
STATUTORY INSTRUMENTS

2006 No. 1459

The Private Tenancies (Northern Ireland) Order 2006

PART VI

MISCELLANEOUS

Directions and guidance

Provision of directions and guidance to district councils

62.—(1) The Department may—

- (a) give directions of a general or specific nature, or
- (b) issue guidance,

to district councils as to the manner in which they are to discharge their functions under this Order and the Rent Order.

(2) Without prejudice to the generality of paragraph (1), the Department may direct any district council to give to the Department, within such period as the Department may specify, such information with respect to the exercise by the council of its functions under this Order and the Rent Order as the Department may require.

(3) A district council shall act in accordance with any directions given under this Article and shall have regard to any guidance so issued.

(4) Any directions or guidance given or issued under this Article may be varied by subsequent directions or guidance.

Information

Publication of information to assist landlords and tenants

63.—(1) The Department and the Executive may publish—

- (a) information as to—
 - (i) the rights and duties of landlords and tenants under this Order and the Rent Order, and
 - (ii) the procedure for enforcing those rights or securing the performance of those duties;
- (b) such other information for the assistance of landlords and tenants as may appear to the Department and the Executive to be appropriate.

(2) In exercising the function conferred by paragraph (1), the Department and the Executive may act either jointly or individually.

Collection of information about tenancies

64.—(1) The Department and the Executive may collect such information as they consider desirable with respect to the terms of the tenancies of such dwelling-houses as they may determine.

(2) In exercising the function conferred by paragraph (1), the Department and the Executive may act either jointly or individually.

Information as to ownership of dwelling-houses

65.—(1) The appropriate district council may, for the purpose of enabling it to serve any notice (including any copy of any notice) which it is by this Order authorised or required to serve, require—

(a) the occupier of any dwelling-house appearing to the council to be let under a private tenancy, and

(b) any person appearing to the council to be the owner of such a dwelling-house,

to state in writing the nature of his own estate therein and the name and address of any other person known to him as having an estate therein.

(2) In paragraph (1)(b), “the owner” has the meaning given in Article 15.

(3) Any person who, having been required by the appropriate district council in pursuance of this Article to give to it any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence under this Order.

Notices, etc.

Service of notices on landlord’s agents

66.—(1) Any document required or authorised by this Order to be served on a landlord of a dwelling-house shall be deemed to be duly served on him if it is served—

(a) on any agent of the landlord named as such in the rent book; or

(b) on the person who receives the rent of the dwelling-house.

(2) If—

(a) the tenant under a private tenancy of a dwelling-house, or

(b) a district council for the purposes of enabling it to perform any of its functions under this Order,

serves upon any such agent or other person as is referred to in paragraph (1) a notice in writing requiring the agent or other person to disclose to him the full name and place of abode or place of business of the landlord, that agent or other person shall forthwith comply with the notice.

(3) If any such agent or other person as is referred to in paragraph (1) fails or refuses forthwith to comply with a notice served on him under that paragraph, he shall be guilty of an offence under this Order, unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, such of the facts required by the notice to be disclosed as were not disclosed by him.

Method of serving certain documents

67.—(1) Any document to be served under any of the following provisions of this Order—

(a) a certificate of fitness or notice of refusal under Article 36, or

(b) a notice under Article 46(5), 47(3) or 66(2), or paragraph 1(1) of Schedule 2,

may be served by being sent by ordinary post.

(2) In section 24(1) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (service of documents), as it applies to the service by post of such a document, the word “registering” shall be omitted.

Offences

Prosecution of offences

68.—(1) A person who is guilty of an offence under Article 4(5), 5(4), 24(1), 33(5) or 50(2) or (3) or paragraph 1(2) of Schedule 2 shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who is guilty of an offence under Article 28, 65(3) or 66(3) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Proceedings for any offence under this Order may be instituted by the appropriate district council.

General

Defective premises

69.—(1) The Defective Premises (Landlord’s Liability) Act (Northern Ireland) 2001 (c. 10) shall apply, as from the commencement of this Order, to any tenancy which, before that commencement, was a regulated tenancy or a restricted tenancy within the meaning of the Rent Order.

(2) In section 3(1) of that Act (tenancies to which the Act applies), paragraphs (a) and (b) shall be omitted.

(3) In its application to a tenancy mentioned in paragraph (1), section 4 of that Act (interpretation) shall have effect as if for subsection (7) there were substituted—

“(7) In subsection (6)(a) “material time” means the time when Article 69 of the Private Tenancies (Northern Ireland) Order 2006 came into operation.”.

Prohibition of agreements excluding Order

70. Except as provided by Article 6, this Order shall have effect notwithstanding any agreement to the contrary.

Application to Crown property

71.—(1) Subject to Article 3(2), this Order shall apply in relation to premises in which there subsists, or at any material time subsisted, a Crown estate as it applies in relation to premises in which no such estate subsists or ever subsisted.

(2) In this Article “Crown estate” means an estate—

- (a) which belongs to the Crown in right of Her Majesty’s Government in the United Kingdom or in Northern Ireland; or
- (b) which is held in trust for Her Majesty for the purposes of a government department.

Supplemental

Regulations

72.—(1) The Department may make regulations—

- (a) prescribing forms for notices, certificates and other documents required or authorised under this Order;
- (b) requiring such notices, certificates and documents to contain such information as may be specified in the regulations;
- (c) prescribing anything which is required by this Order to be prescribed;
- (d) generally for carrying into effect this Order.

(2) Subject to paragraph (3), regulations under this Order shall be subject to negative resolution.

(3) Regulations made under Article 44(3), which contain provisions to modify Schedule 2, shall be subject to affirmative resolution.

Further provision

73.—(1) The Department may by order make such supplementary, incidental or consequential provision as it thinks appropriate—

- (a) for the general purposes, or any particular purpose, of this Order;
- (b) in consequence of any provision made by or under this Order, or for giving full effect to it.

(2) The Department may by order make such transitional or transitory provisions and savings as it considers appropriate in connection with—

- (a) the coming into operation of any provision of this Order; or
- (b) any provision made by an order under paragraph (1).

(3) An order under this Article may modify any statutory provision.

(4) An order under this Article shall be subject to negative resolution.

(5) The powers conferred by this Article are not restricted by any other provision of this Order.

Minor and consequential amendments

74. The statutory provisions mentioned in Schedule 4 shall have effect with the minor and consequential amendments specified there.

Repeals

75. Subject to any savings or transitional provisions made by or under this Order, the statutory provisions mentioned in Schedule 5 are repealed to the extent specified there.