
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART IV

CERTIFICATES OF FITNESS AND RENT CONTROL

CHAPTER II

CERTIFICATES OF FITNESS

Appeal to county court

37.—(1) A landlord on whom a notice of refusal is served may, within 21 days after the date of service of the notice, appeal to the county court.

(2) A tenant on whom a copy of a certificate of fitness is served may, within 21 days after the date of service of the copy of the certificate, appeal to the county court.

(3) On an appeal under this Article, the court—

(a) shall have regard to the state of the dwelling-house at the time of the hearing as well as at the time of the issue of the certificate of fitness or of the notice of refusal, as the case may be;

(b) shall make no order as to costs unless it appears to the court, having regard to the conduct of the parties and all other circumstances, that it would be equitable to do so.

(4) If on an appeal under paragraph (1), the court orders the appropriate district council to issue a certificate of fitness—

(a) that certificate shall be deemed to have been issued on the date of the order, and

(b) the notice of refusal shall cease to have effect.

(5) If, on an appeal under paragraph (2), the court orders the appropriate district council to issue a notice of refusal—

(a) that notice shall be deemed to have taken effect on the date on which the certificate of fitness was issued, and

(b) the certificate of fitness shall be deemed never to have been issued.

(6) Where an appeal by way of case stated is made to the Court of Appeal under Article 61 of the [County Courts \(Northern Ireland\) Order 1980 \(NI 3\)](#) on any point of law arising from a decision of a county court on an appeal under paragraph (1), paragraph (4) shall apply as if in sub-paragraph (a), for the reference to the date of the order, there were substituted a reference to the date of confirmation of the order by the Court of Appeal.