Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 18th day of December, 1964.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 18th day of December, 1964.

(L.S.) *James Reid,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations are made in consequence of section 1(5) of the National Insurance &c. Act (Northern Ireland) 1964. Provision has been made to bring certain regulations made under the National Insurance Acts (Northern Ireland) relating to election to re-enter employment, the contributions to be disregarded in computing increase of retirement pension, the disregarding of disqualifications, and Existing Beneficiaries and Existing Contributors into conformity with the abolition of the earnings rule previously applicable to widowed mother's allowance and widow's pension and the raising of the age up to which a woman may be awarded a widow's pension from 60 to 65.

1964. No. 212 **[C]**

LANDS TRIBUNAL

Business Tenancies Rules

RULES, DATED 29TH DECEMBER, 1964, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 9 OF THE LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964.

The Ministry of Finance, after consultation with the President of the Lands Tribunal for Northern Ireland, in exercise of the powers conferred on it by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(a) and of all other powers enabling it in that behalf, hereby makes the following rules:—

Citation and Commencement

1. These rules may be cited as the Lands Tribunal (Business Tenancies) Rules (Northern Ireland) 1964 and shall come into operation on 1st January, 1965.

(a) 1964. c. 29 (N.I.).

Interpretation

2.—(1) In these rules,

"the Act" means the Business Tenancies Act (Northern Ireland) 1964(a);
"the Tribunal" means the Lands Tribunal for Northern Ireland;
"the registrar" and "the office" mean respectively the registrar and the office for the time being of the Tribunal.

(2) A reference in these rules to a person to or by whom a notice, application or other instrument is authorised or required to be sent shall include a reference to an agent of that person duly authorised in writing in that behalf.

(3) In relation to any proceedings under the Act, any reference in these rules to a landlord shall, if the estate of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver is in receipt of the rents and profits, be deemed to be a reference to the mortgagee instead of that landlord.

(4) A form referred to by number means the form so numbered in Schedule 1.

Notice of application

Under Part I of the Act

3.—(1) An application under section 8(1) of the Act for the grant of a new tenancy may be made by sending to the registrar a written application in accordance with form 1, together with the following documents:—

(*a*) where an application arises from the service by the landlord of a notice to determine a tenancy under section 4 of the Act:—

(i) a copy of such notice to determine;

(ii) a copy of any notification served on the landlord in pursuance of section 4(6)(*a*) of the Act; and

(iii) a copy of any written consent given by the landlord under section 8(3) of the Act.

(*b*) where the tenant has made a request for a new tenancy under section 5(3) of the Act:—

(i) a copy of such request;

(ii) a copy of any notice served on the tenant by the landlord under section 5(6) of the Act; and

(iii) a copy of any written consent given by the landlord under section 8(3) of the Act.

The tenant shall at the same time send to the landlord a copy of such application.

(2) Where a declaration has been made pursuant to section 11(2) of the Act and the tenant requires that the Tribunal shall make an order under paragraph (*b*) of that subsection the tenant shall, within 14 days after the making of the declaration, give notice of his requirement to the registrar, who shall thereupon make an order and send a copy to every party to the proceedings.

(3) An application under section 17(2) of the Act for the revocation of an order made by the Tribunal for the grant of a new tenancy may be made by sending to the registrar a written application in accordance with form 2. The tenant shall at the same time send a copy of such application to every party to the proceedings.

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

(4) An application under section 17(6) of the Act to execute or accept or join in executing or accepting a document may be made by sending a written application to that effect to the registrar. A copy of such application shall at the same time be sent to the other party to the proceedings.

(5) An application under section 19(4) of the Act for a certificate of the grounds for refusing the grant of a new tenancy may be made ex parte by sending to the registrar a written application in accordance with form 3.

(6) An application under section 21(1) of the Act for the payment of compensation for damage or loss sustained may be made by sending to the registrar a written application in accordance with form 4. The tenant shall at the same time send a copy of such application to every party to the proceedings.

Under Part II of the Act

(7) An application under section 33(3) of the Act for the determination of any matter in relation to the right to compensation under Part II of the Act or to the amount thereof may be made by sending to the registrar a written application in accordance with form 5, together with a copy of the relevant claim for compensation. A copy of such application shall at the same time be sent to the other party to the proceedings.

(8) An application under section 36(1) of the Act for an improvement order may be made by sending to the registrar a written application in accordance with form 6, together with a copy of the relevant notice of improvement served under section 34(1) of the Act on the landlord, and a copy of any notice of objection served under section 34(2), (3) or (4) of the Act on the tenant by his landlord or any superior landlord. The tenant shall at the same time send to his landlord and each such superior landlord a copy of such application.

(9) An application under section 37(*d*) or 37(*e*) of the Act to fix the amount of an increase in rent in a notice of undertaking may be made by sending to the registrar a written notice of application in accordance with form 6, together with a copy of the said notice of undertaking. A copy of such application shall at the same time be sent to the other party to the proceedings.

(10) An application under section 37(*f*) of the Act for the determination of a dispute as to the amount or commencement of or otherwise in relation to an increase in rent on completion of an improvement in accordance with a notice of undertaking may be instituted by sending to the registrar a written notice of application in accordance with form 6, together with a copy of the said notice of undertaking. A copy of such application shall at the same time be sent to the other party to the proceedings.

(11) An application under section 37(*g*) of the Act in respect of the failure of a landlord to carry out an improvement in accordance with a notice of undertaking may be made by sending to the registrar a written application in accordance with form 6, together with a copy of the said notice of undertaking. The tenant shall at the same time send to the landlord a copy of such application.

(12) An application under section 40(1) of the Act for an improvement certificate may be made by sending to the registrar a written application in accordance with form 6, together with a copy of the relevant notice of improvement. The tenant shall at the same time send to the landlord a copy of such application.

(13) An application under section 40(2) of the Act to determine a dispute as to the expenses incurred by a landlord in giving his tenant an improvement certificate may be instituted by sending to the registrar a written application in accordance with form 6, together with the relevant certificate. A copy of such application shall at the same time be sent to the other party to the proceedings.

Under Part III of the Act

(14) An application under section 48(1) of the Act for an order to determine a tenancy where the tenant cannot be traced may be made by sending to the registrar a written application in accordance with form 7.

Under Part I, II or III of the Act

(15) Any application not expressly provided for in these rules may be made in the first place in writing to the registrar, and the Tribunal may give such directions in relation thereto as may be necessary.

Entry of application

4. Upon receiving an application the registrar shall enter particulars thereof in the register of applications under the Business Tenancies Act (Northern Ireland) 1964 and shall inform each of the parties to the proceedings of the number of the application entered in the register, which shall thereafter constitute the title of the proceedings.

Power to require further particulars

5. The registrar may at any time after receiving an application require the applicant to furnish such additional particulars as may to him appear to be necessary.

Service of notices on and appearances by interested persons

6. (*a*) *Under Part I of the Act*

(i) Where an application is made under section 8(1) of the Act and the applicant is not the immediate tenant of the landlord, as defined in Part I of the Act, the applicant shall serve a copy of his application on his immediate landlord, who, within 7 days of the receipt thereof, shall, if he is not the immediate tenant of the said landlord, serve a notice on his immediate superior landlord informing such landlord of the fact of the tenant's application, the name and address of the tenant, and in general terms the tenant's proposals for a new tenancy, and so on from landlord to landlord.

(ii) Where an application is made under section 8(1) of the Act and the landlord is not the freeholder of the property to which the application relates, nor a tenant under a lease having more than 14 years unexpired at the date of the termination of the current tenancy under which the applicant holds, that landlord shall, within 7 days of the service of the application on him, serve a notice on his immediate superior landlord informing such landlord of the fact of the tenant's application, the name and address of the tenant, and in general terms the tenant's proposals for a new tenancy, and that landlord shall, if he does not satisfy the said conditions, serve a similar notice on his landlord and so on from landlord to landlord.

(iii) When such a notice as is referred to in sub-paragraphs (i) and (ii) is served by a landlord on his immediate superior landlord, that landlord shall at the same time inform the tenant of such service by

notice served on the tenant who made the original application, containing the name and address of that superior landlord, and so far as known, the nature and duration of the estate of the said superior landlord.

(iv) On receipt of such a notice the tenant shall, if he has not already done so, serve a copy of his application under section 8(1) of the Act on the superior landlord mentioned therein.

(v) Any landlord, other than the landlord as defined in Part I of the Act, having a reversionary estate which is likely to be affected by the grant of a reversionary tenancy and who has duly served the notices referred to in sub-paragraphs (i), (ii) and (iii) may give to the registrar, not later than 14 days before the hearing, written notice of his intention to appear at the hearing, stating the estate in the property concerned whereby he claims entitlement to be heard on the application and the grounds on which he intends to rely by virtue of section 14(4) of the Act.

(vi) The registrar shall supply the parties to the proceedings, and each person giving notice of intention to appear and who satisfies the registrar that he is a person qualified to give such a notice, with a copy of any other notice of intention to appear.

(vii) Each person who satisfies the registrar under the preceding sub-paragraph shall be a party to the proceedings.

(viii) An applicant under section 8(1) of the Act shall not later than 3 days before the hearing send to the registrar a notice in writing stating the names of the persons upon whom he has served a copy of his application and the date of service in each case.

(*b*) *Under Part II of the Act*

(i) Any person who claims to be entitled to be heard at the hearing of any application made under section 36(1) of the Act may give to the registrar, not later than 14 days before the hearing, written notice of his intention to appear at the hearing, stating the estate in the property concerned whereby he claims entitlement to be heard on the application and the grounds on which he intends to rely.

(ii) The registrar shall supply the parties to the proceedings, and each person giving notice of intention to appear and who satisfies the registrar that he is a person qualified to give such a notice, with a copy of any other notice of intention to appear.

(iii) Each person who satisfies the registrar under the preceding sub-paragraph shall be a party to the proceedings.

(*c*) *General power of notifying interested persons*

The registrar shall have power to serve notice of any application or notice of intention to appear, or any document, or to direct any party to the proceedings to effect such service, upon any person whom the registrar considers may be affected by the proceedings.

Procedure before the Tribunal

7. Part VII of the Lands Tribunal Rules (Northern Ireland) 1964, except rules 29, 33, 54, 59 and 60 shall apply to all applications under these rules with the following modifications:—