STATUTORY RULES OF NORTHERN IRELAND

# 2007 No. 88

# LANDLORD AND TENANT

## The Rent Assessment Committees Regulations (Northern Ireland) 2007

*Made - - - - 13th February 2007*

*Coming into operation 1st April 2007*

The Department for Social Development makes the following Regulations, in exercise of the powers conferred on it by Articles 44(3) and 72(1) of The Private Tenancies (Northern Ireland) Order 2006(**1**):

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as The Rent Assessment Committees Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 2007.

(2) In these regulations, unless the context otherwise requires:—

"chairman" means the chairman of a committee;

"committee" means a rent assessment committee or committees, constituted under Schedule 1 to the Order to which a reference is made;

"hearing" means the meeting of a committee to hear oral representations made in relation to an application;

"controlled tenancy" has the meaning given in Article 40(4) of the Order;

"the Order" means The Private Tenancies (Northern Ireland) Order 2006;

"party" means the landlord or the tenant.

(3) For the purposes of any of these regulations relating to a procedure at a hearing, any reference to a party shall be construed as including a reference to a person authorised by a party to make oral representations on his behalf pursuant to paragraph 2, of Schedule 2, to the Order.

**2.** Copies or relevant extracts of any information obtained by or presented to the committee, which are relevant to the determination, shall be provided to both landlord and tenant, including documents provided by either of the parties.

(**1**) S.I.2006/1459 (N.I. 10)

**Inspections**

**3.** The committee may inspect the dwelling subject to the consent of the tenant. The landlord or his representative may also attend subject to the consent of the tenant.

**4.** An inspection may be made before, during or after a hearing or at such stage in relation to the consideration of written representations as the committee shall decide.

**5.** The committee shall not consider any verbal or written submissions made by the tenant, the landlord or his representative at the inspection unless such information is subsequently presented at a hearing, or sufficient opportunity is afforded to both parties to respond to that verbal or written information before the committee reaches its decision.

**Hearings**

**6.**—(1) A hearing shall be held at the request of either landlord or tenant or may be held at the committee's discretion of its own motion.

(2) A hearing by a committee shall be in public unless, for special reasons, the committee decide otherwise.

(3) Such hearing shall be on such date, and at such time and place, as the committee shall appoint.

(4) Notices of such date, time and place shall be given by the committee, not less than 10 days before the said date to the landlord and to the tenant.

(5) At the hearing, the parties shall be heard in such order and, subject to the provisions of these regulations, the procedure shall be such as the committee shall determine.

(6) A party may call witnesses, give evidence on his own behalf and cross-examine any witness called by the other party.

**7.** Where verbal information or any document is presented at the hearing which a party to the hearing has not been previously supplied with, then unless—

(a) that party consents to the continuation of the hearing; or

(b) the committee considers that the parties have a sufficient opportunity of dealing with the information or document without an adjournment of the hearing,

the committee shall adjourn the hearing for a period which the committee considers will afford the party a sufficient opportunity of dealing with that information or document.

**Adjournment**

**8.** The committee at its discretion may of its own motion, or at the request of the parties, or one of them, at any time and from time to time postpone or adjourn a hearing: but it shall not do so at the request of one party only unless, having regard to the grounds on which and the time at which such request is made and to the convenience of the parties, they deem it reasonable to do so. Such notice of any postponed or adjourned hearing as is reasonable in the circumstances shall be given to the parties by the committee.

**Non-appearance**

**9.** If a party does not appear at a hearing the committee, on being satisfied that the requirements of these regulations regarding the giving of notice of hearings have been duly complied with, may proceed to deal with the application upon the representations of one party present and upon the documents and information which they may properly consider.