



Northern Ireland Assembly

Private Tenancies Bill

Notice of Amendments tabled on 1 March 2022 for Further Consideration Stage

Clause 7, Page 8, Line 18

Leave out from ‘to’ to end of line 26 and insert -

‘in relation to private tenancies.

- (2) The Department may by regulations do either or both of the following regarding the rent payable under private tenancies in relation to which this Article applies—
- (a) provide that, for a prescribed period, the rent is, or may not exceed, a prescribed proportion of the rent that would be payable apart from the regulations;
 - (b) provide that, for a prescribed period, the rent is, or may not exceed, the rent that was payable under it on a prescribed date, or during an earlier prescribed period.
- (3) Regulations under paragraph (2) may not—
- (a) specify, for the purposes of sub-paragraph (a) of that paragraph, a proportion that is less than 90%;
 - (b) provide for any limitation, or any series of limitations, to last for longer than 4 years in relation to any particular tenancy.
- (4) Regulations under paragraph (2) may in particular—
- (a) provide for how the rent that would be payable apart from the regulations is to be determined;
 - (b) provide that—
 - (i) the prescribed date for the purposes of sub-paragraph (b) of that paragraph, or
 - (ii) the earlier prescribed period for those purposes,

is a date, or a period, that falls before the date on which the Private Tenancies Act (Northern Ireland) 2022 was passed;
 - (c) provide for different limitations to apply to the same tenancy, for different periods;
 - (d) provide for exceptions in relation to tenancies of prescribed descriptions, or make different provision in relation to tenancies of different descriptions;
 - (e) make further or consequential provision in relation to the limitations, including provision amending any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);

- (f) make such other consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.
- (5) Tenancies may be described for the purposes of paragraph (4)(d) by reference to (among other things)—
- (a) the amount of rent payable under the tenancy;
 - (b) the area within which the dwelling-house in question is situated;
 - (c) whether the tenant is in receipt of housing benefit or any other benefit payable under a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (6) The Department must consult the following persons as to whether to exercise the powers conferred by paragraph (2)—
- (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).
- (7) 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.
- (8) The Department must lay and publish the report under paragraph (7) before the end of the period of 6 months beginning with the day on which the Private Tenancies Act (Northern Ireland) 2022 receives Royal Assent.
- (9) If the Department does not make regulations under paragraph (2) before the end of the period of 12 months beginning with the date on which it lays the report under paragraph (7), this Article ceases to have effect at the end of that period.”

Minister for Communities

Clause 7, Page 9, Line 25

After ‘insert’ insert “‘5C,’

Minister for Communities

Clause 11, Page 11, Line 36

Leave out from ‘paragraph’ to end of line 23 on page 12 and insert -

‘paragraphs (1A) and (2) substitute—

- “(1A) For the purposes of paragraph (1) the relevant period is—
- (a) 8 weeks, if the tenancy has not been in existence for more than 12 months;
 - (b) 4 months, if the tenancy has been in existence for more than 12 months but not for more than 3 years;
 - (c) 6 months, if the tenancy has been in existence for more than 3 years but not for more than 8 years; and
 - (d) 7 months, if the tenancy has been in existence for more than 8 years;

but this is subject to regulations made under paragraph (5).

(2) Paragraph (1) applies whether the private tenancy was granted before or after the commencement of this Order.

(3) The Department may by regulations amend any sub-paragraph of paragraph (1A) so as to provide a different relevant period.

(4) Regulations under paragraph (3) may provide that the relevant period is different in different cases within a particular sub-paragraph of paragraph (1A) described by reference to the period for which the tenancy has been in existence.

(But this is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954).

(5) The Department may by regulations provide that, in cases falling within the circumstances set out in paragraph (6), the relevant period for the purposes of paragraph (1) is as prescribed in the regulations.

(6) The circumstances are—

- (a) the tenant is in substantial arrears of rent;
- (b) the tenant, or a member of the tenant's household, has engaged in serious anti-social behaviour in, or in the locality of, the dwelling-house;
- (c) the tenant, or a member of the tenant's household, is convicted of a relevant criminal offence.

(But see paragraph (9) for provision regarding other circumstances.)

(7) Regulations under paragraph (5)—

- (a) may make provision that applies to all cases that fall within a sub-paragraph of paragraph (6) and, for that purpose, may make provision about the meaning of any expression used in that sub-paragraph;
- (b) may make provision that applies to cases of a prescribed description that fall within a sub-paragraph of paragraph (6);
- (c) may provide that the relevant period is different in different cases that fall within a sub-paragraph of paragraph (6) described by reference to the period for which the tenancy has been in existence;
- (d) may make provision about the evidence to be provided to show that a case falls within a sub-paragraph of paragraph (6) or within a prescribed description.

(But sub-paragraphs (a) to (c) are without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954).

(8) The Department—

- (a) may not make regulations under paragraph (5) that 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, but
- (b) must make regulations under paragraph (5) that come into operation before the end of the period of 2 years beginning with the date on which this Act receives Royal Assent.

(9) The Department may by regulations amend paragraph (6) so as to add to the list of circumstances set out in it.

(10) Amendments made by virtue of regulations under paragraph (3), and provision made by regulations under paragraph (5), do not apply in relation to a notice to quit given before the date on which the regulations come into operation.”.”’

Minister for Communities

Clause 11, Page 13, Line 14

Leave out ‘subsection (3)’ and insert ‘subsections (3) and (4)’

Minister for Communities

Clause 11, Page 13, Line 14

Leave out ‘3(2)’ and insert ‘3’

Minister for Communities

Clause 11, Page 13, Line 15

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”.

(9B) At any time before the coming into operation of the paragraph (1A) of Article 14 that is inserted by subsection (4), that Article has effect as if, before paragraph (2), there were inserted—

“(1A) For the purposes of paragraph (1) the relevant period is—

- (a) 4 weeks, if the tenancy has not been in existence for more than 12 months;
- (b) 8 weeks, if the tenancy has been in existence for more than 12 months but not for more than 10 years;
- (c) 12 weeks, if the tenancy has been in existence for more than 10 years.”.”

Minister for Communities

Clause 14, Page 14, Line 38

At end insert -

‘, except in so far as it confers a power to make regulations under Article 14(3) of the 2006 Order (as inserted by subsection (4) of that section).

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

- (a) the provisions of that section commenced by subsection (2)(g),
- (b) subsection (3) of that section in so far as it inserts sub-paragraph (a) into Article 14(1) of the 2006 Order, and
- (c) subsection (4) of that section in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article.

(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 at the end of that period.

(2D) Section 11(4), in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article, comes into operation on the coming into operation of the first regulations made under Article 14(5) of the 2006 Order (as inserted by section 11(4)).’

Minister for Communities