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## STATUTORY INSTRUMENTS

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# 1996 No. 725

## The Business Tenancies (Northern Ireland) Order 1996

### *Application of the Order*

#### **Tenancies to which this Order applies**

3.—(1) Subject to the provisions of this Order, this Order applies to any tenancy where the property comprised in the tenancy is or includes premises which are occupied by the tenant and are so occupied for the purposes of a business carried on by the tenant, or for those and other purposes.

(2) Occupation or the carrying on of a business—

(a) by a company in which the tenant has a controlling interest; or

(b) where the tenant is a company, by a person with a controlling interest in the company,

shall be treated for the purposes of this Article as equivalent to occupation or, as the case may be, the carrying on of a business by the tenant; and in relation to a tenancy to which this Order applies by virtue of this paragraph references (however expressed) in this Order to the business of or to use, occupation or enjoyment by the tenant shall be construed as including references to the business of or to use, occupation or enjoyment by a company falling within sub-paragraph (a) or a person falling within sub-paragraph (b).

(3) For the purposes of this Order, premises shall not be deemed to be occupied for the purposes of a business by reason that the occupier thereof carries on the business of subletting the premises or parts of the premises, whether or not the provision of any services is undertaken in connection with such subletting.

#### **Tenancies to which this Order does not apply**

4.—(1) This Order does not apply to—

(a) a tenancy where the property comprised therein is let on a protected tenancy or subject to a statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978; but where, except for the preceding provision, this Order would apply to a tenancy and that tenancy ceases at any time to be a protected or, as the case may be, a statutory tenancy, then as from that time the provisions of this Order shall apply to that tenancy as if it were a tenancy continued by Article 5 after the expiry of a term certain exceeding 9 months;

*Sub#para. (b) rep. by 1997 NI 8*

(c) a tenancy granted for a term certain not exceeding 9 months, except where the tenant has been in occupation for a period which, together with any period during which any predecessor in the carrying on of the business carried on by the tenant was in occupation, exceeds 18 months;

(d) a tenancy of agricultural land, including farm houses and farm buildings;

(e) a tenancy created by a mining lease;

(f) a tenancy granted for or made dependent on the continuance of the tenant in any office, employment or appointment;

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**Changes to legislation:** *The Business Tenancies (Northern Ireland) Order 1996, Cross Heading: Application of the Order is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (g) a tenancy granted by the personal representatives of a deceased owner of land in pursuance of the power conferred by section 40(1)(a) of the Administration of Estates Act (Northern Ireland) 1955;
  - (h) a tenancy where the tenant thereunder has been convicted after 1st January 1965 of using the premises comprised in the tenancy, or permitting such premises to be used, for an illegal purpose;
  - (i) a tenancy granted by any person in breach of any prohibition against granting such a tenancy contained in his contract of tenancy or any other agreement;
  - (j) a tenancy where the tenant thereunder is—
    - (i) a lessee to whom section 1 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 applies; or
    - (ii) a lessee to whom an extended lease has been granted under the said Act of 1971;
  - (k) a tenancy granted by a landlord who is the holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992 on the date of the commencement of the tenancy, or who becomes the holder of such a licence after that date, to a tenant who is the holder of such a licence on that date, or who becomes the holder of such a licence after that date.
  - [<sup>F1</sup>(l) a tenancy the primary purpose of which is to grant code rights within the meaning of Schedule 3A to the Communications Act 2003 (the electronic communications code), where the tenancy is granted after that Schedule comes into force.]
- (2) In this Article—
- “agricultural land” has the meaning assigned to it by section 43(1) of the Agriculture Act (Northern Ireland) 1949;
- “mining lease” includes any lease in connection with the opening or working of a mine or quarry or the treatment, preparation for sale, storage, removal or disposal of the produce or refuse of a mine or quarry.

<p><b>F1</b> Art. 4(1)(l) inserted (28.12.2017) by <a href="#">Digital Economy Act 2017 (c. 30)</a>, s. 118(6), <a href="#">Sch. 3 para. 40</a>; S.I. 2017/1286, reg. 2(d)</p>
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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 18(6) inserted by [2022 c. 46 s. 62\(2\)](#)
- art. 18A inserted by [2022 c. 46 s. 62\(3\)](#)
- art. 18B18C inserted by [2022 c. 46 s. 64\(2\)](#)