



Northern Ireland
Assembly

Private Tenancies Bill

Notice of Amendments tabled on
16 February 2022 for Consideration Stage

Clause 3, Page 3, Line 7

Leave out from ‘let’ to end of line 14 and insert -

‘makes to the landlord in cash—

- (a) any payment in consideration of the grant, renewal or continuance of a private tenancy, or
 - (b) any payment in satisfaction (or part satisfaction) of an obligation arising under a private tenancy.
- (2) The landlord must provide the tenant with a written receipt for the payment stating—
- (a) the date of payment;
 - (b) what the payment was for;
 - (c) the amount paid;
 - (d) if any amount remains outstanding, that amount;
 - (e) if no further amount remains outstanding, that fact.
- (2A) Where a tenant pays a single sum consisting of two or more payments—
- (a) the duty in paragraph (2)(c) includes a duty to state how the sum paid is apportioned between each payment, and
 - (b) sub-paragraphs (d) and (e) of that paragraph apply in respect of each payment.
- (2B) Where, in the case of any payment, it is not possible for the person giving the receipt to state with the certainty the amount that was required to satisfy the obligation in question, sub-paragraphs (d) and (e) of paragraph (2) require the matters mentioned in them to be stated to the best of that person’s knowledge and belief.’

Minister for Communities

Clause 3, Page 3, Line 21

Leave out ‘If the landlord under a private tenancy fails’ and insert ‘In the event of a failure’

Minister for Communities

Clause 3, Page 3, Line 26

At end insert -

‘(6) In this Article—

“landlord” includes a former landlord and (in a case falling within paragraph (1)(a)) a prospective landlord;

“tenant” includes a former tenant and (in a case falling within paragraph (1)(a)) a prospective tenant.’

Minister for Communities

Clause 3, Page 3, Line 29

After ‘5(5)’ insert ‘(a)’

Minister for Communities

Clause 3, Page 3, Line 32

After ‘5(5)’ insert ‘(a)’

Minister for Communities

Clause 3, Page 3, Line 36

After ‘5(5)’ insert ‘(a)’

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Clause 3, Page 4, Line 1

At end insert -

‘(4) In this Article “landlord” has the meaning given by Article 5(6).’

Minister for Communities

Clause 3, Page 4, Line 4

Leave out from ‘40(4)—’ to end of line 12 and insert -

‘40(4), a payment in cash was made in respect of rent for the tenancy.

(1A) If—

(a) a person is charged with an offence under Article 5(5) and a qualifying receipt was provided in accordance with Article 5(3), or

(b) a person is charged with an offence under Article 5ZA(3) and a qualifying receipt was provided at any time before the end of the period of 14 days mentioned in Article 5ZA(3) (including before the fixed penalty notice was given),

paragraph (5) applies.

(2) A receipt is a qualifying receipt for the purposes of paragraph (1A) if—

(a) it complies with Article 5(2)(a), (b) and (c),

- (b) it complies with Article 5(2)(d) and (e) in respect of any payment, other than the rent, that was included in the sum paid, and
- (c) either condition A or condition B is met.’

Minister for Communities

Clause 3, Page 4, Line 14

Leave out ‘no further amount’ and insert ‘after the cash payment, no further amount in respect of rent’

Minister for Communities

Clause 3, Page 4, Line 19

Leave out ‘an amount’ and insert ‘after the cash payment, an amount in respect of rent’

Minister for Communities

Clause 3, Page 4, Line 25

After ‘defence’ insert ‘to the offence under Article 5(5) or (as the case may be) Article 5ZA(3)’

Minister for Communities

Clause 3, Page 4, Line 25

After ‘landlord’ insert ‘(or former landlord)’

Minister for Communities

Clause 7, Page 8, Line 16

Leave out ‘2’ and insert ‘3’

Minister for Communities

Clause 11, Page 12, Line 6

At end insert -

‘(9A) At any time before the coming into operation of sub-paragraph (a) of Article 14(1) (as inserted by subsection (3)), paragraph (1) of that Article has effect as if, before sub-paragraph (b), there were inserted—

“(aa) it is given in writing, and”.’

Minister for Communities

New Clause

After clause 11 insert -

‘Payment options for tenants: power to make provision and duty to consult

11A.—(1) The Department for Communities may by regulations make provision for the purpose of ensuring that, when a private tenancy of a dwelling-house is granted, the tenant is given options as to the method of payment of rent and other sums due in respect of the tenancy.

(2) Regulations under subsection (1) may in particular—

- (a) impose duties on prospective landlords to provide specified information or documents before the terms of a tenancy are agreed;
- (b) require that tenancy agreements, or proposed tenancy agreements, contain specified terms or (if they are in writing) that they be in a specified form;
- (c) specify methods of payment that must or must not be offered by a prospective landlord, or that may or must not be agreed by the parties, for the purposes of payment of rent or other sums due in respect of a tenancy;
- (d) make provision as to the rights of tenants or landlords to vary any term of the tenancy as to the method of payment (including provision restricting or excluding any such right);
- (e) make provision as to the consequences of a failure to accept, or a failure to tender, payment by a method agreed under a tenancy (including provision as to whether or not the tenant is to be regarded as being in arrears);
- (f) make provision as to the consequences of a breach of a prohibition imposed by the regulations or a failure to comply with a requirement imposed by them (including provision that creates offences);
- (g) amend any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);
- (h) may make such consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.

(3) In subsection (2), “specified” means specified in the regulations.

(4) Any offence created by virtue of subsection (2)(f)—

- (a) is not to be triable on indictment or punishable with imprisonment;
- (b) is not to be punishable with a fine exceeding level 4 on the standard scale.

(5) The Department must consult the following persons as to whether to exercise the power conferred by subsection (1)—

- (a) district councils,
- (b) such persons as appear to it to be representative of landlords,
- (c) such persons as appear to it to be representative of tenants, and
- (d) such other persons as it considers appropriate (which may include landlords or tenants).

(6) The Department must prepare a report on the consultation and—

- (a) lay the report before the Assembly, and
- (b) publish it in such manner as the Department considers appropriate.

(7) The Department must lay and publish the report under subsection (6) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.

(8) The Department may not make regulations under subsection (1) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

Minister for Communities

Clause 13, Page 12, Line 15

Leave out ‘section’ and insert ‘sections 11A and’

Minister for Communities

Clause 13, Page 12, Line 27

At end insert -

‘(2A) Subsections (2B) and (2C) apply to the provisions of section 11, except—

- (a) the provisions of that section commenced by subsection (2)(g), and
- (b) subsection (3) of that section in so far as it inserts a new Article 14(1)(a) into the 2006 Order.

(2B) The provisions to which this subsection applies come into operation on the day after the day on which this Act receives Royal Assent.

(2C) But if (apart from this subsection) those provisions would come into operation before the end of the emergency period within the meaning of section 1(2) of the Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020, they come into operation instead at the end of that period.’

Minister for Communities

Schedule 2, Page 16, Line 10

Leave out sub-paragraph (a)

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Schedule 2, Page 16, Line 16

Leave out paragraph (3) and insert-

‘(3) Regulations under paragraph (1) may provide for the granting to a person, in respect of a dwelling-house, of—

- (a) an exemption on the ground that the dwelling-house is of such description as is provided for in the regulations;
- (b) an exemption that is to have effect for a period of time and is subject to the condition that specified works or measures for improving efficiency in the use of energy in the dwelling-house are carried out within that period (an “improvement exemption”);
- (c) an exemption on such other grounds as may be provided for in the regulations.

(3A) In paragraph (3)—

- (a) “exemption” means an exemption from a prohibition imposed under paragraph (1);
- (b) “specified” means specified in the improvement exemption.

(3B) Regulations that provide for exemptions by virtue of paragraph (3) may include, in particular, provision—

- (a) for exemptions to be granted by a prescribed person or prescribed persons (the “authority”);
- (b) about the making of applications to the authority (including provision about the evidence which must or may be provided with applications);

- (c) for exemptions to have effect for a specified period of time (including provision for the authority to determine that period);
- (d) for a limit on the estimated cost of works or measures that may be specified in an improvement exemption (including a limit set by reference to the value of the dwelling-house or any other prescribed circumstances);
- (e) for the authority to maintain a publicly-accessible register of exemptions granted;
- (f) about appeals to a prescribed person or body against decisions regarding exemptions (including provision about how such appeals may be disposed of and the effect of any exemption pending the determination of an appeal);
- (g) about the inspection of dwelling-houses for the purposes of an application for an exemption or for the purposes of an appeal;
- (h) in a case where an application or appeal is made in respect of a dwelling-house which is (on the date the application or appeal is made) let under a private tenancy, for the applicant or appellant to be exempt from a prohibition imposed under paragraph (1)(b) in respect of the dwelling-house pending the determination of the application or appeal;
- (i) about the consequences of providing false or misleading information in an application to the authority or in proceedings on an appeal (including provision creating criminal offences or invalidating exemptions);
- (j) for a person who acquires an estate in a dwelling-house which is (on the date of the acquisition) let under a private tenancy to be exempt from a prohibition imposed under paragraph (1)(b) in respect of that dwelling-house for a prescribed period of time.

(3C) Regulations may provide that if—

- (a) a person is granted an improvement exemption, and
- (b) the person complies with prescribed conditions regarding the giving of notice to any tenant of the dwelling-house, or with such other conditions as may be prescribed,

works or measures specified in the exemption are to be regarded, for the purposes of Article 12, as works that the person is under a duty to execute.

(3D) Regulations may also include such supplementary, incidental or consequential provision as the Department considers appropriate, including provision modifying any statutory provision.’

Minister for Communities

Schedule 2, Page 16, Line 32

Leave out from ‘an offence’ and insert ‘offences’

Minister for Communities

Schedule 2, Page 16, Line 36

At end insert -

- ‘(1A) Regulations under Article 11G may provide that a person commits an offence if—
- (a) the person is granted an improvement exemption;

- (b) the person fails, without reasonable excuse, to carry out the works or measures specified in the exemption within the period of time so specified;
- (c) Article 11G(2) applies to the dwelling-house immediately after the expiration of that period of time; and
- (d) at any time during which the exemption had effect, the person—
 - (i) granted a private tenancy of the dwelling-house; or
 - (ii) continued to let the dwelling-house out under a private tenancy that was granted before the exemption had effect.

(1B) The regulations may provide for inspections of a dwelling-house in respect of which an exemption has been granted by virtue of Article 11G(3)(b), for the purpose of investigating whether an offence created by virtue of this Article has been committed.

(1C) The regulations may set out circumstances in which a person is, or is not, to be regarded as having a reasonable excuse for the purposes of an offence created by virtue of paragraph (1A) (including circumstances where a person ceases to hold an estate in the dwelling-house).'

Minister for Communities

Schedule 2, Page 16, Line 37

Leave out 'virtue of paragraph (1)' and insert 'regulations under Article 11G'

Minister for Communities

Schedule 2, Page 16, Line 40

After 'scale' insert '(but, in the case of an offence in respect of a prohibition imposed under Article 11G(1)(b), this is subject to paragraphs (3) to (6))'

Minister for Communities

Schedule 2, Page 16, Line 40

At end insert -

'(3) Paragraphs (4) and (5) apply where regulations under Article 11G create an offence in respect of a prohibition imposed under Article 11G(1)(b).

(4) The regulations must provide that where—

- (a) a person is convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) ("the initial conviction"),
- (b) after the initial conviction, the person continues to let out the dwelling-house, and
- (c) the person is convicted of an offence in respect of that continued letting, in breach of a prohibition imposed under Article 11G(1)(b) ("the continuing offence"),

the continuing offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the letting continues after the initial conviction.

(5) The regulations must also provide that where—

- (a) a person grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b),
- (b) the person is given a fixed penalty notice under Article 68A in respect of an offence on the grounds of that breach,
- (c) the person pays the fixed penalty stated in the notice,

- (d) after payment of the fixed penalty, the person continues to let out the dwelling-house in breach of a prohibition imposed under Article 11G(1)(b), and
 - (e) the person is convicted of an offence in respect of that continued breach (“the post-payment offence”),
- the post-payment offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the breach continues after payment.
- (6) A fine imposed by virtue of paragraph (4) or (5) may exceed level 5 on the standard scale.’

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Schedule 2, Page 16, Line 42

Leave out ‘virtue of Article 11H’ and insert ‘regulations under Article 11G’

Minister for Communities

Schedule 2, Page 17, Line 4

Leave out ‘virtue of Article 11H; or’ and insert ‘regulations under Article 11G (but this is subject to paragraph (1A))’

Minister for Communities

Schedule 2, Page 17, Line 4

At end insert -

‘(aa) after paragraph (1) insert—

“(1A) This Article does not apply where—

- (a) P has been convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial offence”),
- (b) an authorised officer has reason to believe that, after that conviction, P has committed an offence in respect of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”), and
- (c) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house in respect of which the initial offence was committed.’;

Minister for Communities

Schedule 2, Page 17, Line 5

Leave out paragraph (b) and insert-

‘(b) after paragraph (8) insert—

“(8A) The fixed penalty payable to a district council under this Article in respect of an offence created by regulations under Article 11G is an amount determined by the council, being an amount not exceeding one-fifth of the amount prescribed as the maximum fine for that offence; but this is subject to paragraphs (8B) and (8C).

(8B) Paragraph (8C) applies where—

- (a) P grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial breach”),
- (b) P is given a fixed penalty notice under this Article in respect of an offence on the grounds of the initial breach,
- (c) P pays the fixed penalty stated in the notice,
- (d) an authorised officer has reason to believe that, after payment of the fixed penalty, P has committed an offence in respect of a prohibition imposed under Article 11G(1) (b) (“the continuing offence”), and
- (e) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house in respect of which the initial breach was committed.

(8C) Where this paragraph applies, the penalty payable is an amount determined by the council, being an amount not exceeding one-five-hundredth of the amount prescribed as the maximum fine for that offence for every day or part of a day for which it appears to the officer that the letting has continued after payment (and, accordingly, the penalty payable may exceed one-fifth of the amount prescribed as the maximum fine for that offence).”’

Minister for Communities

Schedule 2, Page 17, Line 7

After ‘regulations),’ insert ‘(a) in paragraph (3), before “14” (as inserted by section 11) insert “11G,”;

Minister for Communities

Schedule 2, Page 17, Line 14

Leave out ‘and’ and insert -

‘(ca) such persons as appear to the Department to be representative of tenants, and’

Minister for Communities

Schedule 2, Page 17, Line 16

After ‘landlords’ insert ‘or tenants’

Minister for Communities

Schedule 3, Page 19, Line 6

Leave out ‘11H’ and insert ‘11G’

Minister for Communities

Schedule 3, Page 19, Line 7

Leave out ‘11J’ and insert ‘11I’

Minister for Communities

Schedule 3, Page 19, Line 9

Leave out paragraph (a) and insert-

- (a) after paragraph (1)(ab) (as inserted by Schedule 2) insert—
“(ac) an offence created by regulations under Article 11I; or”;

Minister for Communities

Schedule 3, Page 19, Line 11

Leave out ‘after “11H” (as inserted by Schedule 2) insert “or 11J”.’ and insert ‘after “or 65A(4)” insert “or an offence created by regulations under Article 11I”.’

Minister for Communities

Schedule 3, Page 19, Line 12

At end insert -

- ‘(za) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3) and (3A)”;

Minister for Communities

Schedule 3, Page 19, Line 22

Leave out ‘and’ and insert -

- ‘(ba) such persons as appear to the Department to be representative of tenants, and’

Minister for Communities

Schedule 3, Page 19, Line 24

After ‘landlords’ insert ‘or tenants’

Minister for Communities

Clause 11, Page 10, Line 32

Leave out subsection (4) and insert-

- ‘(4) For paragraph (1A) substitute—
“(1A) For the purposes of paragraph (1) the relevant period is—
(a) 28 days, if the tenancy has not been in existence for more than 6 months;

- (b) 90 days, if the tenancy has been in existence for more than 6 months but not for more than one year;
- (c) 120 days, if the tenancy has been in existence for more than one year but not for more than 3 years;
- (d) 180 days, if the tenancy has been in existence for more than 3 years but not for more than 7 years;
- (e) 196 days, if the tenancy has been in existence for more than 7 years but not for more than 8 years; and
- (f) 224 days, if the tenancy has been in existence for 8 years or more.’

Ms Ciara Ferguson

Clause 11, Page 10, Line 34

Leave out from ‘so’ to ‘months’ on line 3 on page 11 and insert ‘by draft affirmative procedure’

Ms Ciara Ferguson

Clause 11, Page 11, Line 4

Leave out ‘sub-paragraph (a) or (b) of paragraph (3)’ and insert ‘paragraph (1A)’

Ms Ciara Ferguson

Clause 11, Page 11, Line 12

Leave out ‘(3)’ and insert ‘(1A)’

Ms Ciara Ferguson

Clause 11, Page 11

Leave out lines 23 to 27 and insert -

‘(2) For the purposes of paragraph (1) the relevant period is—

- (a) 28 days, if the tenancy has not been in existence for more than 6 months;
- (b) 35 days, if the tenancy has been in existence for more than 6 months but not for more than one year;
- (c) 42 days, if the tenancy has been in existence for more than one year but not for more than 2 years;
- (d) 56 days, if the tenancy has been in existence for more than two years but not for more than 4 years;
- (e) 84 days, if the tenancy has been in existence for more than four years but not for more than 8 years; and
- (f) 112 days, if the tenancy has been in existence for more than 8 years. ’

Ms Ciara Ferguson

Clause 11, Page 11

Leave out lines 30 to 33 and insert ‘(4) The Department may by regulations amend the length of notice to quit outlined in paragraph (2) by draft affirmative procedure.’

Ms Ciara Ferguson

Clause 7, Page 7, Line 27

At end insert -

“*Rent decreases*

Rent decreases

5BA.—(1) This Article applies to any private tenancy.

(2) Where a tenancy has been in place for more than 6 months, the rent payable under a tenancy to which this Article applies must be reduced by 10% for 12 months following Royal Assent.

(3) The 10% must be calculated as an average of the 6 months directly before the reduction takes effect.

(4) On expiration of the 12 months, the rent payable must return to no more than the rate payable immediately before the reduction for a period of 3 years.’

Mr Gerry Carroll

Clause 11, Page 10, Line 32

Leave out subsection (4) and insert -

‘(4) For paragraph (1A) substitute—

“For the purposes of paragraph (1) the relevant period is 12 weeks if the tenancy has been in existence for more than 12 weeks.”’

Mr Gerry Carroll