

These notes refer to the Defective Premises (Landlord's Liability) (Northern Ireland) 2001 (c.10) which received Royal Assent on 2 July 2001

Defective Premises (Landlord's Liability) (Northern Ireland) 2001

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

Background to the proposals

3. The Defective Premises (Landlord's Liability) Act (Northern Ireland) 2001 represents a development of the existing law and implements the recommendations of the Law Reform Advisory Committee's report on the subject (Report no.7, 1998). In its report the Committee concluded that landlords enjoy a degree of immunity stemming from the House of Lords decision in *Cavalier -v- Pope* [1906] AC 428. It felt that whilst this "immunity" was limited by section 4(1) of the Occupiers' Liability Act (Northern Ireland) 1957, the law in Northern Ireland had not developed in the same manner as in England and Wales where the landlord's liability was extended to include those who might reasonably be expected to be affected by defects in the premises (section 4 of the Defective Premises Act 1972).
4. Although the Defective Premises Act 1972 was mirrored in Northern Ireland by the Defective Premises (Northern Ireland) Order 1975, the provision regarding a landlord's liability for failure to repair defective premises was omitted. The premier reason given at the time for this omission was due to the high number of bomb damaged

and derelict properties in Northern Ireland, the imposition of this further liability would be too onerous a burden for many landlords.
5. The Law Reform Advisory Committee's consultations revealed that there had been a major improvement in the quality of housing stock in Northern Ireland and substantial redevelopment in poorer areas, principally undertaken by the Northern Ireland Housing Executive. This coupled with the greatly reduced threat of terrorist bombings and the continued availability of grants to improve housing led the Committee to recommend that legislation should be introduced along similar lines to that currently existing in England and Wales.