



Business Tenancies Act (Northern Ireland) 1964^{F1}

^{F2}1964 CHAPTER 36

An Act to provide security of tenure for certain tenants occupying premises for business, professional or certain other purposes by enabling them to obtain new tenancies in certain cases or in certain circumstances to obtain compensation; to make provision for the payment of compensation in respect of certain improvements to such premises; and for purposes connected therewith. [17th December 1964]

Annotations:

- F1** Functions transf., 1982 NI 6
F2 Rep. with saving, 1996 NI 5

PART I

SECURITY OF TENURE FOR BUSINESS, PROFESSIONAL AND CERTAIN OTHER TENANTS

TENANCIES TO WHICH PART I APPLIES

1 Tenancies to which this Part applies.

- (1) Subject to the provisions of this Part, this Part applies to any tenancy where the property comprised in the tenancy is or includes premises which are occupied by the tenant and are so occupied for the purposes of a business carried on by the tenant, or for those and other purposes.
- (2) In this Part the expression “business” includes—
 - (a) a trade, profession or employment; and
 - (b) any activity carried on by a body of persons whether corporate or unincorporate;

Changes to legislation: There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964. (See end of Document for details)

whether or not carried on for gain or reward; but premises shall not be deemed to be occupied for the purposes of a business by reason that the occupier thereof carries on the business of subletting the premises or parts of the premises, whether or not the provision of any services is undertaken in connection with such subletting.

- (3) In the following provisions of this Part the expression “the holding” , in relation to a tenancy to which this Part applies, means the property comprised in the tenancy, there being excluded any part thereof which is occupied neither by the tenant nor by a person employed by the tenant and so employed for the purposes of a business by reason of which the tenancy is one to which this Part applies.

2 Tenancies to which this Part does not apply.

- (1) This Part does not apply—

- ^{F3}(a) to a tenancy where the property comprised therein is let on a protected tenancy or subject to a statutory tenancy within the meaning of the Rent (Northern Ireland) Order 1978 but where, except for the preceding provision, this Part would apply to a tenancy and that tenancy ceases at any time to be a protected or, as the case may be, a statutory tenancy, then as from that time the provisions of this Part shall apply to that tenancy as if it were a tenancy continuing by virtue of section 3 after the expiry of a term certain exceeding one year;
- (b)]
- (c) to a tenancy under any lease to which The Renewable Leasehold Conversion Act ...^{F4} applies;
- (d) to a tenancy granted (whether before or after the commencement of this Act) for a term certain not exceeding three months unless the tenant has been in occupation for a period which, together with any period during which any predecessor in the carrying on of the business carried on by the tenant was in occupation, exceeds six months;
- (e) to a tenancy of agricultural land, including farm houses and farm buildings;
- (f) to a tenancy created (whether before or after the commencement of this Act) by a mining lease;
- (g) to a tenancy where there subsists in the premises comprised in the tenancy an estate acquired (whether before or after the commencement of this Act) by a public authority which requires possession of such premises for the purposes of carrying out its functions under any enactment or any rule of law, and that authority would but for this Part be entitled to obtain possession of those premises;
- (h) to a tenancy granted for or made dependent on (whether before or after the commencement of this Act) the continuance of the tenant in any office, employment or appointment;
- (i) to a tenancy granted before the commencement of this Act which was granted and expressed to be granted for the temporary convenience of the immediate landlord or of the tenant;
- (j) to a tenancy granted (whether before or after the commencement of this Act) by the personal representatives of a deceased owner of land in pursuance of the power conferred by section 40(1)(a) of the Administration of Estates Act (Northern Ireland) 1955 ;
- (k) to a tenancy where the tenant thereunder is convicted after the commencement of this Act of using the premises comprised in such tenancy, or permitting such premises to be used, for an illegal purpose;

Changes to legislation: There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964. (See end of Document for details)

- (l) to a tenancy granted (whether before or after the commencement of this Act) by any person in breach of any prohibition against granting such a tenancy contained in his contract of tenancy or any other agreement;
- ^{F5}(m) to a tenancy where the tenant thereunder is—
- (i) a lessee to whom section 1 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 applies; or
 - (ii) a lessee to whom an extended lease has been granted under the said Act of 1971.]
- [^{F6}(n) to a tenancy granted by a landlord who is the holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992 on the date of the commencement of the tenancy, or who becomes the holder of such a licence after that date, to a tenant who is the holder of such a licence on that date, or who becomes the holder of such a licence after that date]
- (2) In subsection (1)(g) “public authority” includes any department of the Government of the United Kingdom or of Northern Ireland, any local authority, and any public body or authority constituted by or under any enactment^{F6} and any holder of a licence under Part II of the Electricity (Northern Ireland) Order 1992].

Annotations:

F3 1978 NI 20

F4 1978 NI 4

F5 1971 c.7 (NI)

F6 1992 NI 1

CONTINUATION OF TENANCIES

3 Continuation of tenancies to which this Part applies until terminated in accordance with this Part.

- (1) A tenancy to which this Part applies shall not come to an end unless terminated in accordance with the provisions of this Part; and subject to the following provisions of this Part such a tenancy may be terminated by—
- (a) a notice to determine served by the landlord in accordance with the provisions of section 4; or
 - (b) a request for a new tenancy made by the tenant in accordance with the provisions of section 5.
- (2) Notwithstanding anything in subsection (1)—
- (a) where a tenancy has been continued by virtue of subsection (1) and at any time thereafter ceases to be a tenancy to which this Part applies, it shall not come to an end by reason only of the cesser, but (without prejudice to its termination in accordance with any terms of the tenancy) it may be terminated by not less than three nor more than six months' notice in the prescribed form served by the landlord on the tenant;
 - (b) where at a time when a tenancy is not one to which this Part applies by reason only that premises comprised in the tenancy are not occupied by the tenant for the purposes of a business, and the immediate landlord serves notice to quit, the operation of the notice shall not be affected by reason that after the

Changes to legislation: There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964. (See end of Document for details)

service of the notice such premises are occupied by the tenant for the purposes of a business by reason of which the tenancy becomes one to which this Part applies;

- (c) if at any time within twelve months before the date of expiry of a tenancy dependent on the effluxion of time—
- (i) the immediate landlord serves a notice in the prescribed form on the tenant stating that such landlord requires possession of the premises comprised in such tenancy at the said date of expiry; and
 - (ii) at the date of the service of such notice the tenancy is not one to which this Part applies by reason that premises comprised in the tenancy are not occupied by the tenant for the purposes of a business;

this Part shall not apply to such tenancy, notwithstanding that after the date of service of such notice and before the date of expiry of the tenancy premises comprised in the tenancy are occupied by the tenant for the purposes of a business.

- (3) For the purposes of this Part “notice to determine” means a notice served by the landlord in accordance with section 4, and “notice to quit” means a notice to end a tenancy served by the immediate landlord in accordance with the provisions (whether express or implied) of that tenancy.

4 Termination of tenancy by the landlord.

- (1) Subject to section 9 the landlord may terminate a tenancy to which this Part applies by a notice to determine served on the tenant in the prescribed form specifying the date at which the tenancy is to come to an end (in this Part referred to as “the date of termination”).
- (2) A notice to determine shall not have effect unless it complies with the provisions of this section and, subject to subsection (3), is served not more than twelve nor less than six months before the date of termination specified therein.
- (3) In the case of a tenancy which but for this Part could have been brought to an end by notice to quit—
 - (a) subsection (2) shall, where but for this Part more than six months' notice to quit would have been required to bring the tenancy to an end, have effect with the substitution for twelve months of a period six months longer than the length of notice to quit which would have been required as aforesaid; and
 - (b) the date of termination specified in a notice to determine shall not be earlier than the earliest date on which the immediate landlord could, but for this Part, have brought the tenancy to an end by notice to quit served on the same date as the notice to determine.
- (4) In the case of a tenancy dependent on the fall of a life or other uncertain event the landlord may, after the fall of that life or the happening of that uncertain event, terminate the tenancy by a notice to determine served not more than twelve nor less than six months before the date of termination specified therein.
- (5) In the case of any tenancy, other than a tenancy referred to in subsection (3) or subsection (4), a notice to determine under this section shall not specify a date of termination earlier than the date on which, but for this Part, the tenancy would have come to an end by effluxion of time.
- (6) A notice to determine shall—

Changes to legislation: There are currently no known outstanding effects for the Business Tenancies Act (Northern Ireland) 1964. (See end of Document for details)

- (a) require the tenant, within two months of the service of the notice, to notify the landlord in writing whether or not, at the date of termination, the tenant will be willing to give up possession of the property comprised in the tenancy; and
- (b) state whether the landlord would oppose an application to the Lands Tribunal under section 8 and, if so, on which of the grounds mentioned in section 10 he would do so.

5 Request by tenant for a new tenancy.

- (1) A tenant may, subject to and in accordance with this section, make a request for a new tenancy where the tenancy under which he holds for the time being (in this Part referred to as “the current tenancy”) is—
 - (a) a tenancy granted for a term certain exceeding one year, whether or not continued by section 3; or
 - (b) a tenancy granted for a term certain exceeding one year and thereafter from year to year; or
 - (c) a tenancy granted for a period dependent on the fall of a life or other uncertain event and continued by section 3.
- (2) A tenant's request for a new tenancy shall be for a tenancy beginning with such date, not more than twelve nor less than six months after the making of the request, as may be specified therein, and in the case of such a tenancy as is specified in paragraphs (a) and (b) of subsection (1) such date shall not be earlier than the date on which but for this Part the current tenancy would come to an end by effluxion of time or could be brought to an end by notice to terminate served by the tenant under and in accordance with the terms (whether express or implied) of that tenancy.
- (3) A tenant's request for a new tenancy shall not have effect unless it is made by notice in the prescribed form served on the landlord and sets out in general terms the tenant's proposals as to—
 - (a) the property to be comprised in the new tenancy (being either the whole or part of the property comprised in the current tenancy);
 - (b) the rent to be payable under the new tenancy;
 - (c) the duration of the new tenancy; and
 - (d) the other terms of the new tenancy.
- (4) A tenant's request for a new tenancy shall not be made if the landlord has already served a notice to determine under section 4, or if the tenant has already served a notice under section 6; and no such notice shall be served by the landlord or the tenant after the making by the tenant of a request for a new tenancy.
- (5) Where the tenant makes a request for a new tenancy in accordance with this section, the current tenancy shall, subject to section 9 and to section 17(2), terminate immediately before the date specified in the request for the beginning of the new tenancy.
- (6) Within two months of the making of a tenant's request for a new tenancy in accordance with this section, the landlord may serve notice on the tenant that he will oppose an application to the Lands Tribunal under section 8 for the grant of a new tenancy, and any such notice shall state on which of the grounds mentioned in section 10 the landlord will oppose the application.