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STATUTORY RULES OF NORTHERN IRELAND

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**1981 No. 225**

**County Court Rules (Northern Ireland) 1981**

**ORDER 49**

**Rent**

**PART I**

**GENERAL**

**Interpretation**

1. In this Order “the Order” means the Rent (Northern Ireland) Order 1978(1).

**PART II**

**APPEALS UNDER ARTICLE 11 OF THE ORDER**

**Appeals to the county court against restricted rent certificates, regulated rent certificates and against refusal of application for regulated rent certificate**

2.—(1) An appeal under article 11 of the Order shall be by notice in such one of Forms 212 to 215 as may be appropriate and an order made by the court on such appeal may be in one of Forms 216 to 223.

(2) The District Council shall be the respondent to the appeal and the appellant shall serve the notice on the respondent in accordance with rule 10 and shall lodge the notice with the chief clerk together with a copy of the restricted rent certificate or regulated rent certificate served on the appellant by the respondent or, where the appeal is against the refusal of an application under article 9 of the Order, of the notice of refusal of the application.

(3) The appellant shall, in addition to complying with paragraph (2), serve in accordance with rule 9 a copy of the notice of appeal upon the landlord or, as the case may be, the tenant who shall thereupon become a party to the appeal and may appear and be heard.

**PART III**

**APPLICATIONS UNDER ARTICLE 20 OF THE ORDER**

**Applications by tenant for compensation under Article 20 of the Order**

3.—(1) An application by a tenant for compensation under article 20 of the Order shall be by notice in Form 224.

(2) The landlord shall be the respondent to the application and the applicant shall serve the notice on the respondent in accordance with rule 9 and shall lodge a copy with the chief clerk.

(3) An order awarding compensation under article 20 of the Order may be in Form 225.

## PART IV

### APPEALS UNDER ARTICLE 47 OF THE ORDER

#### **Appeals by landlord or tenant under article 47 against issue by district council of certificate of disrepair, etc.**

4.—(1) An appeal under article 47 of the Order shall be by notice in such one of Forms 226 to 229 as may be appropriate and an order made by the court may be in one of Forms 230 to 233.

(2) The District Council shall be respondent to the appeal and the appellant shall serve the notice on the respondent in accordance with rule 9 and shall lodge a copy of the notice of appeal with the chief clerk together with the certificate of disrepair issued under article 46 of the Order by the District Council or, where the District Council has issued a notice stating that it does not intend to issue such a certificate, a copy of that notice.

(3) The appellant shall, in addition to complying with paragraph (2), serve in accordance with rule 9 a copy of the notice of appeal upon the landlord or, as the case may be, the tenant who shall thereupon become a party to that appeal and may appear and be heard.

## PART V

### APPLICATIONS UNDER ARTICLE 69 OF THE ORDER

#### **Applications under article 69 of the Order for determination of certain questions in relation to tenancy**

5.—(1) An application under article 69 of the Order made for the purpose of determining any question—

- (a) as to whether a tenancy is a protected tenancy or whether any person is a statutory tenant of a dwelling-house; or
- (b) as to the rent recoverable under a regulated or restricted tenancy; or
- (c) as to whether a tenancy is a restricted or regulated tenancy;

shall be by notice in such one of Forms 234 to 237 as may be appropriate and a determination made by the Court on any such application may be in one of Forms 238 to 241.

(2) The landlord or, as the case may be, the tenant shall be the respondent to the application and the applicant shall serve the notice on the respondent in accordance with rule 9 and shall lodge a copy of the notice with the chief clerk together with a copy of any tenancy agreement referred to in the notice.

(3) The particulars of the tenancy in the notice shall state whether a protected tenancy purports to have been determined and the date of such termination and where it is alleged by the applicant that a statutory tenancy has arisen by succession or otherwise shall state the manner in which the tenancy has arisen.

(4) The particulars of any protected tenancy shall state the valuation of the dwelling-house at the grant of the tenancy, the permitted rent under the Rent Restriction Acts and how it is calculated by reference to the standard rent and any permitted increase under those Acts and whether the rates are payable by the landlord or tenant.

(5) Where the application is for the determination of any such question as is referred to in paragraph (b) of article 69(1) of the Order, the particulars in the notice shall in addition to those required under paragraph (4) include—

- (a) whether or not a regulated rent certificate or restricted rent certificate has been issued by a District Council with respect to the dwelling-house;

- (b) the net annual value of the dwelling-house as ascertained for the purposes of the Order under article 71 thereof;
- (c) details of any determination by a rent assessment committee under article 27 of the Order.

## PART VI

### APPLICATIONS UNDER SCHEDULE 1 OR 2 TO THE ORDER

#### **Applications for decision under paragraph 4 or 9 of Schedule 1 to the Order**

6.—(1) An application under paragraph 4 of Schedule 1 to the Order shall be by notice in Form 242 and an order made on such decision as is referred to in that paragraph shall be in Form 243.

(2) Such person or persons who are members of the original tenant's family referred to in paragraph 4 of Schedule 1 to the Order and who is not an applicant or who are not applicants for a decision of the court under that paragraph shall be the respondent or respondents to such an application.

(3) An application under paragraph 9 of Schedule 1 to the Order shall be by notice in Form 244 and an order made on such decision as is referred to in that paragraph shall be in Form 245.

(4) Such person or persons who are members of the first successor's family referred to in paragraph 9 of Schedule 1 to the Order and who is not an applicant for a decision of the court under that paragraph shall be the respondent or respondents to such an application.

(5) The applicant shall serve notice of the application on the respondent or respondents in accordance with rule 9 and shall lodge a copy of the notice with the chief clerk.

#### **Applications for an order under paragraph 2(1) of Schedule 2 to the Order**

7.—(1) An application under paragraph 2(1) of Schedule 2 to the Order shall be on notice in Form 246 and an order under paragraph 2(2) of this Schedule made on such application may be in Form 247.

(2) An order made under paragraph 2(3) of Schedule 2 to the Order may be in Form 248.

(3) The spouse entitled to occupy the dwelling-house by virtue of the protected or statutory tenancy shall be the respondent to the application and the applicant shall serve the notice on the respondent and on the landlord of the house subject to the tenancy in accordance with rule 9 and shall lodge a copy with the chief clerk.

(4) Before hearing such an application as is referred to in paragraph (1) of this rule the Court shall ascertain that notice has been served on the landlord under paragraph (3) in accordance with paragraph 2(7) of Schedule 2 to the Order and shall, before making an order upon such application, give the landlord an opportunity of being heard.

## PART VII

### SUPPLEMENTARY

#### **Court to which appeals and applications under the Order to be made**

8. An appeal or application under the Order shall be brought or made to the county court for the division in which the dwelling-house to which the appeal or application relates is situated and shall be heard at such times as the judge for that division may appoint in accordance with Article 4 of the County Courts (Northern Ireland) Order 1980 or, in lieu of such appointment, at the sitting of the Court for equity matters.

### **Service of notice and entry of appeals or applications**

**9.—**(1) Notice of an appeal or an application to be served on any party under these rules shall be served in accordance with Order 6 not less than twenty-eight days before the entry day for the sitting at which the application or appeal is to be heard.

(2) The appellant or applicant shall lodge a copy of the notice with the chief clerk at his office duly endorsed as to service and shall, where notice was served on the respondent by post in accordance with Order 6, attach to the copy any certificate of posting.

(3) Upon receipt of the copy of the notice the chief clerk shall enter the appeal or application for hearing at the appropriate sitting without requiring the production of an entry sheet.