



Housing (Amendment) Act (Northern Ireland) 2011

2011 CHAPTER 22

An Act to amend the law relating to housing.

[3rd May 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Private tenancies

PROSPECTIVE

Abolition of statement of tenancy terms

1 Article 4 of the Private Tenancies Order (tenant to be given notice regarding certain matters) is repealed.

Tenancy deposit schemes

2 After Article 5 of the Private Tenancies Order insert—

“Tenancy deposit schemes

Tenancy deposit schemes

5A.—(1) The Department may by regulations make provision for securing that one or more tenancy deposit schemes are available for the

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011. (See end of Document for details)

purpose of safeguarding tenancy deposits paid in connection with private tenancies.

(2) A “tenancy deposit scheme” is a scheme which is made for the purpose of safeguarding tenancy deposits paid in connection with private tenancies and facilitating the resolution of disputes arising in connection with such deposits.

(3) Regulations under paragraph (1)—

- (a) must provide for the appointment of a body or person (“the scheme administrator”) to establish and maintain a scheme of a prescribed description;
- (b) must provide that a scheme or an amendment to a scheme does not come into force unless approved by the Department;
- (c) may confer or impose on the scheme administrator such powers or duties in connection with a scheme as are prescribed;
- (d) may provide for information held by a scheme administrator to be disclosed to prescribed persons for prescribed purposes.

(4) The Department may make payments to a scheme administrator.

(5) In this Article and Article 5B—

“money” means money in the form of cash or otherwise;

“tenancy deposit”, in relation to a private tenancy, means any money intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising.

(6) In this Article and Article 5B references to a landlord in relation to any private tenancy include references to a person acting on behalf of the landlord in relation to the tenancy.

Requirements relating to tenancy deposits

5B.—(1) Any tenancy deposit paid to a person in connection with a private tenancy must, as from the time when it is received, be dealt with in accordance with an approved scheme.

(2) A person must not require the payment of a tenancy deposit in connection with a private tenancy which is not to be subject to the requirement in paragraph (1).

(3) Where a landlord receives a tenancy deposit in connection with a private tenancy, the initial requirements of an approved scheme must be complied with by the landlord in relation to the deposit within the period of 14 days beginning with the date on which it is received.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011. (See end of Document for details)

(4) For the purposes of this Article “the initial requirements” of an approved scheme are such requirements imposed by the scheme as fall to be complied with by a landlord on receiving such a tenancy deposit.

(5) A landlord who has received such a tenancy deposit must give the tenant and any relevant person such information relating to—

- (a) the approved scheme applying to the deposit,
- (b) compliance by the landlord with the initial requirements of the scheme in relation to the deposit, and
- (c) the operation of this Article and Article 5A in relation to the deposit,

as may be prescribed.

(6) The information required by paragraph (5) must be given to the tenant and any relevant person—

- (a) in the prescribed form or in a form substantially to the same effect, and
- (b) within the period of 28 days beginning with the date on which the deposit is received by the landlord.

(7) A person must not, in connection with a private tenancy, require a deposit which consists of property other than money.

(8) In paragraph (7) “deposit” means a transfer of property intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising.

(9) The provisions of this Article apply despite any agreement to the contrary.

(10) A person who contravenes paragraph (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person who contravenes any other provision of this Article is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

(12) In this Article—

“approved scheme” means a scheme for the time being in force under Article 5A;

“property” means moveable property;

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011. (See end of Document for details)

“relevant person” means any person who, in accordance with arrangements made with the tenant, paid the deposit on behalf of the tenant.”.

Length of notice to quit

3.—(1) Article 14 of the Private Tenancies Order (length of notice to quit) is amended as follows.

(2) In paragraph (1) for “4 weeks” substitute “ the relevant period ”.

(3) After that paragraph insert—

“(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 5 years;
- (b) 8 weeks, if the tenancy has been in existence for more than 5 years but not for more than 10 years;
- (c) 12 weeks, if the tenancy has been in existence for more than 10 years.”.

(4) This section—

- (a) applies whether the private tenancy was granted before or after the date on which this section comes into operation; but
- (b) does not apply in relation to a notice to quit given before that date.

Power of entry to inspect dwelling-house

4 In Article 36 of the Private Tenancies Order (functions of council on application to have dwelling-house inspected) after paragraph (1) insert—

“(1A) A person authorised by the appropriate district council in relation to this Article may, at any reasonable time and having given at least 24 hours' notice to the occupier, and to the owner if known, enter a dwelling-house for the purpose of an inspection under paragraph (1).

(1B) An authorisation under paragraph (1A)—

- (a) shall be in writing; and
- (b) shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf.”.

Power to modify Articles 42 to 45

5.—(1) After Article 45 of the Private Tenancies Order insert—

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Amendment) Act (Northern Ireland) 2011. (See end of Document for details)

“Power to amend Articles 42 to 45

45A.—(1) The Department may by regulations modify any provision of Articles 42 to 45 and Schedule 2.

(2) Regulations under this Article may make such consequential modifications of other provisions of this Chapter as appear to the Department to be necessary or appropriate.”.

(2) In Article 44(3) omit the words from “including” to the end.

Disclosure of information

6 After Article 64 of the Private Tenancies Order insert—

“Disclosure of information for purposes of Parts 2 to 4

64A.—(1) This Article applies to any relevant information which is held—

(a) by the Department of Finance and Personnel for the purposes of—

(i) its functions under the Rates (Northern Ireland) Order 1977 or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006; or

(ii) the administration of housing benefit; or

(b) by the Northern Ireland Housing Executive for the purposes of the administration of housing benefit.

(2) Relevant information to which this Article applies must, if an authorised officer of the appropriate council so requires, be supplied to that council for the purpose of enabling or assisting that council to exercise its functions under any provision of Part 2, 3 or 4.

(3) Any requirement under paragraph (2) must specify—

(a) the description of relevant information which is to be supplied;

(b) the form in which that information is to be supplied; and

(c) the date by which that information is to be supplied.

(4) This Article—

(a) does not limit the circumstances in which information may be supplied apart from this Article; but

(b) has effect despite any restriction on the purposes for which relevant information may be disclosed or used.

(5) In this Article—

“authorised officer”, in relation to a council, means an officer of the council authorised for the purposes of this Article by the council;