shall confirm that rent;
- (b) if it does not appear to it that the rent is an appropriate rent, it shall determine an appropriate rent for the dwelling-house.

(2) Before confirming or determining a rent under this paragraph, the committee shall afford to the rent officer an opportunity to make oral or written representations.

(3) Where the committee confirms or determines a rent under this paragraph it shall notify the landlord, the tenant and^{F23} the Executive] accordingly.

(4) On receiving the notification,^{F23} the Executive] shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

F23 2003 NI 2

Status: Point in time view as at 01/01/2006.
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SCHEDULE 7

Article 29.

CALCULATION OF AMOUNT OF RATES

1. For the purposes of this Order, the amount of rates for any rental period shall be taken, subject to the following provisions of this Schedule, to be an amount which bears to the total rates payable during the relevant rating period the same proportion as the length of the rental period bears to the length of the relevant rating period.

2. In this Schedule “the relevant rating period”, in relation to a rental period, means the rating period during which the rent for that rental period is payable.

3. The amount of the rates for any rental period which precedes the making by the Department^{F24} . . . of its first demand for, or for an instalment of, the rates for the relevant rating period shall be calculated on the basis that the rates for that rating period will be the same as for the last preceding rating period.

F24 1983 NI 15

4.—(1) On the making by the Department^{F25} . . . of its first such demand, and on the making by [the Department] of any subsequent such demand, the amount of the rates for any rental period shall if necessary be recalculated on the basis that the rates for the relevant rating period will be such as appears from the information given in the demand and any previous demands.

(2) Any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than thirteen weeks before the date of the service of the demand giving rise to the recalculation.

F25 1983 NI 15

5. If as a result of the alteration of the net annual value of a dwelling-house the rates payable for the relevant rating period are varied, the amount of the rates for a rental period shall be recalculated so as to give effect to the variation; but any such recalculation shall not affect the ascertainment of the rates for any rental period beginning more than thirteen weeks before the date of the service of the demand giving rise to the recalculation.

6. In computing the rates for any rental period for the purposes of this Schedule, any discount, and any allowance made under any of the statutory provisions relating to allowances given where rates are paid by the owner instead of by the occupier, shall be left out of account, and accordingly those rates shall be computed as if no such discount or allowance had fallen to be, or had been, allowed or made.

SCHEDULE 9

Article 77(2).

SAVINGS

1. The repeal by this Order of the Rent Restriction Acts shall not affect the continued operation of those Acts in relation to any mortgage to which those Acts applied which was created before the commencement of this Order.

2. The repeal by this Order of section 3 of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1932 or section 19 of the Act of 1940 shall not affect the continued operation of that section in relation to—

- (a) an agreement, made before the commencement of this Order, for the sale of a dwelling-house;
- (b) an agreement, made before the commencement of this Order, giving an option to purchase a dwelling-house;
- (c) an agreement, made before the commencement of this Order, to pay periodical instalments for the purpose of the purchase of a dwelling-house.

3. Where—

- (a) before the commencement of this Order, either—
 - (i) a landlord has obtained an order for possession of a dwelling-house on the ground specified in section 5(1)(e) of the Act of 1920 or section 8(1)(e) of the Act of 1940; or
 - (ii) a tenant has given up possession of a dwelling-house upon a representation by the landlord or his agent that the house was required by the landlord for any of the purposes set out in the said section 5(1)(e) or 8(1)(e);
- (b) after the commencement of this Order, it is made to appear to the court that that order was obtained, or the tenant gave up possession, owing to misrepresentation or concealment of material facts,

the repeal by this Order of section 5(6) and (7) of the Act of 1920 shall not prevent the court from exercising any power to order the payment of compensation by the landlord to the former tenant which it could have exercised if this Order had not been made.

4. In this Schedule—

“the Act of 1920” means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ;

“the Act of 1940” means the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland) 1940 .

Schedule 10—Repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Rent (Northern Ireland) Order 1978.