



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Business tenancies: protection from forfeiture etc

83 Business tenancies in Northern Ireland: protection from forfeiture etc

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) and (5) apply in relation to any proceedings commenced in any court before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) During the relevant period, the court may not make an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period when the order is made.
- (5) Where a court has, before or during the relevant period, made an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period the order is to be treated as if it specified that the land is to be delivered up immediately after the end of the relevant period.
- (6) For the purposes of determining whether the ground mentioned in Article 12(1)(b) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (persistent delay in paying rent which has become due) is established in relation to a

Status: Point in time view as at 21/12/2020. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Section 83. (See end of Document for details)

relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(7) In this section—

“court” means the county court or the High Court;

“relevant business tenancy” means—

(a) a tenancy to which the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) applies, or

(b) a tenancy to which that Order would apply if any relevant occupier were the tenant;

“relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

“relevant period” means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified in regulations made by the Department of Finance in Northern Ireland (and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

(8) The power to make regulations under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(9) Regulations under subsection (7) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

Modifications etc. (not altering text)

- C1** S. 83(7): 31.3.2021 specified (21.12.2020) for the purposes of para. (b) in the definition of "relevant period" by [The Business Tenancies \(Coronavirus\) \(Restriction on Forfeiture: Relevant Period\) \(Northern Ireland\) \(No. 3\) Regulations 2020 \(S.R. 2020/332\)](#), regs. 1(1), 2

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