EXPLANATORY MEMORANDUM TO

The Tenancy Information Regulations (Northern Ireland)

SR 2023 No. 19

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 4A, 4B and 72(1) of the Private Tenancies (Northern Ireland) Order 2006 and Section 2 and Schedule 1 to the Private Tenancies Act (Northern Ireland) 2022 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations is to prescribe the form of notice and the information a landlord must give a tenant relating to the granting of a private tenancy and any variation of that tenancy.

3. Background

3.1. Section 1 of the Private Tenancies Act (Northern Ireland) 2022 ("the Act") inserts new Articles 4A, 4B and 4C into the Private Tenancies (Northern Ireland) Order 2006 ("the Order").

3.1.1 Articles 4A and 4B deal with tenancies granted and variations to tenancy terms made from the 1st April 2023.

3.1.2 Article 4A requires the landlord of a private tenancy, within 28 days of granting it, to provide the tenant, free of charge, with a notice containing particulars and other information relating to the tenancy.

3.1.3 Article 4B requires landlords, on the variation of a prescribed term of a tenancy to provide the tenant, free of charge, with a notice containing information relating to the variation. The landlord will be required to do this within 28 days of the variation.

3.2 Section 2 introduces Schedule 1. That Schedule will ensure that those tenants who would have received notices under Article 4 of the 2006 Order but did not do so because of its accidental repeal, and who are still in a private tenancy on 1st April 2023, receive notices from their landlords regarding certain past matters.

3.2.1 Schedule 1 deals with tenancies granted and variations to tenancy terms made between the repeal of Article 4 of the 2006 Order on the 30th June 2011 and the coming into operation of the new Articles 4A and 4B where the tenancy is still in existence on that coming into operation. Paragraphs 1 and 2 of the Schedule provide for the giving of certain notices to the tenants of such tenancies. The tenant should be given a notice of particulars and information relating to the tenancy and any variations within 28 days of 1st April 2023. These notices must be given free of charge. Paragraphs 1(3) and 2(4) include a concession to landlords who have already given a notice

that substantially meets the requirements of the Schedule at any time between granting the tenancy or, as the case may be, varying the prescribed term and 1st April 2023, such that they are to be regarded as having complied with the notice requirements in paragraphs 1 and 2.

4. Consultation

4.1. While there was no statutory requirement to consult, the Department worked with representatives of landlords and tenants on the content of the Regulations.

5. Equality Impact

5.1. The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

6. Regulatory Impact and Data Protection Impact

6.1. No Regulatory Impact Assessment is required as the proposals will result in no or negligible costs or savings to any business, charity or voluntary group.

6.2. The Statutory Rule has been screened for any possible impact on Data Protection and no adverse or differential aspects were identified.

7. Financial Implications

7.1. None for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.