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:—

(*a*) In rule 28(1) the words "or notice of application under the Business Tenancies Act (Northern Ireland) 1964" shall be inserted after the words "Part II, III or IV"; the words "or application" shall be inserted after the word "appeal" where it appears secondly; and the words "or applications" shall be inserted after the word "appeals";

(*b*) In rule 28(2) the words "or notices of application under the Business Tenancies Act (Northern Ireland) 1964" shall be inserted after the words "Part II, III or IV"; and the words "or application" shall be inserted after the word "appeals".

(*c*) In rule 28(3) the words ", reference or application" shall be substituted for the words "or such notices of reference"; and the words "appeals, references or applications" shall be substituted for the words "appeals or references".

(*d*) In rule 32(1) the words "or an application under the Business Tenancies Act (Northern Ireland) 1964" shall be inserted after the words "Part II, III or IV"; the words "or applicant" shall be inserted after the word "appellant"; the words "or application" shall be inserted after the word "appeal" where it occurs secondly; and the word "application" shall be inserted after the word "appeal" where it occurs thirdly.

(*e*) In rule 46(1) the word "or" shall be deleted and the words "or application under the Business Tenancies Act (Northern Ireland) 1964" shall be inserted after the word "reference".

(*f*) In rule 46(5) the last sentence shall be deleted.

(*g*) In rule 46(6) the word "or" where it occurs thirdly shall be deleted and the words "or application" shall be inserted after the word "reference".

Fees

8. The fees specified in Schedule 2 shall be payable to the registrar in respect of the matters mentioned in the said Schedule, by means of stamps impressed on the notice, application or other document mentioned or (in the case of a hearing fee) on the order or award of the Tribunal. A document may be sent to the registrar for stamping if accompanied by a remittance in accordance with the directions contained in the said Schedule. The hearing fee shall, unless the Tribunal otherwise directs, be payable by the party by whom the proceedings were instituted (without prejudice to his right to recover the amount of the fee from any other party by virtue of any order as to costs) on receipt of notification from the registrar.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of December, 1964.

(L.S.) *R. H. Kidd,*
Assistant Secretary.

SCHEDULE 1

FORMS

Rule 3(1)

FORM 1

Application under section 8(1) of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We

of ,

Strike out if not applicable

being the tenant of above premises, hereby apply for the grant of a new tenancy. Particulars of my/our current tenancy are set out below [together with my/our proposals as to the period, rent and other terms of the new tenancy].

The name and address of the landlord on whom a copy of this application has been served is

of .

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent].

Signed

Dated

Particulars of current tenancy

Date of contract or agreement

Term granted

Rent reserved

Date and mode of termination of tenancy

Nature of business carried on by tenant

Net annual value of premises

Whether any, and if so what, part of the property comprised in the tenancy is occupied neither by the tenant, nor a person employed by the tenant for the purposes of the business carried on by the tenant in the premises

To be completed only where a notice to determine the tenancy has been served

Proposals for new tenancy

Property to be comprised in new tenancy (being either the whole or part of the property comprised in the current tenancy)

The rent to be payable

The duration of the new tenancy

Any other terms requested

Notes

This application shall be accompanied by the documents specified in rule 3(1)(*a*) or (*b*).

A copy of this application shall be served on any person having a reversionary estate which would be affected by the grant of a reversionary tenancy—see section 14(3) of the Act and rule 6(*a*).

Rule 3(3)

FORM 2

Application under section 17(2) of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We

of

a tenant/s of the above premises, hereby apply for a revocation of the order made by the Lands Tribunal on

The number of the application constituting the title of the proceedings in respect of which the order was made is

The net annual value of the premises is

A copy of this application has been sent to the following persons at the addresses shown:—

of (landlord)

of

of

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent

of].

Signed

Dated

Rule 3(5)

FORM 3

Application under section 19(4) of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We

of

being

State Tenancy

hereby apply for a certificate that the Lands Tribunal is precluded in the circumstances mentioned in section 19(1) of the above-mentioned Act from making an order for the grant of a new tenancy by reason of grounds specified in paragraphs (*e*), (*f*) or (*g*) of section 10(1) of the Act and not of any grounds specified in any other paragraph of that subsection.

The net annual value of the premises is £

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent

of].

Signed

Dated

Rule 3(6)

FORM 4

Application under section 21 of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We

of

being a tenant/s of the above premises, hereby apply for the payment of compensation for damage or loss sustained by me/us as a result of the Tribunal refusing an order for the grant of a new tenancy.

Here insert grounds of application

The number of the application constituting the title of the proceedings in which the order was refused is

The net annual value of the premises is £

A copy of this application has been sent to the following persons at the addresses shown:—

of (landlord)

of

of

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent
of].

Signed

Dated

Note

Any certificate granted under section 19(4) of the Act shall be sent to the registrar with this application.

Rule 3(7)

FORM 5

Application under section 33(3) of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We

of

State capacity in which application is made

being of the above premises hereby apply for the determination by the Lands Tribunal of the matter of which particulars are set out below.

Strike out words not applicable

I/We do/do not propose to call an expert witness.

The net annual value of the premises is £

A copy of this application has been sent to the following person at the address shown

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent
of].

Particulars

[Name and address of landlord
.]

[Name and address of claimant
.]

Date of contract or agreement for tenancy

Term granted

Rents reserved

Date and mode of termination of tenancy

If applicant has quitted holding state the date on which he so quitted

Particulars of improvement for which compensation is sought

Date of service of claim for compensation

Nature of question to be determined

Signed

Dated

Notes

A copy of the relevant notice of claim for compensation shall be sent to the registrar with this notice.

A landlord served with a copy of this application shall serve on his immediate landlord a copy of such application.

Rules 3(8) 3(11)
3(9) 3(12)
3(10) 3(13)

FORM 6

Application under sections 36, 37 or 40 of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We
of
being [the tenant] [the landlord] of the above premises hereby apply for:—
[an improvement order under section 36(1) or 37(*g*) of the Act]

or

[the determination, under paragraphs (*d*) or (*e*) of section 37 of the Act, of the amount of increased rent in the enclosed notice of undertaking]

or

[the determination under paragraph (*f*) of section 37 of the Act of the following question:—

]

or

[an improvement certificate under section 40(1) of the Act]

or

[the determination under section 40(2) of the Act of the expenses incurred by the landlord in furnishing an improvement certificate].

The following are particulars of the current tenancy under which the premises are held:—

Date of contract or agreement

Names and addresses of parties to contract or agreement
of
of

Term granted
Rent reserved
Date and mode of termination of tenancy
Nature of business carried on by tenant
Net annual value of premises
A copy of this application has been sent to the following persons at the addresses shown:—
of
of
of

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent].

Signed

Dated

Notes

1. In the case of an application under section 36(1) of the Act a copy of the relevant notice of improvement and copies of any notices of objection shall be sent to the registrar with this notice.

2. In the case of an application under paragraph (*d*), (*e*), (*f*) or (*g*) of section 37 of the Act a copy of the relevant notice of undertaking shall be sent to the registrar with this notice.

3. In the case of an application under section 40(1) of the Act a copy of the relevant notice of improvement shall be sent to the registrar with this notice.

4. In the case of an application under section 40(2) a copy of the relevant certificate shall be sent to the registrar with this application.

Rule 3(14)

FORM 7

Application under section 48(1) of the Business Tenancies Act (Northern Ireland) 1964

To:—The Registrar,
Lands Tribunal for Northern Ireland,
4 Adelaide Street,
Belfast, 2.

In the matter of business premises situate at

Here state usual address

I/We
of

the landlord of the above premises desiring to determine the tenancy on
and being unable to communicate with such person hereby apply for an order determining the tenancy.

The net annual value of the premises is £

Strike out words not applicable

All communications regarding this application should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent
of].

Signed

Dated

Rule 8

SCHEDULE 2

Fees

Item	*Fees*
Notice of application	£ s. d.
1. On any notice of application under rule 3.	10 0
2. For making any order under these rules.	10 0
3. On any application to the President, Tribunal or registrar under the Lands Tribunal Rules (N.I.) 1964.	10 0
Hearing fee	
4. On an application where the net annual value of the property comprised in the tenancy	
(*a*) does not exceed £100	10 0
(*b*) exceeds £100 but does not exceed £250	1 0 0
(*c*) exceeds £250 but does not exceed £500	2 0 0
(*d*) exceeds £500 but does not exceed £1,000	5 0 0
(*e*) exceeds £1,000 but does not exceed £5,000	10 0 0
(*f*) exceeds £5,000	25 0 0
Copies of documents	
5. On supplying and certifying a copy of an order or an award of the Tribunal.	10 0
6. For a photographic copy of all or part of any document (other than a copy on which Fee No. 5 is payable), whether or not issued as an office copy—	
for each photographic sheet	
(*a*) not over foolscap size	2 0
(*b*) over foolscap size	4 0
7. For a typewritten copy of any document, for each folio ..	9
and for each folio of any additional carbon copy bespoken (subject in any case to a minimum of 2s. 6d.)	4
Miscellaneous fees	
8. On a case for the decision of the Court of Appeal	
(*a*) drawing case, if not drawn by the parties	10 0
(*b*) attending the President or the Tribunal settling case	2 0 0
9. On taxation of a bill of costs for every £2 or fraction thereof allowed.	1 0

Directions for payment

10. A document transmitted by post for stamping shall be accompanied by a cheque, money order or postal order, drawn to the order of the Lands Tribunal for Northern Ireland, for the amount of the fee payable.