5. The existing Hospital Management Committees known as the Tyrone and Fermanagh Hospital Management Committee and the West Tyrone Hospital Management Committee and so designated in the General Scheme shall be dissolved on 1st January, 1965.

6. The General Scheme shall be read and shall operate as modified by this New General Scheme.

Sealed with the Common Seal of the Northern Ireland Hospitals Authority this fifteenth day of December, One thousand nine hundred and sixty-four.

(Signed) W. McKinney; Marcia H. Mackie
Members of the Authority.

(Signed) W. J. Gillingham
Secretary of the Authority.

1964. No. 215 **[C]**

BUSINESS TENANCIES

Notices

REGULATIONS, DATED 30TH DECEMBER, 1964, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 51 OF THE BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964.

The Ministry of Home Affairs, in exercise of the powers conferred upon it by Section 51 of the Business Tenancies Act (Northern Ireland) 1964(a), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Business Tenancies (Notices) Regulations (Northern Ireland) 1964 and shall come into force on the 1st day of January, 1965.

Interpretation

2. In these regulations—

"the Act" means the Business Tenancies Act (Northern Ireland) 1964;

a form referred to by number means the form so numbered in the Schedule.

Forms to be used

3. The forms in the Schedule shall be used for the following purposes:—

(*a*) a notice served under Section 3(2)(*a*) of the Act by the landlord, being a notice terminating a tenancy which has been continued under Section 3(1) of the Act and subsequently has ceased to be a tenancy to which Part I of the Act applies, shall be in Form 1.

(a) 1964. c. 36 (N.I.).

(*b*) A notice served under Section 3(2)(*c*) of the Act by the immediate landlord, being a notice requiring possession at the date of expiry of a tenancy dependent on the effluxion of time, shall be in Form 2.

(*c*) A notice under Section 4 of the Act, being the landlord's notice to determine a tenancy to which Part I of the Act applies, shall be in Form 3.

(*d*) A notice under Section 5 of the Act, being a tenant's request for a new tenancy of premises to which Part I of the Act applies, shall be in Form 4.

(*e*) A notice served under Section 23(1) of the Act by a person having an estate in business premises, being a notice requiring the tenant to give information as to his occupation of the premises and as to any sub-tenancies, shall be in Form 5.

(*f*) A notice served under Section 23(2) of the Act by a tenant of business premises, being a notice requiring the immediate landlord or any superior landlord of those premises to give information about his estate in the premises, shall be in Form 6.

(*g*) A notice served under Section 23(4) of the Act by a tenant of business premises on a mortgagee in possession, being a notice requiring that mortgagee to give information about his mortgagor's interest in the premises, shall be in Form 7.

(*h*) A claim under Section 30 of the Act, being a tenant's claim served on his landlord for compensation for an improvement, shall be in Form 8.

(*i*) A claim under Section 32 of the Act, being a mesne landlord's claim served on his immediate superior landlord for compensation for an improvement, shall be in Form 9.

(*j*) A notice of improvement served under Section 34(1) of the Act on his landlord by a tenant under a tenancy to which Part I applies, being a notice of intention to make a specified improvement, shall be in Form 10.

(*k*) A notice of objection served under Section 34(2) of the Act on a tenant by a landlord of premises comprised in a tenancy to which Part I applies, being a notice objecting to an improvement proposed by that tenant, shall be in Form 11.

(*l*) A notice of undertaking served under Section 34(2) of the Act on a tenant by the landlord of premises comprised in a tenancy to which Part I applies, being a notice undertaking to execute an improvement proposed by that tenant, shall be in Form 12.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 30th day of December, 1964.

(L.S.) *A. Alexander,*
Assistant Secretary.

SCHEDULE

FORMS

FORM 1

BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964

Landlord's Notice terminating Tenancy which has ceased to be a Tenancy to which Part 1 of the Act applies (Under Section 3 (2))

To , tenant of premises known as .

1. I, , of , the landlord of the above-mentioned premises, hereby give you notice terminating your tenancy of the premises on the day of , 19 .

2. This Notice is served under Section 3(2) of the Business Tenancies Act (Northern Ireland) 1964.

3. Your attention is called to the Note below.

Dated this day of , 19 .

Signed Landlord

Address

Form 1 NOTE

Section 3(2) of the Business Tenancies Act (Northern Ireland) 1964 provides that a tenancy continued under Section 3(1) of the Act which at any time thereafter ceases to be a tenancy to which Part I of the Act applies may (without prejudice to its termination in accordance with any terms of the tenancy) be terminated by not less than three nor more than six months' notice in the prescribed form served by the landlord on the tenant.

FORM 2

BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964

Landlord's Notice to Tenant of Tenancy to which Part I of the Act does not apply requiring possession at end of Tenancy (Under Section 3(2)(*c*))

To , tenant of premises known as .

1. I, , of , the immediate landlord of the above-mentioned premises, hereby give you notice that I shall require possession of the premises on the day of , 19 , on which date your tenancy is due to expire.

2. This Notice is served under Section 3(2)(*c*) of the Business Tenancies Act (Northern Ireland) 1964.

3. Your attention is called to the Note below.

Dated this day of , 19 .

Signed Landlord

Address

Form 2 NOTE

Section 3(2)(*c*) of the Business Tenancies Act (Northern Ireland) 1964 provides that if within twelve months before the date of expiry of a tenancy dependent on the effluxion of time 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 the notice is served at

a time when the premises are not occupied by the tenant for the purposes of a business, then Part I of the Act shall not apply to that tenancy notwithstanding that after the date of service of the notice and before the date of expiry of the tenancy the premises are occupied by the tenant for the purposes of a business.

FORM 3

BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964

Landlord's Notice to Determine Business Tenancy (Under Section 4)

To , of , tenant of premises known as .

See Note 1. 1. I, , of , the landlord of the above-mentioned premises, hereby give you notice terminating your tenancy on the day of , 19 .

See Note 2 2. You are required within two months after receiving this Notice to notify me in writing whether or not you will be willing to give up possession of the premises on that date.

See Note 5 3. (*a*) I would not oppose an application to the Lands Tribunal under Part I of the Act for the grant of a new tenancy; or

[Delete either 3 (a) or 3 (b)] (*b*) I would oppose an application to the Lands Tribunal under Part I of the Act for the grant of a new tenancy on the ground that [*here state ground or grounds*].

See Note 3. 4. This Notice is served under Section 4 of the Business Tenancies Act (Northern Ireland) 1964.

YOUR ATTENTION IS CALLED TO THE NOTES BELOW AND TO THE DATE OF TERMINATION AT (1) ABOVE, WHICH IS THE DAY OF , 19 .

Dated this day of , 19 .

Signed Landlord

Address

Form 3 NOTES

1. Under the Business Tenancies Act (Northern Ireland) 1964 a tenancy of premises to which Part I of the Act applies continues until it is brought to an end in accordance with the Act. One of the ways in which it can be brought to an end is by a landlord's notice to determine the tenancy. As a general rule, that Notice must be served not more than 12 nor less than 6 months before the date specified in it for the termination of the current tenancy of the premises. This date must not be earlier than the date on which apart from Part I of the Act the current tenancy would come to an end or could be terminated by notice to quit served by the landlord on the date of the Notice to Determine.

2. Part I of the Act enables the tenant, on being served with a notice in this form, to apply to the Lands Tribunal for an order for the grant of a new tenancy. *Such an application, however, will not be entertained unless the tenant has within 2 months after receiving the Notice to Determine the tenancy notified the landlord in writing that he will not be willing to give up possession of the premises on the date specified in the Notice. The application must be made not less than 2 nor more than 4 months after receipt of the Notice.*

3. The Lands Tribunal has no power to make an order for the grant of a new tenancy if the landlord, having stated in his Notice that he will oppose an application to the Tribunal on one of the grounds specified in the Act, establishes that ground to the satisfaction of the Tribunal. The grounds specified in the Act are—

(*a*) where under the current tenancy the tenant has any obligations as respects the repair and maintenance of the holding, that the tenant ought not to be granted a new tenancy in view of the state of repair of the holding, being a state resulting from the tenant's failure to comply with those obligations;

(*b*) that the tenant ought not to be granted a new tenancy in view of his persistent delay in paying rent which has become due;

(*c*) that the tenant ought not to be granted a new tenancy in view of other substantial breaches by him of his obligations under the current tenancy, or for any other reason connected with the tenant's use or management of the holding;

(*d*) that the landlord has offered and is willing to provide or secure the provision of alternative accommodation for the tenant, and—

(i) that the terms on which the alternative accommodation is available are reasonable having regard to the terms of the current tenancy and to all other relevant circumstances; and

(ii) that the accommodation and the time at which it will be available are suitable for the tenant's requirements (including the requirement to preserve goodwill) having regard to the nature and class of his business and to the situation and extent of, and facilities afforded by, the holding;

(*e*) where the current tenancy was created by the sub-letting of part only of the property comprised in a superior tenancy and the landlord is the owner of an estate in reversion expectant on the termination of that superior tenancy, that the aggregate of the rents reasonably obtainable on separate lettings of the holding and the remainder of that property would be substantially less than the rent reasonably obtainable on a letting of that property as a whole, that on the termination of the current tenancy the landlord requires possession of the holding for the purpose of letting or otherwise disposing of the said property as a whole, and that in view thereof the tenant ought not to be granted a new tenancy;

(*f*) that on the termination of the current tenancy the landlord intends—

(i) to demolish or rebuild the premises comprised in the holding or a substantial part of those premises; or

(ii) to carry out substantial works of construction on the holding or part thereof;

and that the landlord could not reasonably do so without obtaining possession of the holding;

(*g*) that on the termination of the current tenancy the landlord intends that the holding will be occupied for a reasonable period for the purposes, or partly for the purposes, of a business to be carried on by him or by a company in which he has a controlling interest, or as his residence; but the landlord cannot rely on this ground if his interest was purchased or created less than 5 years before the termination of the current tenancy, and at all times since the purchase or creation of the landlord's interest the premises have been let to a tenant occupying them for the purposes of his business.

4. If application is made to the Lands Tribunal for the grant of a new tenancy but the Tribunal is precluded from making an order by reason only of any of the grounds set out in (*e*), (*f*) and (*g*) above, the tenant is entitled upon leaving the premises, to recover compensation from the landlord at the rate specified in the Act. (No compensation can be claimed unless the tenant has applied to the Lands Tribunal for a new tenancy.)

5. If the landlord states in this Notice that he will not oppose an application to the Lands Tribunal for the grant of a new tenancy, it will be open to the tenant and the landlord to negotiate on the terms of the tenancy. If all the terms are agreed between them an application to the Lands Tribunal will not be necessary; if some but not all of the terms are agreed, the agreed terms will be incorporated in any tenancy granted by the Lands Tribunal and the other terms will be such