

SCHEDULE

Regulation 2(2)

Tenancies which cannot be assured tenancies

Part I

The Tenancies

Tenancies entered into before commencement

1. A tenancy which is entered into before, or pursuant to a contract made before, these regulations come into operation.

Tenancies of dwelling-houses with high net annual values

2. A tenancy under which the dwelling-house has for the time being a net annual value which exceeds £750.

Tenancies at a low rent

3.—(1) A tenancy under which either no rent is payable or the rent payable calculated on an annual basis is less than two-thirds of the rateable value of the dwelling-house for the time being.

(2) In determining whether the rent under a tenancy falls within sub-paragraph (1), there shall be disregarded such part (if any) of the sums payable by the tenant as is expressed (in whatever terms) to be payable in respect of rates, services, management, repairs, maintenance or insurance, unless it could not have been regarded by the parties to the tenancy as a part so payable.

Business tenancies

4. A tenancy to which Part I of the Business Tenancies Act (Northern Ireland) 1964(1) applies.

Licensed premises

5. A tenancy under which the dwelling-house consists of or comprises premises licensed for the sale of intoxicating liquor for consumption on the premises.

Tenancies of agricultural land

6.—(1) A tenancy under which agricultural land, exceeding two acres, is let together with the dwelling-house.

(2) In paragraphs (1) and 7(2) and (3) “agricultural land” has the meaning set out in paragraph 1(a) of Schedule 1 to the Rates (Northern Ireland) Order 1977(2).

Tenancies of agricultural holdings

7.—(1) A tenancy under which the dwelling-house:—

(a) is comprised in an agricultural holding; and

(b) is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

(1) 1964 c. 36 (N.I.)

(2) S.I.1977/2157 (N.I. 28)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In sub-paragraph (1):—

“agricultural holding” means the aggregate of the land (whether agricultural land or not) comprised in an agricultural tenancy not being a tenancy under which the land is let to the tenant during his continuance in any office, appointment or employment held under the landlord;

(3) In sub-paragraph (2):—

“agricultural tenancy” means a tenancy of land under which having regard to:—

- (a) its terms;
- (b) the actual or contemplated use of the land and the time of the commencement of the tenancy and subsequently; and
- (c) any other relevant circumstances

the whole of the land comprised in the tenancy subject to such exceptions only as do not substantially affect the character of the tenancy, is let for use as agricultural land and is so used for the purpose of a trade or business.

Holiday lettings

8. A tenancy the purpose of which is to confer on the tenant the right to occupy the dwelling-house for a holiday.

Part II

Net Annual Values

9.—(1) The net annual value of a dwelling-house at any time shall be ascertained for the purposes of paragraph 2 as follows:—

- (a) if the dwelling-house is a hereditament for which a net annual value is then shown in the valuation list, it shall be that net annual value;
- (b) if the dwelling-house forms part only of such a hereditament or consists of or forms part of more than one such hereditament, its net annual value shall be taken to be such value as is found by a proper apportionment or aggregation of any value or values so shown.

(2) Any question arising under this paragraph as to the proper apportionment or aggregation of any value or values shall be determined by the Commissioner of Valuation for Northern Ireland.

10. Where, after the time at which the net annual value of a dwelling-house is material for the purposes of any provision of paragraph 2, the valuation list is altered so as to vary the net annual value of the hereditament of which the dwelling-house consists (in whole or in part) or forms part and the alteration has effect from that time or from an earlier time, the net annual value of the dwelling-house at the material time shall be ascertained as if the value shown in the valuation list at the material time had been the value shown in the list as altered.