

SCHEDULES

SCHEDULE 1

Article 41.

THE RENT OFFICER AND RENT ASSESSMENT COMMITTEES

The rent officer

1.—(1) The Department shall appoint a person to act as rent officer for Northern Ireland.

(2) The Department may appoint such other persons as it considers appropriate to act as deputy rent officers for Northern Ireland.

(3) An appointment under paragraph (1) or (2) shall be made on such terms as the Department may determine.

2. In addition to the functions conferred on the rent officer under this Order, the rent officer shall exercise such other functions as the Department may, with the agreement of the rent officer, determine.

Rent assessment committees

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

4.—(1) Subject to sub-paragraphs (2) and (3), the number of rent assessment committees, the areas for which those committees shall act and the constitution of those committees shall be determined by the Department.

(2) Subject to sub-paragraph (3), each rent assessment committee shall consist of a chairman and one or two other members.

(3) The Department may 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.

Remuneration and support services

5. There shall be paid to the rent officer and to members of the panel such remuneration and allowances as the Department, with the consent of the Department of Finance and Personnel, may determine.

6. The Department may make available to the rent officer and to rent assessment committees such of its officers as it considers necessary.

SCHEDULE 2

Article 44 and 72(3)

CONSIDERATION OF DETERMINATIONS BY RENT ASSESSMENT COMMITTEES

1.—(1) For the purposes of considering whether a rent determined under Article 42 is an appropriate rent in relation to a tenancy of a dwelling-house, a rent assessment committee—

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- (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 14 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 14 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 under this Order.
2. Where, within the period specified in paragraph 1(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.
- 3.—(1) The rent officer shall submit to the rent assessment committee—
- (a) a statement of rent determined under Article 42 in relation to the tenancy of the dwelling-house, and
 - (b) such other information relating to the tenancy and the dwelling-house as may be prescribed.
- (2) The committee shall afford to the rent officer an opportunity to make oral or written representations.
4. 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 1, 2 or 3.

SCHEDULE 3

Article 53.

CALCULATION OF AMOUNT OF RATES

1. For the purposes of Article 53, 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 of Finance and Personnel 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.
- 4.—(1) On the making by the Department of Finance and Personnel of its first such demand, and on the making by that 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 13 weeks before the date of the service of the demand giving rise to the recalculation.

5.—(1) If as a result of the alteration of the [^{F1}capital 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 13 weeks before the date of the service of the demand giving rise to the recalculation.

(2) In this paragraph “[^{F2}capital value]” means the [^{F2}capital value] under the Rates (Northern Ireland) Order 1977 (NI 28).

Textual Amendments

- F1** Words in Sch. 3 para. 5(1) substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 9(a)**
- F2** Words in Sch. 3 para. 5(2) substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 9(b)**

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 4

Article 74.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Land Registration Act (Northern Ireland) 1970 (c. 18)

1. In Schedule 11 (matters requiring to be registered in the Statutory Charges Register), after paragraph 46 insert—

“47. Any charge created under Article 25(6) of the Private Tenancies (Northern Ireland) Order 2006.”.

The Rent Order

2. For the heading of Part II substitute— “PROTECTED AND STATUTORY TENANCIES”.

3. In Article 4(2) (statutory tenants and tenancies), omit the words “at any time”.

4. In Article 49 (prohibition of premiums and loans)—

(a) in the heading, for “grant” substitute “renewal”, and

(b) in paragraphs (1) and (2), omit “grant.”.

5. In Article 73A(1) (method of serving certain documents), for the words from “any” to “Schedule 6” substitute “Article 73(2)”.

6. In Article 75(1) (application of Order to Crown property), omit “Subject to Article 5(7),”.

7.—(1) Part I of Schedule 4 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies) shall be amended as follows.

(2) In Case 1, in the second sentence, for “Article 42” substitute “Article 8 of the Private Tenancies (Northern Ireland) Order 2006”.

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(3) In Case 9, for the words from “Part IV” to the end substitute “ Chapter III of Part IV of the Private Tenancies (Northern Ireland) Order 2006 ”.

The Housing (Northern Ireland) Order 1981 (NI 3)

8. In Article 41(3) (repair notices), after “Executive” insert “ shall serve a copy on the rent officer (within the meaning of Article 2 of the Private Tenancies (Northern Ireland) Order 2006) and ”.

The Housing (Northern Ireland) Order 1983 (NI 15)

9. In Article 92(1) (protected shorthold tenancies), after “this Order” insert “ and before the coming into operation of Article 57 of the Private Tenancies (Northern Ireland) Order 2006 ”.

10. In Article 94 (subletting or assignment)–

- (a) in paragraph (1), omit the words from “and Article 19” to the end; and
- (b) in paragraph (3), for sub-paragraphs (a) and (b), and the word “either” which precedes sub-paragraph (a), substitute “ no person is in possession of the dwelling-house as a protected or statutory tenant. ”.

11. In Part II of Schedule 9 (other amendments of the 1978 Order), in paragraph 6, for the words from the beginning to “Schedule 6” substitute “ In Articles 16(1) and 73(3) ”.

The Ombudsman (Northern Ireland) Order 1996 (NI 8)

12. In Schedule 3 (tribunals referred to in Article 9(4) of that Order), for the entry relating to rent assessment committees substitute– “ Rent assessment committees constituted under Schedule 1 to the Private Tenancies (Northern Ireland) Order 2006. ”.

The Housing (Northern Ireland) Order 2003 (NI 2)

13. In Article 28(1) (interpretation), in the definition of “rack rent”, for the words from “has been” to the end substitute “ is recoverable by virtue of the Private Tenancies (Northern Ireland) Order 2006 ”.

14. In Article 60 (restriction on grants for works already begun), in paragraph (5)(a), after “(repair notices)” insert “ or a notice of unfitness under Article 18 of the Private Tenancies (Northern Ireland) Order 2006 ”.

SCHEDULE 5

Article 75.

REPEALS

<i>Short Title</i>	<i>Extent of repeal</i>
The Rent (Northern Ireland) Order 1978 (NI 20).	In Article 2(2), the definitions of “regulated rent certificate”, “regulated tenancy”, “restricted rent certificate” and “restricted tenancy”. In Article 4(2), the words “at any time. Articles 5, 7 to 11, 17 and 18. Parts IV to VII. In Article 49(1) and (2), the word “grant,”. Articles 50, 62, 63, 68, 69(1)(b) to (d) and 72. In Article 75(1), the words “Subject to Article 5(7),”.

	In Schedule 1, paragraphs 5 to 7 and 9 to 11. Schedules 5 to 7.
The Housing (Northern Ireland) Order 1981 (NI 3).	In Part II of Schedule 11, the amendment of the Rent (Northern Ireland) Order 1978.
The Housing (Northern Ireland) Order 1983 (NI 15).	In Article 94(1), the words from “and Article 19” to the end. Articles 96(2) to (4), 98, 99 and 101. In Part II of Schedule 9, paragraphs 2 to 5, 7, 9 and 10.
The Housing (Northern Ireland) Order 1986 (NI 13).	Article 42(3), (4)(c) and (d), and (5).
The Housing (Northern Ireland) Order 1992 (NI 15).	In Article 74(2), the words from “to whom” to “may be”. Articles 98 to 100. In Schedule 7, paragraphs 1(2) and (3), and 2.
The Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9).	In Schedule 2, paragraph 19.
The Family Homes and Domestic Violence (Northern Ireland) Order 1998 (NI 6).	In Schedule 2, in paragraph 8(3), the words “or, as the case may be, paragraphs 6 to 9”.
The Defective Premises (Landlord's Liability) Act (Northern Ireland) 2001 (c. 10).	In section 3(1), paragraphs (a) and (b).
The Housing (Northern Ireland) Order 2003 (NI 2).	Articles 121(1), 122 and 142(3)(a). In Schedule 1, paragraphs 1 to 8. In Schedule 4, paragraph 2.
The Civil Partnership Act 2004 (c. 33).	In Schedule 18, paragraph 2(3).

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