**Changes to Legislation:** as of 11 November 2026, this Act is up to date with all changes known to be in force.



*Number* 27 *of* 2004

# RESIDENTIAL TENANCIES ACT 2004

## REVISED

## Updated to 25 September 2026

This Revised Act is an administrative consolidation of the *Residential Tenancies Act 2004*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *Housing and Residential Tenancies (Miscellaneous Provisions) Act 2026 (Commencement) (No. 3) Order 2026* (S.I. No. 497 of 2026), made 24 September 2026, were considered in the preparation of this Revised Act.

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*Number* 27 *of* 2004

# RESIDENTIAL TENANCIES ACT 2004

**REVISED**

**Updated to 25 September 2026**

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ACTS REFERRED TO

| | |
|---|---|
| Adoption Acts 1952 to 1998 | |
| Arbitration Act 1954 | 1954, No. 26 |
| Civil Liability Act 1961 | 1961, No. 41 |
| Civil Service Commissioners Act 1956 | 1956, No. 45 |
| Civil Service Regulation Acts 1956 to 1996 | |
| Companies Acts 1963 to 2003 | |
| Comptroller and Auditor General (Amendment) Act 1993 | 1993, No. 8 |
| Conveyancing Act 1881 | 1881, c. 41 |
| Conveyancing and Law of Property Act 1892 | 1892, c. 13 |
| Criminal Law Amendment Act 1912 | 1912, c. 20 |
| Equal Status Act 2000 | 2000, No. 8 |
| European Parliament Elections Act 1997 | 1997, No. 2 |
| Finance Act 1999 | 1999, No. 2 |
| Health Act 1970 | 1970, No. 1 |
| Health (Eastern Regional Health Authority) Act 1999 | 1999, No. 13 |
| Housing Act 1966 | 1966, No. 21 |
| Housing Act 1988 | 1988, No. 28 |
| Housing Acts 1966 to 1997 | |
| Housing Acts 1966 to 2002 | |
| Housing (Miscellaneous Provisions) Act 1992 | 1992, No. 18 |
| Housing (Miscellaneous Provisions) Act 1997 | 1997, No. 21 |
| Housing (Miscellaneous Provisions) Act 2002 | 2002, No. 9 |
| Housing (Private Rented Dwellings) Act 1982 | 1982, No. 6 |
| Housing (Traveller Accomodation) Act 1998 | 1998, No. 33 |
| Interpretation Act 1937 | 1937, No. 38 |
| Landlord and Tenant Act 1931 | 1931, No. 55 |
| Landlord and Tenant (Amendment) Act 1980 | 1980, No. 10 |
| Landlord and Tenant (Amendment) Act 1994 | 1994, No. 20 |
| Landlord and Tenant (Ground Rents) (No. 2) Act 1978 | 1978, No. 7 |
| Landlord and Tenant Law Amendment Act Ireland 1860 | 1860, c. 154 |
| Local Government Act 2001 | 2001, No. 37 |
| Organisation of Working Time Act 1997 | 1997, No. 20 |
| Petty Sessions (Ireland) Act 1851 | 1851, c. 93 |
| Planning and Development Act 2000 | 2000, No. 30 |
| Public Offices Fees Act 1879 | 1879, c. 58 |
| Social Welfare (Consolidation) Act 1993 | 1993, No. 27 |
| Statute of Limitations 1957 | 1957, No. 6 |
| Succession Act 1965 | 1965, No. 27 |
| Taxes Consolidation Act 1997 | 1997, No. 39 |
| Urban Renewal Act 1998 | 1998, No. 27 |

*Number* 27 *of* 2004

# RESIDENTIAL TENANCIES ACT 2004

**REVISED**

**Updated to 25 September 2026**

AN ACT TO PROVIDE—

(*a*) IN ACCORDANCE WITH THE EXIGENCIES OF THE COMMON GOOD, FOR A MEASURE OF SECURITY OF TENURE FOR TENANTS OF CERTAIN DWELLINGS,

(*b*) FOR AMENDMENTS OF THE LAW OF LANDLORD AND TENANT IN RELATION TO THE BASIC RIGHTS AND OBLIGATIONS OF EACH OF THE PARTIES TO TENANCIES OF CERTAIN DWELLINGS,

(*c*) WITH THE AIM OF ALLOWING DISPUTES BETWEEN SUCH PARTIES TO BE RESOLVED CHEAPLY AND SPEEDILY, FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS AN BORD UM THIONÓNTACHTAÍ CÓNAITHE PRÍOB-HÁIDEACHA OR, IN THE ENGLISH LANGUAGE, THE PRIVATE RESIDENTIAL TENANCIES BOARD AND THE CONFERRAL ON IT OF POWERS AND FUNCTIONS OF A LIMITED NATURE IN RELATION TO THE RESOLUTION OF SUCH DISPUTES,

(*d*) FOR THE REGISTRATION OF TENANCIES OF CERTAIN DWELLINGS, AND

(*e*) FOR RELATED MATTERS. [19*th July* 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART 1

### Preliminary and General

Short title.

**1.**—This Act may be cited as the Residential Tenancies Act 2004.

Commencement.

**2.**—This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Application of Act.

**3.**—(1) Subject to *subsection (2)*, this Act applies to every dwelling, the subject of a tenancy (including a tenancy created before the passing of this Act).

F1[(1A) (*a*) Subject to *subsection (7)*, this Act also applies to every dwelling (the subject of a tenancy created not earlier than one month after the commencement of paragraph (a) of section 3 of the Residential Tenancies (Amendment) Act 2019) situated in a building, or part of a building, used for the sole purpose (subject to *subparagraphs (i)*, *(ii)* and *(iii)*) of providing residential accommodation to students during academic term times under a tenancy—

(i) whether or not the building or part of the building concerned is used for any other purpose outside of those times,

(ii) whether or not any such students are permitted to reside there outside of those times, and

(iii) whether or not any person other than a student resides there, provided that the purpose of the person's residing there serves the first-mentioned purpose,

F2**[**but does not apply to a dwelling**]** in a building or part of a building used for the first-mentioned purpose where the landlord (other than a landlord who is not an individual) also resides in the building or part of the building concerned.

(*b*) This subsection is without prejudice to *subsection (1)* and accordingly this Act shall, by virtue of that subsection—

(i) continue to apply to any dwelling to which it applied immediately before the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019 in the same manner as it applied to such dwelling before such commencement, and

(ii) apply to any dwelling—

(I) occupied by a student under a tenancy created on or after such commencement, and

(II) to which this Act would apply had sections 3 and 5 of the Residential Tenancies (Amendment) Act 2019 not been enacted,

in the same manner as it would apply to a dwelling referred to in *subparagraph (i)*.

(*c*) The definition of "dwelling" in *section 4* shall apply for the purposes of this subsection as if "residential unit (whether or not self-contained)" were substituted for "self-contained residential unit".

(*d*) In this subsection "student" means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012).**]**

(2) Subject to *section 4(2)*, this Act does not apply to any of the following dwellings—

(*a*) a dwelling that is used wholly or partly for the purpose of carrying on a business, such that the occupier could, after the tenancy has lasted 5 years, make an application under section 13(1)(*a*) of the Landlord and Tenant (Amendment) Act 1980 in respect of it,

(*b*) a dwelling to which Part II of the Housing (Private Rented Dwellings) Act 1982 applies,

F3**[**(*c*) a dwelling that is let by or to a public authority and without prejudice to the generality of the foregoing, including a dwelling provided by a public authority to an approved housing body other than a dwelling referred to in *subsection (2A)*,**]**

(*d*) a dwelling, the occupier of which is entitled to acquire, under Part II of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, the fee simple in respect of it,

(*e*) a dwelling occupied under a shared ownership lease,

(*f*) a dwelling let to a person whose entitlement to occupation is for the purpose of a holiday only,

(*g*) a dwelling within which the landlord also resides,

(*h*) a dwelling within which the spouse F4**[**, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**]**, parent or child of the landlord resides and no lease or tenancy agreement in writing has been entered into by any person resident in the dwelling,

(*i*) a dwelling the subject of a tenancy granted under Part II of the Landlord and Tenant (Amendment) Act 1980 or under Part III of the Landlord and Tenant Act 1931 or which is the subject of an application made under section 21 of the Landlord and Tenant (Amendment) Act 1980 and the court has yet to make its determination in the matter.

F5**[**(*j*) a dwelling consisting of a detached house constructed, erected or placed in the rear garden of a house (in this paragraph referred to as the "principal house"), where—

(i) the construction, erection or placing of the said dwelling in that rear garden was, at the time of such construction, erection or placing, exempted development within the meaning of the Planning and Development Act 2000 or the Planning and Development Act 2024, and

(ii) the principal house is—

(I) the principal private residence (within the meaning of section 473B of the Taxes Consolidation Act 1997) of the landlord of the said dwelling, and

(II) owned by that landlord.**]**

F6**[**(2A) Where—

(*a*) a public authority provides a dwelling, of which it is the owner, to an approved housing body under a contract or lease between the public authority and the approved housing body pursuant to paragraph (ea) of section 6(2) of the Housing (Miscellaneous Provisions) Act 1992, and

(*b*) subsequent to such provision the dwelling concerned is the subject of a tenancy between the approved housing body concerned and a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

for the purposes of *subsection (1)* and without prejudice to *paragraph (c)* of *subsection (2)* —

(i) this Act applies to that dwelling (including any such dwelling that is the subject of a tenancy created before the coming into operation of this subsection),

(ii) any such tenancy shall not, for the purposes of this Act, be treated as a sub-tenancy arising out of such lease or contract between the public authority and the approved housing body, and

(iii) references in this Act to a sub-tenancy shall not include a dwelling that is the subject of a tenancy between the approved housing body and the household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009.**]**

F7**[**(3) Notwithstanding the definition of "tenancy" in *section 5(1)*, in this section a reference to a tenancy does not include a tenancy F8**[**(other than a *Part 4* tenancy)**]** the term of which is more than 35 years.**]**

F6**[**(4) Without prejudice to *subsection (1)*, for the purposes of the application of this Act to—

(*a*) a dwelling referred to in *subsection (2A)*, and

(*b*) a dwelling, other than a dwelling referred to in *paragraph (a)*, that—

(i) F9**[**is provided by an approved housing body**]** to whom assistance is given under subsection (2) of section 6 of the Housing (Miscellaneous Provisions) Act 1992, other than the assistance referred to in paragraph (ea) of that subsection, for the purposes of such provision by the approved housing body,

(ii) is the subject of a tenancy (including a tenancy created before the commencement of this subsection), and

(iii) is let by that approved housing body to a household within the meaning of section 20 of the Housing (Miscellaneous Provisions) Act 2009 that has been assessed under that section of that Act as being qualified for social housing support (within the meaning of that Act),

*subsections (5)* and *(6)* (both inserted by section 3 of the Residential Tenancies (Amendment) Act 2015) and *sections 3A* and *3B* (both inserted by section 4 of the Residential Tenancies (Amendment) Act 2015) shall apply to a dwelling referred to in *paragraphs (a)* and *(b)*.

(5) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in *subsection (4)(a)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) the approved housing body concerned shall be deemed to be a landlord of such dwelling,

(*b*) references in this Act (or regulations made under it) to a landlord, in so far as the references concern a dwelling, referred to in *subsection (4)(a)*, shall be construed accordingly, and

(*c*) the person who is the tenant of the dwelling shall be construed in accordance with *subsection (6)*.

(6) For the purposes of the application of this Act (and regulations made under it) to a dwelling referred to in *paragraphs (a)* and *(b)* of *subsection (4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) where the household comprises one person, that person shall be deemed to be a tenant of such dwelling,

(*b*) where the household comprises 2 or more persons, whichever of those persons who has been granted occupation of the dwelling pursuant to the tenancy agreement shall be deemed to be the tenants of such dwelling, and

(*c*) references in this Act to a tenant and multiple tenants, in so far as the references concern a dwelling, referred to in *paragraph (a)* or *(b)* of *subsection (4)*, the subject of a tenancy, shall be construed accordingly.**]**

F1**[**(7) The following provisions of this Act shall not apply to a tenancy of a dwelling referred to in *subsection (1A)*:

(*a*) *paragraphs (k)* and *(n)* of *section 16*, *subsections (2)* and *(3)* of *section 78* and *clause (II)* of *subparagraph (i)* of *paragraph (e)* of *subsection (4)* of *section 135*;

(*b*) F10**[***sections 60, 70,***]** *71*, *72*, *73*, *81*, *185*, *186* and *195*;

(*c*) *Part 4*; and

(*d*) *Schedule 1*.**]**

F11**[**Restrictions on sub-letting and assignment of tenancy for dwellings referred to in *section 3(4)*

**3A.**—(1) A tenant of a dwelling the subject of a tenancy that is referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015) shall not assign or sub-let the tenancy.

(2) Any sub-tenancy of a dwelling referred to in *section 3(4)* that is purported to be created shall be void.

(3) Any assignment of a dwelling referred to in *section 3(4)* that is purported to be made is void.

(4) *Section 16(k)* shall not apply in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*.**]**

F12**[**(5) This section applies to a dwelling referred to in *subsection (1A)* of *section 3* as it applies to a dwelling referred to in *subsection (4)* of *section 3* and, accordingly, references in the preceding subsections of this section to the second-mentioned dwelling shall be construed as including references to the first-mentioned dwelling.**]**

F13**[**Application of Act to dwellings referred to in *section 3(4)*: supplemental provisions

**3B.**—For the purposes of the application of this Act to a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015)—

(*a*) a reference in *Part 4* to a "continuous period of 6 months", means a continuous period of 6 months that commences on or after the commencement of *section 3(4)*,

(*b*) a reference in this Act to "relevant date" shall be construed as meaning the date on which *section 3(4)* of the Act is commenced,

(*c*) the ground specified in *paragraph 4* of the Table to *section 34* shall not apply in respect of the termination of a tenancy in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*,

(*d*) *section 50(7)* shall not apply to a licensee of a tenant, or multiple tenants, referred to in *section 50(7)* of a dwelling the subject of a tenancy referred to in *section 3(4)*,

(*e*) *sections 19*, *20*, *21* and *22* shall not apply to a dwelling the subject of a tenancy referred to in *section 3(4)*, and

(*f*) *section 139* shall not apply in respect of a dwelling the subject of a tenancy referred to in *section 3(4)*.**]**

F14**[**Notification to Minister of designations

**3C.**—Where an approved housing body makes a designation referred to in *subsection (5)* of *section 25*, it shall notify the Minister of such designation and consent of the public body concerned not later than 6 months after the making of such designation.**]**

Interpretation generally.

**4.**—(1) In this Act, unless the context otherwise requires—

"adjudicator" shall be construed in accordance with *section 164(2)*;

F15**[**"approved housing body" means a body—

(*a*) approved under section 6(6) of the Housing (Miscellaneous Provisions) Act 1992 for the purposes of section 6 of that Act, and

(*b*) to which—

(i) assistance under section 6 of the Housing (Miscellaneous Provisions) Act 1992 is given for the provision by the approved housing body of dwellings F16**[**...**]**, or

(ii) assistance referred to in section 6(2)(ea) of that Act is given;**]**

"authorised agent" shall be construed in accordance with *section 12(1)(e)*;

F17**[**"BER" has the same meaning as it has in the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012);**]**

F18**[**"Board" shall be construed in accordance with *section 150(1)* and section 13 of the Residential Tenancies (Amendment) Act 2015;**]**

"child" includes a person who is no longer a minor and cognate words shall be construed accordingly;

"company" means a company within the meaning of the Companies Acts 1963 to 2003;

"contract of tenancy" does not include an agreement to create a tenancy;

"Director" shall be construed in accordance with *section 160(1)*;

"Dispute Resolution Committee" shall be construed in accordance with *section 157(2)*;

"dwelling" means, subject to *subsection (2)*, a property let for rent or valuable consideration as a self-contained residential unit and includes any building or part of a building used as a dwelling and any out office, yard, garden or other land appurtenant to it or usually enjoyed with it and, where the context so admits, includes a property available for letting but excludes a structure that is not permanently attached to the ground and a vessel and a vehicle (whether mobile or not);

"establishment day" means the day appointed under *section 149*;

F17**[**"floor area" means—

(*a*) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, the floor area recorded in respect of the dwelling on the BER register on the basis of a BER assessment in accordance with those Regulations, and

(*b*) in any other case, the floor area within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997);**]**

"functions" includes powers and duties and references to the performance of functions include, as respects power and duties, references to the exercise of the powers and the carrying out of the duties;

"further *Part 4* tenancy" shall be construed in accordance with *section 41(2)* or *45(2)*, as appropriate;

F15**[**"housing authority" has the meaning assigned to it by section 23 of the Housing (Miscellaneous Provisions) Act 1992;**]**

"local authority" means a local authority for the purposes of the Local Government Act 2001;

"management company", in relation to an apartment complex, means the company in which functions are vested with respect to the management of the apartment complex;

"mediator" shall be construed in accordance with *section 164(1)*;

"Minister" means the Minister for the Environment, Heritage and Local Government;

"*Part 4 tenancy*" shall be construed in accordance with *section 29*;

F19**[**"personal data" has the meaning it has in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[1] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);**]**

[1] OJ No. L119, 4.5.2016, p. 1

F17**[**"personal public service number" means a number allocated and issued in accordance with section 262 of the Social Welfare Consolidation Act 2005;**]**

"personal representative" has the same meaning as it has in the Succession Act 1965;

"planning permission" means a permission under section 34 of the Planning and Development Act 2000;

F17**[**"postcode" means postcode within the meaning of section 66 of the Communications Regulation (Postal Services) Act 2011;**]**

"prescribed" means prescribed by regulations made by the Minister under this Act;

"public authority" means—

(*a*) a Minister of the Government or a body under the aegis of a Minister of the Government,

(*b*) the Commissioners of Public Works in Ireland,

(*c*) a local authority,

F15**[**(*ca*) a housing authority,**]**

F20**[**(*d*) the Health Service Executive established under section 6 of the Health Act 2004,**]**

(*e*) F21**[**...**]**

(*f*) a voluntary body standing approved of by the Minister for Health and Children or by F22**[**the Health Service Executive**]** of this definition for the purpose of providing accommodation for elderly persons or persons with a mental handicap or psychiatric disorder,

(*g*) F23**[**...**]**

(*h*) F24**[**...**]**

F17**[**"registered number", in relation to a company, means the number assigned to the company in the register kept by the Registrar of Companies under section 887 (2) of the Companies Act 2014;**]**

"remuneration" includes fees, allowances for expenses, benefits-inkind and superannuation;

"required period of notice", in relation to a notice of termination, means the period of notice required by *Part 4* or *5* or, if greater, by the lease or tenancy agreement concerned;

"self-contained residential unit" includes the form of accommodation commonly known as "bedsit" accommodation;

"shared ownership lease" has the meaning assigned to it by section 2 of the Housing (Miscellaneous Provision) Act 1992;

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death;

F17**[**"tax reference number" means the reference number stated on any return of income, form or notice of assessment issued to the company or other body corporate concerned by the Revenue Commissioners;**]**

"tenancy agreement" includes an oral tenancy agreement;

F17**[**"tenancy of minimum duration" has the meaning assigned to it by *section 35B(1);***]**

"Tribunal" shall be construed in accordance with *section 102(2)*.

(2) The definition of "dwelling" in *subsection (1)* shall not apply in relation to the construction of references to "dwelling" to which this subsection applies; each such reference shall be construed as a reference to any building or part of a building used as a dwelling (whether or not a dwelling let for rent or valuable consideration) and any out office, yard, garden or other land appurtenant to it or usually enjoyed with it.

(3) *Subsection (2)* applies to the following references to "dwelling" (whether in the singular or plural form) in this Act, namely—

(*a*) the second of the references in *section 12(1)(h)*,

(*b*) the first and last of the references in *paragraph (c)(ii)* and *paragraph (c)(iii)* of the definition of "behave in a way that is anti-social" in *section 17(1)*,

(*c*) the reference in *subsection (2)(a)* of *section 25* to whichever of the dwellings mentioned in that subsection is not the subject of the tenancy mentioned in *subsection (1)* of that section,

(*d*) the references in *subsection (2)(b)* and *(c)* of *section 25*, and

(*e*) the second of the references in *sections 136(h), 187(1)* and *188(1)*.

(4) In this Act—

(*a*) a reference to a section or Part is a reference to a section or Part of this Act unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a Chapter is a reference to the Chapter of the Part in which the reference occurs, unless it is indicated that reference to some other provision is intended,

(*c*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

(*d*) a reference to any other enactment is a reference to that enactment as amended or extended by or under any subsequent enactment.

"relevant date", "landlord", "tenant", "lease", etc.

**5.**—(1) In this Act—

"landlord" means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy;

"lease" means an instrument in writing, whether or not under seal, containing a contract of tenancy in respect of a dwelling;

"relevant date" means the date on which *Part 4* is commenced F26**[**or, in the case of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), shall be construed in accordance with *section 3B(b)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015)**]**;

"tenancy" includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied, and, where the context so admits, includes a sub-tenancy and a tenancy or sub-tenancy that has been terminated;

"tenant" means the person for the time being entitled to the occupation of a dwelling under a tenancy and, where the context so admits, includes a person who has ceased to be entitled to that occupation by reason of the termination of his or her tenancy.

(2) A reference in this Act to—

(*a*) the landlord of a dwelling is a reference to the landlord under a tenancy of the dwelling, and

(*b*) the tenant of a dwelling is a reference to the tenant under a tenancy of the dwelling.

(3) Subject to *subsection (4)*, in this Act "costs", in relation to a matter being dealt with by the Board, a mediator, an adjudicator or the Tribunal or a determination or direction made or given by it or him or her, does not include—

(*a*) legal costs or expenses, or

(*b*) costs or expenses of any other professional kind or of employing any person with technical expertise that are connected wholly or mainly with the provision of evidence for, or the presentation of one or more issues at, the proceedings.

(4) Despite *subsection (3)*, the Board or, with the consent of the Board, a mediator, an adjudicator or the Tribunal may if, in its or his or her opinion the exceptional circumstances of the matter so warrant, determine that any element of costs the subject of a determination or direction made or given by it or him or her shall include costs referred to in *paragraph (a)* or *(b)* of that subsection F27**[**and the amount of such costs shall not exceed €5,000**]**.

Service of notices.

**6.**—(1) A notice F30**[**or other document**]** required or authorised to be served F28**[**, issued**]** or given by or under F31**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020, section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020 or section 5 of the Residential Tenancies (Amendment) Act 2021**]** shall, subject to *subsection (2)*, be addressed to the person concerned by name and may be served on F28**[**, issued to**]** or given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(*c*) by sending it by post in a prepaid letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;

F29**[**(*ca*) by sending it by electronic means to an email address, fax number or other electronic contact point used by the person for receiving emails, faxes or other electronic messages, where a record that the notice or other document has been sent is made for the sender by the email system, fax machine or other electronic system used;**]**

(*d*) where the notice F30**[**or other document**]** relates to a dwelling and it appears that no person is in actual occupation of the dwelling, by affixing it in a conspicuous position on the outside of the dwelling or the property containing the dwelling.

(2) Where the notice F28**[**or other document**]** concerned is to be served on F28**[**, issued to**]** or given to a person who is the owner, landlord, tenant or occupier of a dwelling and the name of the person cannot be ascertained by reasonable inquiry it may be addressed to the person by using the words the owner, the landlord, the tenant or the occupier, as the case may require.

(3) For the purposes of this section, a company shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person shall not, at any time during the period of 3 months after a notice F28**[**or other document**]** is affixed under *subsection (1)(d)* remove, damage or deface the notice F28**[**or other document**]** without lawful authority.

(5) A person who contravenes *subsection (4)* is guilty of an offence.

(6) Where, in proceedings under *Part 6*, it is shown that a notice F28**[**or other document**]** was served F28**[**, issued**]** or given in accordance with the provisions of this section and on the date that it is alleged it was served F28**[**, issued**]** or given, the onus shall be on the recipient to establish to the Board, the adjudicator or Tribunal's satisfaction that the notice F28**[**or other document**]** was not received in sufficient time to enable compliance with the relevant time limit specified by or under this Act.

Service or giving of notice on behalf of another.

**7.**—Where a notice required or authorised to be served or given by or under this Act is served or given on behalf of a person, the notice shall be deemed to be served or given by that person.

Regulations and orders.

**8.**—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

F32**[**(1A) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.**]**

(2) Every order (other than an order made under *section 2* or *149*) and regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) The Minister may be order amend or revoke an order under this Act (other than an order under *section 2* or *149*).

(4) An order under *subsection (3)* shall be made in the like manner and its making shall be subject to the like (if any) consents and conditions as the order that it is amending or revoking.

Offences.

**9.**—(1) A person guilty of an offence under F33**[**this Act F34**[**(other than an offence under *section 148S(16)*)**]**, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** shall be liable on summary conviction to a F35**[**class A fine**]** or imprisonment for a term not exceeding F35**[**12 months**]** or both.

(2) If the contravention in respect of which a person is convicted F36**[**is a summary offence**]** under F33**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** F36**[**and is continued**]** after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable on summary conviction to a F36**[**class D fine**]**.

(3) F37**[**Summary proceedings**]** in relation to an offence under F33**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** may be brought and prosecuted by the Board.

(4) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, F38**[**summary**]** proceedings for an offence under this Act may be instituted at any time within F37**[**3 years**]** after the date of the offence.

(5) Where a person is convicted of an offence under F33**[**this Act, section 4 of the Residential Tenancies and Valuation Act 2020 or section 10 or 11 of the Planning and Development, and Residential Tenancies, Act 2020**]** the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Board the costs and expenses, measured by the court, incurred by the Board in relation to the investigation, detection and prosecution of the offence.

Repeal and revocation.

**10.**—(1) Section 5 of the Criminal Law Amendment Act 1912 is repealed.

(2) The Housing (Registration of Rented Houses) Regulations 1996 (S.I. No. 30 of 1996) are revoked.

Expenses.

**11.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

## PART 2

## TENANCY OBLIGATIONS OF LANDLORDS AND TENANTS

### CHAPTER 1

*Provisions regarding landlord's obligations*

Obligations of landlords.

**12.**—(1) In addition to the obligations arising by or under any other enactment, a landlord of a dwelling shall—

(*a*) allow the tenant of the dwelling to enjoy peaceful and exclusive occupation of the dwelling,

(*b*) subject to *subsection (2)*, carry out to—

(i) the structure of the dwelling all such repairs as are, from time to time, necessary and ensure that the structure complies with any standards for houses for the time being prescribed under section 18 of the Housing (Miscellaneous Provisions) Act 1992, and

(ii) the interior of the dwelling all such repairs and replacement of fittings as are, from time to time, necessary so that that interior and those fittings are maintained in, at least, the condition in which they were at the commencement of the tenancy and in compliance with any such standards for the time being prescribed,

F40**[**(*ba*) provide receptacles suitable for the storage of refuse outside the dwelling, save where the provision of such receptacles is not within the power or control of the landlord in respect of the dwelling concerned,**]**

(*c*) subject to *subsection (3)*, effect and maintain a policy of insurance in respect of the structure of the dwelling, that is to say a policy—

(i) that insures the landlord against damage to, and loss and destruction of, the dwelling, and

(ii) that indemnifies, to an amount of at least €250,000, the landlord against any liability on his or her part arising out of the ownership, possession and use of the dwelling,

(*d*) subject to *subsection (4)*, return or repay promptly any deposit paid by the tenant to the landlord on entering into the agreement for the tenancy or lease,

(*e*) notify the tenant of the name of the person, if any, (the "authorised agent") who is authorised by the landlord to act on his or her behalf in relation to the tenancy for the time being,

(*f*) provide to the tenant particulars of the means by which the tenant may, at all reasonable times, contact him or her or his or her authorised agent,

(*g*) without prejudice to any other liability attaching in this case, reimburse the tenant in respect of all reasonable and vouched for expenses that may be incurred by the tenant in carrying out repairs to the structure or interior

of the dwelling for which the landlord is responsible under *paragraph (b)* where the following conditions are satisfied—

(i) the landlord has refused or failed to carry out the repairs at the time the tenant requests him or her to do so, and

(ii) the postponement of the repairs to some subsequent date would have been unreasonable having regard to either—

(I) a significant risk the matters calling for repair posed to the health or safety of the tenant or other lawful occupants of the dwelling, or

(II) a significant reduction that those matters caused in the quality of the tenant's or other such occupants' living environment,

(*h*) if the dwelling is one of a number of dwellings comprising an apartment complex—

(i) forward to the management company, if any, of the complex any complaint notified in writing by the tenant to him or her concerning the performance by the company of its functions in relation to the complex,

(ii) forward to the tenant any initial response by the management company to that complaint, and

(iii) forward to the tenant any statement in writing of the kind referred to in *section 187(2)* made by the management company in relation to that F41**[**complaint,**]**

F39**[**(*i*) in the case of a tenancy (other than F43**[**a tenancy of a dwelling referred to in *section 3(4)*, a cost rental tenancy (within the meaning of the Affordable Housing Act 2021) or**]** a tenancy to which section 5(4) of the Residential Tenancies (Amendment) Act 2021 applies) created on or after 1 March 2026 (in this paragraph referred to as a "relevant tenancy"), furnish the tenant F44**[**...**]**, in writing, with the following information at the commencement of the relevant tenancy:

(i) the amount of rent that was last set under the most recent previous tenancy, if any, of the dwelling;

(ii) the date the rent was last set under the most recent previous tenancy, if any, of the dwelling;

(iii) a statement as to how the rent set under the relevant tenancy has been calculated having regard to *section 19*;

(iv) the number assigned under *section 135(3)* in respect of the most recent previous tenancy, if any, of the dwelling;

(v) by reference to the published register, the amount of rent payable and the number assigned under *section 135(3)* in respect of the most recent tenancy, preceding the date of commencement of the relevant tenancy, of each of 3 dwellings—

(I) of a similar size (determined by reference to floor area), number of bedrooms, type, character and (where applicable) BER to the dwelling the subject of the relevant tenancy, and

(II) situated in a comparable area to that in which the dwelling the subject of the relevant tenancy is situated.**]**

(2) *Subsection (1)(b)* does not apply to any repairs that are necessary due to the failure of the tenant to comply with *section 16(f)*.

(3) The obligation under *subsection (1)(c)* does not apply at any particular time during the term of the tenancy concerned if, at that time, a policy of insurance of the kind referred to in that provision is not obtainable, or is not obtainable at a reasonable cost, by the landlord in respect of the dwelling.

(4) *Subsection (1)(d)* applies and has effect subject to the following provisions:

(*a*) no amount of the deposit concerned shall be required to be returned or repaid if, at the date of the request for return or repayment, there is a default in—

F45**[**(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, and the amount of rent or such other charges or taxes in arrears is equal to or greater than the amount of the deposit, or**]**

(ii) compliance with *section 16(f)* and the amount of the costs that would be incurred by the landlord, were he or she to take them, in taking such steps as are reasonable for the purposes of restoring the dwelling to the condition mentioned in *section 16(f)* is equal to or greater than the amount of the deposit,

F45**[**(*b*) where, at the date of the request for return or repayment, there is a default in—

(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or

(ii) compliance with *section 16(f)*,

and *subparagraph (i)* or *(ii)*, as the case may be, of *paragraph (a)* does not apply, then there shall only be required to be returned or repaid under *subsection (1)(d)* the difference between the amount of rent or such other charges or taxes in arrears or, as appropriate, the amount of the costs that would be incurred in taking steps of the kind referred to in *paragraph (a)(ii)*.**]**

(5) For the avoidance of doubt, the condition in *subsection (1)(g)(i)* is satisfied if, after all reasonable attempts, the landlord or his or her authorised agent could not be contacted to make the request concerned.

F46**[**(6) A landlord under a tenancy to which *subsection (1)(i)* applies shall, within one month from the commencement of a tenancy, give to the Board, in writing, the information required to be furnished to the tenant under that paragraph.

(7) Where, after the expiration of the one month period referred to in *subsection (6)*, it appears to the Board that a landlord referred to in that *subsection (6)* has failed to give to the Board, in writing, the information referred to in that subsection, the Board may serve the notice referred to in *subsection (8)*.

(8) The notice shall—

(*a*) inform the landlord of the Board's opinion, and

(*b*) request the landlord to, within the period specified in the notice—

(i) give to the Board, in writing, the information referred to in *subsection (6)*, or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(9) If the landlord, within the period specified in the notice—

(*a*) does not give to the Board, in writing, the information referred to in *subsection (6)*, or

(*b*) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to give to the Board, in writing, the information referred to in *subsection (6)*, that the Board's opinion has not altered and that, if the landlord fails to do so within 14 days from the receipt by the landlord of the notice, the landlord shall be guilty of an offence.

(10) A landlord who fails to comply with a notice under *subsection (9)* within 14 days from the receipt by the landlord of the notice shall be guilty of an offence.

(11) Where the Board has reasonable grounds for believing that a person has committed an offence under *subsection (10)*, it may serve on the person a notice in the prescribed form (in this section referred to as a "fixed payment notice") stating that—

(*a*) the person is alleged to have committed an offence under *subsection (10)* (in this section referred to as the "alleged offence"),

(*b*) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,

(*c*) the person is not obliged to make the payment specified in the notice,

(*d*) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and

(*e*) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(12) Where a fixed payment notice is served

(*a*) the person to whom it applies may make a payment in accordance with *subsection (11)(b)*,

(*b*) the Board shall, upon receipt of the payment, issue a receipt for it,

(*c*) any payment received by the Board shall not be recoverable by the person who made it, and

(*d*) a prosecution in respect of the alleged offence shall not be instituted during the period specified in *subsection (11)(b)* and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(13) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with *subsection (11)(b)* pursuant to a fixed payment notice served in respect of the alleged offence.

(14) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.**]**

*Section 12(1)(b)*: supplemental regulations.

**13.**—(1) The Board, with the consent of the Minister, may make regulations specifying that particular parts of dwellings shall, for the purposes of *section 12(1)(b)*, be regarded as parts of the interior, or as parts of the structure, of dwellings.

(2) In making regulations under this section, the Board—

(*a*) may invite submissions in relation to the matter from any persons or organisations appearing to the Board to be representative of the interests of landlords and of tenants and consider any submissions from those persons or organisations made on foot of that invitation,

(*b*) shall not specify a part of a dwelling as being part of its structure or, as the case may be, part of its interior if, to do so, would, in its opinion, result in unreasonably burdensome obligations being imposed on landlords.

(3) Different regulations may be made under this section in respect of different classes of dwelling.

Prohibition on penalisation of tenants.

**14.**—(1) A landlord of a dwelling shall not penalise a tenant for—

(*a*) referring any dispute between the tenant and the landlord to the Board for resolution under *Part 6*,

(*b*) giving evidence in any proceedings under *Part 6* to which the landlord is a party (whether the tenant is a party to them or not),

(*c*) making a complaint to a member of the Garda Síochána or to a public authority in relation to any matter arising out of, or in connection with, the occupation of the dwelling or making an application regarding such a matter to a public authority, or

(*d*) giving notice of his or her intention to do any or all of the things referred to in the preceding paragraphs.

(2) For the purposes of this section a tenant is penalised if the tenant is subjected to any action that adversely affects his or her enjoying peaceful occupation of the dwelling concerned.

(3) Such action may constitute penalisation even though it consists of steps taken by the landlord in the exercise of any rights conferred on him or her by or under this Act, any other enactment or the lease or tenancy agreement concerned if, having regard to—

(*a*) the frequency or extent to which the right is exercised in relation to the tenant,

(*b*) the proximity in time of its being so exercised to the tenant's doing the relevant thing referred to in *subsection (1)*, and

(*c*) any other relevant circumstances,

it is a reasonable inference that the action was intended to penalise the tenant for doing that thing.

(4) This section is without prejudice to any other liability (civil or criminal) the landlord may be subject to for doing a thing prohibited by this section.

Duty owed to certain third parties to enforce tenant's obligations.

**15.**—(1) A landlord of a dwelling owes to each person who could be potentially affected a duty to enforce the obligations of the tenant under the tenancy.

(2) In *subsection (1)* "person who could be potentially affected" means a person who, it is reasonably foreseeable, would be directly and adversely affected by a failure to enforce an obligation of the tenant were such a failure to occur and includes any other tenant under the tenancy mentioned in that subsection.

(3) This section does not confer on any person a right of action maintainable in proceedings before a court for breach of the duty created by it; the sole remedy for such a breach is by means of making a complaint (where the conditions specified in *section 77* for doing so are satisfied) to the Board under *Part 6*.

(4) Nothing in *subsection (3)* affects any duty of care, and the remedies available for its breach, that exist apart from this section.

## CHAPTER 2

*Provisions regarding tenant's obligations*

Obligations of tenants.

**16.**—In addition to the obligations arising by or under any other enactment, a tenant of a dwelling shall—

(*a*) pay to the landlord or his or her authorised agent (or any other person where required to do so by any enactment)—

(i) the rent provided for under the F50**[**tenancy agreement**]** on the date it falls due for payment, F51**[**...**]**

(ii) where the lease or tenancy agreement provides that any charges or taxes are payable by the tenant, pay those charges or taxes in accordance with the lease or tenancy agreement (unless provision to that effect in the lease or tenancy agreement is unlawful or contravenes any F50**[**other enactment), and**]**

F52**[**(iii) the deposit, if any, provided for under the tenancy agreement,**]**

(*b*) ensure that no act or omission by the tenant results in there not being complied with the obligations of the landlord, under any enactment, in relation to the dwelling or the tenancy (and in particular, the landlord's obligations under regulations under section 18 of the Housing (Miscellaneous Provisions) Act 1992),

(*c*) allow, at reasonable intervals, the landlord, or any person or persons acting on the landlord's behalf, access to the dwelling (on a date and time agreed in advance with the tenant) for the purposes of inspecting the dwelling,

F49**[**(*ca*) on the request of the landlord or any person or persons acting on the landlord's behalf in relation to the landlord's intended entry into an enforceable agreement of the type referred to in *paragraph 3* of the Table to *section 34* (in this paragraph referred to as an "intended transfer"), allow, at reasonable intervals—

(i) the landlord,

(ii) any person or persons acting on the landlord's behalf,

(iii) a prospective buyer of the dwelling (accompanied by a person referred to in *subparagraph (i)* or *(ii)*), or

(iv) any person or persons acting on the prospective buyer's behalf (accompanied by a person referred to in *subparagraph (i)* or *(ii)*),

access to the dwelling (on a date and time agreed in advance with the tenant) for the purposes of inspecting the dwelling in connection with the intended transfer.**]**

(*d*) notify the landlord or his or her authorised agent of any defect that arises in the dwelling that requires to be repaired so as to enable the landlord comply with his or her obligations, in relation to the dwelling or the tenancy, under any enactment,

(*e*) allow the landlord, or any person or persons acting on the landlord's behalf, reasonable access to the dwelling for the purposes of allowing any works (the responsibility for the carrying out of which is that of the landlord) to be carried out,

(*f*) not do any act that would cause a deterioration in the condition the dwelling was in at the commencement of the tenancy, but there shall be disregarded, in determining whether this obligation has been complied with at a particular time, any deterioration in that condition owing to normal wear and tear, that is to say wear and tear that is normal having regard to—

(i) the time that has elapsed from the commencement of the tenancy,

(ii) the extent of occupation of the dwelling the landlord must have reasonably foreseen would occur since that commencement, and

(iii) any other relevant matters,

(*g*) if *paragraph (f)* is not complied with, take such steps as the landlord may reasonably require to be taken for the purpose of restoring the dwelling to the condition mentioned in *paragraph (f)* or to defray any costs incurred by the landlord in his or her taking such steps as are reasonable for that purpose,

(*h*) not behave within the dwelling, or in the vicinity of it, in a way that is anti-social or allow other occupiers of, or visitors to, the dwelling to behave within it, or in the vicinity of it, in such a way,

(*i*) not act or allow other occupiers of, or visitors to, the dwelling to act in a way which would result in the invalidation of a policy of insurance in force in relation to the dwelling,

(*j*) if any act of the tenant's, or any act of another occupier of, or visitor to, the dwelling which the tenant has allowed to be done, results in an increase in the premium payable under a policy of insurance in force in relation to the dwelling, pay to the landlord an amount equal to the amount of that increase ("the increased element") (and that obligation to pay such an amount shall apply in respect of each further premium falling due for payment under the policy that includes the increased element),

(*k*) F53**[**subject to *section 3A(4)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015), not assign or sub-let**]** the tenancy without the written consent of the landlord (which consent the landlord may, in his or her discretion, withhold),

(*l*) not alter or improve the dwelling without the written consent of the landlord which consent the landlord—

(i) in case the alteration or improvement consists only of repairing, painting and decorating, or any of those things, may not unreasonably withhold,

(ii) in any other case, may, in his or her discretion, withhold,

(*m*) not use the dwelling or cause it to be used for any purpose other than as a dwelling without the written consent of the landlord (which consent the landlord may, in his or her discretion, withhold), and

(*n*) notify in writing the landlord of the identity of each person (other than a multiple tenant) who, for the time being, resides ordinarily in the dwelling.

*Section 16*:interpretation and supplemental.

**17.**—(1) In *section 16*—

"alter or improve", in relation to a dwelling, includes—

(*a*) alter a locking system on a door giving entry to the dwelling, and

(*b*) make an addition to, or alteration of, a building or structure (including any building or structure subsidiary or ancillary to the dwelling),

"behave in a way that is anti-social" means—

(*a*) engage in behaviour that constitutes the commission of an offence, being an offence the commission of which is reasonably likely to affect directly the well-being or welfare of others,

(*b*) engage in behaviour that causes or could cause fear, danger, injury, damage or loss to any person living, working or otherwise lawfully in the dwelling concerned or its vicinity and, without prejudice to the generality of the foregoing, includes violence, intimidation, coercion, harassment or obstruction of, or threats to, any such person, or

(*c*) engage, persistently, in behaviour that prevents or interferes with the peaceful occupation—

(i) by any other person residing in the dwelling concerned, of that dwelling,

(ii) by any person residing in any other dwelling contained in the property containing the dwelling concerned, of that other dwelling, or

(iii) by any person residing in a dwelling ("neighbourhood dwelling") in the vicinity of the dwelling or the property containing the dwelling concerned, of that neighbourhood dwelling.

(2) The reference in *section 16(b)* to an act or omission by the tenant shall be deemed to include a reference to an act or omission by any other person who, at the time of the doing of the act or the making of the omission, is in the dwelling concerned with the consent of the tenant.

(3) The landlord shall be entitled to be reimbursed by the tenant any costs or expenses reasonably incurred by him or her in deciding upon a request for consent in relation to the tenant's doing a thing referred to in *paragraph (k), (l)* or *(m)* of *section 16* (whether the consent is granted or refused).

(4) If the amount of the premium referred to in *section 16(j)* is, apart for the reason mentioned in that provision, subsequently increased or reduced then the reference in that provision to the increased element shall be construed as a reference to the amount concerned as proportionately adjusted in line with the increase or reduction.

No contracting out from terms of *section 12* or *16* permitted, etc.

**18.**—(1) Subject to *subsections (2)* and *(3)*, no provision of any lease, tenancy agreement, contract or other agreement (whether entered into before, on or after the commencement of this Part) may operate to vary, modify or restrict in any way *section 12* or *16*.

(2) *Subsection (1)* does not prevent more favourable terms for the tenant than those that apply by virtue of *section 12* being provided for in the lease or tenancy agreement concerned.

(3) Obligations additional to those specified in *section 16* may be imposed on the tenant by the lease or tenancy agreement concerned but only if those obligations are consistent with this Act.

## PART 3

### Rent and Rent Reviews

Setting of rent above market rent prohibited.

**19.**—(1) In setting, at any particular time, the rent under the tenancy of a dwelling, an amount of rent shall not be provided for that is greater than the amount of the market rent for that tenancy at that time.

(2) The reference in this section to the setting of the rent under a tenancy is a reference to—

(*a*) the initial setting of the rent under the tenancy, and

(*b*) any subsequent setting of the rent under the tenancy by way of a review of that rent.

F56**[**(3) The setting of the rent under the tenancy of a dwelling that is carried out on or after the F57**[**1 March 2026**]** shall be subject to *subsections (4)* to *(7)*.**]**

F58**[**(4) (*a*) The setting (in this subsection referred to as the "next setting") of a rent under the tenancy of a dwelling F59**[**...**]** shall F60**[**, subject to paragraph (*aa*)**]** neither—

(i) result in such increase in rent as would cause the new rent under the tenancy to exceed the old rent by more than the relevant percentage, nor

(ii) result in such increase in rent as would cause the ratio of the new rent under the tenancy to the old rent to exceed the ratio of the current F61**[**CPI number**]** to the previous F61**[**CPI number**]**.

F62**[**(*aa*) *subparagraph (i)* of *paragraph (a)* shall not apply where—

(i) the dwelling is one of a number of dwellings comprising an apartment complex or a dwelling situated in a building or part of a building referred to in *subsection (1A)* of *section 3* to which this Act applies,

(ii) a commencement notice or a 7 day notice, as the case may be, was given or submitted to a building control authority on or after 10 June 2025, and any regulations made under section 6 (2) of the Building Control Act 1990 have been complied with, in respect of—

(I) works consisting of construction of the apartment complex, or building or part of a building, as the case may be, in which the dwelling is situated,

(II) works consisting of an extension to permanently increase the floor area of the apartment complex, or building or part of a building in which the dwelling is situated, by an amount not less than 25 per cent of that floor area as it stood immediately before the commencement of the works, or

(III) works in respect of a change of use of a structure to create the apartment complex, or building or part of a building in which the dwelling is situated, where on completion of the works the apartment complex or building or part of a building, as the case may be, occupies not less than 25 per cent of the floor area of the structure as it stood immediately before the commencement of the works.**]**

(*b*) In this subsection—

"current F63**[**CPI number**]**" means the F63**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating—

(*a*) to the month immediately preceding the month in which the next setting takes place, or

(*b*) in a case in which the F63**[**CPI number**]** relating to the month first-mentioned in *paragraph (a)* is not so published on or before the next setting, to the month immediately preceding that month;

"new rent" means, in relation to the tenancy of a dwelling, the rent under the tenancy set at the next setting;

"old rent" means, in relation to the tenancy of a dwelling—

(*a*) the rent under that tenancy set at the previous setting, or

(*b*) where that tenancy is a new tenancy, the rent under the tenancy (immediately preceding the new tenancy) of that dwelling set at the previous setting;

"previous F63**[**CPI number**]**" means—

(*a*) in relation to a previous setting that took place before F64**[**1 March 2026**]**, the F63**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating to the month in which the previous setting took place,

(*b*) in relation to a previous setting that takes place on or after F64**[**1 March 2026**]**—

(i) the F63**[**CPI number**]** published by the Board in accordance with *subsection (4C)* relating to the month immediately preceding the month in which the previous setting took place, or

(ii) in circumstances where the F63**[**CPI number**]** referred to in *subparagraph (i)* was not so published by the time the previous setting took place, the F63**[**CPI number**]** so published relating to the month immediately preceding the month first-mentioned in that subparagraph;

"previous setting" means, in relation to the next setting of a rent under the tenancy of a dwelling, the most recent setting (before the next setting) of the rent under—

(*a*) that tenancy of the dwelling, or

(*b*) where the next setting relates to a new tenancy of that dwelling, the tenancy of that dwelling immediately preceding the new tenancy;

"relevant percentage" means, in relation to the setting of the rent under the tenancy of a dwelling—

(*a*) 2 per cent of the old rent in respect of each year that has elapsed since the previous setting, and

(*b*) as respects any additional period that has elapsed between the previous setting and the next setting that is shorter than a year, such percentage as bears to 2 per cent the same proportion that that period bears to a year.

(*c*) For the purposes of this subsection, a tenancy immediately precedes a new tenancy if—

(i) it expired at any time—

(I) during the period of 2 years prior to the creation or coming into being of the new tenancy, or

(II) in the case of a new tenancy to which *subparagraph (i)* of *paragraph (a)* of *subsection (5)* applies, during the period of one year prior to the creation or coming into being of the new tenancy, and

(ii) no other tenancy was created or came into being during the period between the expiration of that tenancy and the creation, or coming into being, of the new tenancy.**]**

F65**[**(4A) F66**[**...**]**

(4B) F66**[**...**]**

(4C) The Board shall—

(*a*) F67**[**...**]**

F68**[**(*aa*) establish and maintain a rent increase calculator to calculate any increase in rent in accordance with *subsection (4)*,**]**

(*b*) publish and keep up to date a table of F69**[**CPI numbers**]** published by the Central Statistics Office.

(4D) The Minister, for the purposes of F70**[***subsections (4)* and *(4C)***]**, may prescribe—

(*a*) F71**[**...**]**

F72**[**(*aa*) the means by which the rent increase calculator referred to in *subsection (4C)(aa)* shall operate to accurately calculate any increase in rent by applying the CPI numbers to the rent,**]**

(*b*) the information to be furnished in the table referred to in *subsection (4C)(b)*, F73**[**and**]**

(*c*) the form and manner of publication by the Board of that calculator and F70**[**table.**]**

(*d*) F74**[**...**]]**

F56**[**(5) F75**[***Subsection (4)* does not apply**]**—

F76**[**(*a*) to the rent first set under a tenancy created on or after 1 March 2026 of—

(i) a dwelling—

(I) in a protected structure or proposed protected structure within the meaning of section 2 of the Planning and Development Act 2024, or

(II) that is such a structure,

provided that no tenancy in respect of that dwelling subsisted during the period of one year immediately preceding the date on which the tenancy concerned was created,

(ii) a dwelling, other than a dwelling referred to in *subparagraph (i)*, in respect of which no tenancy subsisted during the period of two years immediately preceding the date on which the tenancy concerned was created,

(iii) a dwelling, other than a dwelling referred to in *subsection (1A)* of *section 3*, in respect of which the most recent previous tenancy during the period of two years immediately preceding the date on which the tenancy concerned was created, was—

(I) a *Part 4* tenancy that was terminated by the landlord by serving a notice of termination on the tenant of the dwelling that cited as a reason or reasons for the termination the ground or grounds specified in *paragraph 1, 1A* or *2* of the Table to *section 34*, or

(II) a tenancy to which *Part 4* did not apply that was terminated by the landlord by serving a notice of termination that stated as a reason or reasons for the termination the grounds referred to in *section 62(1)(da)(i), (ii)* or *(iii)*,

or

(iv) a dwelling, other than a dwelling referred to in *subsection (1A)* of *section 3*, in respect of which the most recent previous tenancy was terminated by the tenant,**]**

F77**[**(*aa*) in the case of a tenancy (other than a tenancy to which section 5 (4) of the Residential Tenancies (Amendment) Act 2021 applies) created on or after 1 March 2026 of a dwelling (other than a dwelling referred to in *subsection (1A)* of *section 3*), to the rent set under the tenancy following a period of not less than 6 years during which—

(i) *subsection (4)* applied to the rent under the tenancy, and

(ii) any setting of that rent was in compliance with the requirements of *subsection (4)*,

(*ab*) in the case of a tenancy created on or after 1 March 2026 and before 1 March 2029 of a dwelling referred to in *subsection (1A)* of *section 3*, to the rent set under the tenancy following a period of not less than 3 years during which—

(i) *subsection (4)* applied to the rent under the tenancy, and

(ii) any setting of that rent was in compliance with the requirements of *subsection (4)*,

(*ac*) in the case of a tenancy created on or after 1 March 2029 of a dwelling referred to in *subsection (1A)* of *section 3* that was such a dwelling for the 3 years immediately preceding the date on which the tenancy concerned was created—

(i) to the rent first set under the tenancy, provided that—

(I) a tenancy in respect of the dwelling subsisted for at least 6 months during each of those 3 years,

(II) *subsection (4)* applied to the rent under the tenancy or tenancies, and

(III) any setting of that rent was in compliance with the requirements of *subsection (4)*,

and

(ii) to any rent subsequently set under the tenancy following a period of not less than 3 years during which—

(I) *subsection (4)* applied to the rent under the tenancy or tenancies, and

(II) any setting of that rent was in compliance with the requirements of *subsection (4)*, or**]**

(*b*) if, in the period since the rent was last set under a tenancy for the dwelling—

(i) a substantial change in the nature of the accommodation provided under the tenancy occurs, and

(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be F78**[**greater than**]** the market rent for the tenancy at the time the rent was last set under a tenancy for the dwelling.**]**

F79**[**(5A) For the purposes of *paragraph (b)* of *subsection (5)*, a substantial change in the nature of the accommodation provided under the tenancy shall only have taken place where—

(*a*) the works carried out to the dwelling concerned—

(i) consist of a permanent extension to the dwelling that increases the F80**[**floor area of the dwelling by an amount equal to not less than 25 per cent of the floor area**]** of the dwelling as it stood immediately before the commencement of those works,

(ii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, result in the F81**[**annual primary energy use per floor area being reduced by not less than 150 kWh/(m².y)**]**, or

(iii) result in any 3 or more of the following:

(I) the internal layout of the dwelling being permanently altered;

(II) the dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;

(III) a permanent increase in the number of rooms in the dwelling;

(IV) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has F81**[**annual primary energy use per floor area of greater than 225 kWh/(m².y), that annual primary energy use per floor area being reduced by not less than 75 kWh/(m².y)**]**; or

(V) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has F81**[**an annual primary energy use per floor area of up to 225 kWh/(m².y), that annual primary energy use per floor area being reduced by not less than 50 kWh/(m².y)**]**,

and

(*b*) the works carried out under *paragraph (a)* do not solely consist of works carried out for the purposes of compliance with *section 12(1)(b)*.**]**

F82**[**(5B) Where, in setting, at any particular time, the rent under the tenancy of a dwelling F83**[**...**]**, a landlord seeks to rely on *subsection (5)*, the landlord shall—

(*a*) serve a notice in the prescribed form together with all relevant supporting information on the Board F84**[**and the tenant**]** setting out the reasons why, in the landlord's opinion, *subsection (4)* does not apply to the dwelling,

(*b*) specify in the notice the rent set under the tenancy of the dwelling and the amount of rent last set under the tenancy of the dwelling, and

(*c*) serve the notice and information under *paragraphs (a)* and *(b)* within 1 month from the setting of the rent under the tenancy of the dwelling.**]**

F85**[**(6) Where a notice referred to in *section 22(2)* has been served by a landlord on the tenant before 1 March 2026, then this section shall apply to the new rent, referred to in *section 22(2)*, stated in that notice in accordance with *section 22*, as if section 8 of the Residential Tenancies (Miscellaneous Provisions) Act 2026 had not been enacted.**]**

F86**[**(6A) F87**[**...**]]**

F88**[**(6B) A person, who in purported compliance with *subsection (5B)*, furnishes information to the Board which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

(6C) F87**[**...**]]**

F89**[**(6D) Where it appears to the Board that a person has failed to comply with *subsection (4)* or *(5B)*, the Board may serve the notice referred to in *subsection (6E)*.

(6E) The notice shall—

(*a*) inform the person of the Board's opinion, and

(*b*) request the person to, within the period specified in the notice—

(i) comply with *subsection (4)* or *(5B)*, as the case may be, or

(ii) furnish to the Board the reasons why the person considers (if such be the case) that the opinion is not well founded.

(6F) If the person, within the period specified in the notice—

(*a*) does not comply with *subsection (4)* or *(5B)*, as the case may be, or

(*b*) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the person stating that the person is required to comply with *subsection (4)* or *(5B)*, as the case may be, that the Board's opinion has not altered and that, if the person fails to do so within 14 days from the receipt by the person of the notice, the person shall be guilty of an offence.

(6G) A person who fails to comply with a notice under *subsection (6F)* within 14 days from the receipt by the person of the notice shall be guilty of an offence.**]**

F90**[**(7) In this section—

"7 day notice" has the same meaning as it has in the Building Control Act 1990;

F91**[**"annual primary energy use per floor area" means the annual primary energy use per floor area recorded in kWh/(m².y) in respect of the dwelling on the BER register on the basis of a BER assessment in accordance with the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012);**]**

"building control authority" has the same meaning as it has in the Building Control Act 1990;

"commencement notice" means a notice referred to in paragraph (k) of section 6 (2) of the Building Control Act 1990;

"CPI number" means the All Items Consumer Price Index Number compiled and published by the Central Statistics Office.**]**

F92**[**Setting of rent under tenancy for dwellings referred to in *section 3(4)*

**19A.**—(1) In setting the rent under the tenancy of a dwelling referred to in *section 3(4)* the amount of rent under the tenancy of a dwelling—

(*a*) referred to in *paragraph (a)* of *section 3(4)*, shall be determined in accordance with the contract or lease referred to in *section 3(2A)*, and

(*b*) referred to in *paragraph (b)* of *section 3(4)*, shall be determined in accordance with the terms of the assistance referred to in that paragraph.

(2) Where there is a subsequent setting of rent under a tenancy referred to in *subsection (1)* by way of a review under *section 20A*, the amount of rent set following such review shall be determined—

(*a*) in the case of a dwelling referred to in *paragraph (a)* of *subsection (1)*, in accordance with the contract or lease referred to in that paragraph, and

(*b*) in the case of a dwelling referred to in *paragraph (b)* of *subsection (1)*, in accordance with the assistance referred to in that paragraph.**]**

F93**[**Restrictions on amounts payable

**19B.**—(1) F94**[**Payment shall not be sought from a person or a person shall not be required,**]** for the purpose of securing a tenancy, to make any payment other than—

(*a*) an advance payment of rent, which shall be no greater than the amount of rent payable under the tenancy agreement in respect of a period of one month, and

(*b*) a deposit of an amount no greater than that payable under the tenancy agreement as rent in respect of a period of one month.

(2) A tenancy agreement shall not provide for an advance payment of rent, during the currency of the tenancy, which exceeds an amount that is payable under the tenancy as rent in respect of a period of one month and any payment made under *paragraph (a)* of *subsection (1)* shall be treated as an advance payment of rent for the purposes of this subsection.

(3) F94**[**Subject to *subsection (3A)* and notwithstanding**]** *subsections (1)(a)* and *(2)*, a tenant of a dwelling referred to in *subsection (1A)* of *section 3* may, if he or she so wishes, and with the agreement of his or her landlord, make an advance payment of rent which exceeds an amount that would be payable under the tenancy as rent in respect of a period of one month.

F95**[**(3A) An advance payment of rent may only be made in accordance with *subsection (3)* where the tenant is liable to pay both of the following to a single relevant provider:

(*a*) tuition fees;

(*b*) rent in respect of a tenancy.**]**

(4) Nothing in this section shall prevent a landlord from requiring a tenant to pay to him or her any monies arising from any outstanding legal obligations, whether on foot of the tenancy agreement, any previous tenancy or otherwise.

(5) This section shall apply to a tenancy created not earlier than one month after the passing of the Residential Tenancies (No. 2) Act 2021.**]**

F95**[**(6) In this section—

"landlord" in addition to the meaning assigned to it by *section 5*, includes a person holding himself, herself or itself out to have a dwelling available for occupation under a tenancy;

"relevant provider" has the meaning given to it by the Qualifications and Quality Assurance (Education and Training) Act 2012;

"tuition fees" has the meaning given to it by the Student Support Act 2011.**]**

F96**[**Duration of tenancy for dwellings referred to in *section 3(1A)*

**19C.**—(1) The duration of a tenancy of a relevant dwelling shall not exceed a period of 41 weeks.

(2) A landlord shall not request that a person enters or require a person to enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which exceeds a period of 41 weeks.

(3) Notwithstanding *subsection (1)* or *(2)*, a person may, at his or her request, and with the agreement of the landlord, enter into a lease or tenancy agreement in relation to a relevant dwelling the duration of which is a period of more than 41 weeks.

(4) In this section—

"landlord" in addition to the meaning assigned to it by *section 5*, includes a person holding himself, herself or itself out as having a relevant dwelling available for occupation under a tenancy;

"relevant dwelling" means a dwelling referred to in *subsection (1A)* of *section 3*.**]**

Frequency with which rent reviews may occur.

**20.**—(1) Subject to *subsection (3)*, a review of the rent under the tenancy of a dwelling may not occur—

(*a*) more frequently than once in each period of 12 months, nor

(*b*) in the period of 12 months beginning on the commencement of the tenancy.

(2) *Subsection (1)* has effect notwithstanding any provision to the contrary in the lease or tenancy agreement concerned.

(3) *Subsection (1)* does not apply despite the fact that a period of less than 12 months has elapsed from—

(*a*) the last review of the rent under the tenancy, or

(*b*) the commencement of the tenancy,

if, in that period—

(i) a substantial change F97**[**(within the meaning of *subsection (5A)* of *section 19*)**]** in the nature of the accommodation provided under the tenancy occurs, and

(ii) the rent under the tenancy, were it to be set immediately after that change, would, by virtue of that change, be different to what was the market rent for the tenancy at the time of that last review or the commencement of the tenancy, as the case may be.

F98**[**(4) The references to "12 months" in—

(*a*) *paragraphs (a)* and *(b)* of *subsection (1)*, and

(*b*) *subsection (3)*,

shall, for the duration of the relevant period, be construed as references to "24 months".

(5) *Subsections (4)* and *(6)* shall cease to have effect on F99**[**F100**[**the day following the day on which the relevant period ends**]** and from that day**]**—

(*a*) *paragraphs (a)* and *(b)* of *subsection (1)*, and

(*b*) *subsection (3)*,

shall be read as if *subsection (4)* had not been enacted.

(6) In F100**[***subsections (4)* and *(5)***]**, "relevant period" means the period commencing on the day on which section 25 of the Residential Tenancies (Amendment) Act 2015 comes into operation and ending on F100**[**the day that falls two

years after the coming into operation of the *Residential Tenancies (Amendment) Act 2025***]**.**]**

F102**[**Rent review for dwellings referred to in *section 3(4)* of Principal Act

**20A.**—(1) A review of the rent under the tenancy of a dwelling referred to in *section 3(4)* shall be carried out in accordance with the tenancy agreement relating to the tenancy of the dwelling.

(2) Where a tenancy agreement referred to in *subsection (1)* does not include provision for a review of the rent of a dwelling referred to in *section 3(4)*, subject to *subsection (3)*, either party may require a review of the rent under the tenancy to be carried out for the purpose of setting the rent.

(3) A review referred to in *subsection (2)* shall not be carried out more than once in any 12 month period.**]**

F103**[**Application of *section 20* (frequency with which rent reviews may occur)

**20B.**—(1) Where, immediately before the coming into operation of section 2 (*a*) of the Residential Tenancies (Miscellaneous Provisions) Act 2026, *section 24C* applied to a tenancy, *section 24C* shall continue to apply to the tenancy as if that Act had not been enacted.

(2) Where a tenancy commences on or after 1 March 2026, then any review of the rent under the tenancy shall be carried out as if *subsections (4)* to *(6)* of *section 20* had not been enacted.**]**

Right to review of rent where none provided.

**21.**—If the lease or tenancy agreement concerned does not provide for such a review or the tenancy concerned is an implied one, either party may, subject to *section 20*, require a review of the rent under the tenancy to be carried out and a new rent, if appropriate, set on foot of that review.

Tenant to be notified of new rent.

**22.**—(1) The setting of a rent (the "new rent") pursuant to a review of the rent under a tenancy of a dwelling and which is otherwise lawful under this Part shall not have effect unless and until the condition specified in *subsection (2)* is satisfied.

(2) That condition is that, at least F104**[**90 days**]** before the date from which the new rent is to have effect, a notice F105**[**in the prescribed form**]** is served by the landlord on the tenant stating the amount of the new rent and the date from which it is to have effect F106**[**and the matters specified in *subsection (2A)* F107**[**, and a copy of that notice is served on the Board F108**[**within 7 days of the date**]** on which the notice is served on the tenant**]]**.

F106**[**(2A) The notice referred to in *subsection (2)* shall—

(*a*) without prejudice to *subsection (2)* and pursuant to the condition referred to in that subsection, state the amount of the new rent and the date from which it is to have effect,

(*b*) include a statement that a dispute in relation to the setting of a rent pursuant to a review of the rent under a tenancy must be referred to the Board under *Part 6* before—

(i) the date stated in the notice as the date from which that rent is to have effect, or

(ii) the expiry of 28 days from the receipt by the tenant of that notice,

whichever is the later,

(*c*) include a statement by the landlord that in his or her opinion the new rent is not greater than the market rent, having regard to—

(i) the other terms of the tenancy, and

(ii) F109**[**rent information contained in the published register in relation to dwellings**]**—

F110**[**(I) of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling the subject of the tenancy, and**]**

(II) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

(*d*) specify, for the purposes of F111**[***paragraph (c)***]**, and without prejudice to the generality of that paragraph, the F112**[**rent information contained in the published register and the number assigned under *section 135(3)* in respect of the most recent tenancy of each of 3 dwellings**]**—

F112**[**(i) of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling the subject of the tenancy,**]**

(ii) situated in a comparable area to that in which the dwelling the subject of the tenancy concerned is situated,

F113**[**(*da*) specify the floor area of the dwelling the subject of the tenancy,

(*db*) where the dwelling the subject of the tenancy is a building to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, specify the BER in respect of that dwelling,**]**

F114**[**...**]**

(*e*) include the date on which the notice is F111**[**signed, F115**[**...**]]**

F116**[**(*f*) F117**[**...**]** state how the rent set under the tenancy was calculated having regard to *section 19(4)* or, where *section 19(4)* does not apply, state why it does F118**[**not apply, and**]]**

F119**[**(*g*) F117**[**...**]** state how any increase in the rent last set under the tenancy of the dwelling was calculated or, where F120**[***section 19(4)***]** does not apply, state why it does not apply.**]**

(2B) The notice referred to in *subsection (2)* shall be signed by the landlord or his or her authorised agent.

(2C) F121**[**...**]]**

(3) Where that condition is satisfied, a dispute in relation to a rent falling within *subsection (1)* must be referred to the Board under *Part 6* before—

(*a*) the date stated in the notice under *subsection (2)* as the date from which that rent is to have effect, or

(*b*) the expiry of 28 days from the receipt by the tenant of that notice,

whichever is the later.

F108**[**(4) Where it appears to the Board that a landlord has set a rent pursuant to a review of the rent under a tenancy of a dwelling other than in accordance with the condition specified in *subsection (2)*, the Board may serve the notice referred to in *subsection (5)*.**]**

F122**[**(5) The notice shall—

(*a*) inform the landlord of the Board's opinion, and

(*b*) request the landlord to, within the period specified in the notice—

(i) serve a copy of the notice referred to in *subsection (2)* on the Board, or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(6) If the landlord, within the period specified in the notice—

(*a*) does not serve a copy of the notice referred to in *subsection (2)* on the Board, or

(*b*) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to serve a copy of the notice referred to in *subsection (2)* on the Board, that the Board's opinion has not altered and that, if the landlord fails to do so within 14 days from the receipt by the landlord of the notice, the landlord shall be guilty of an offence.

(7) A landlord who fails to comply with a notice under *subsection (6)* within 14 days from the receipt by the landlord of the notice shall be guilty of an offence.**]**

F123**[**Notification of change in amount of rent following review under *section 20A*

**22A.**—Where, following a review of rent under *section 20A*, there is a change in the amount of rent, the landlord shall notify the tenant of the amount of rent set following that review in accordance with the tenancy agreement or where there is no such provision in the tenancy agreement, as soon as practicable.**]**

F124**[**Provision in aid of enforcement of requirements relating to setting of rent

**22B.**—(1) Where the Board has reasonable grounds for believing that a person has committed a relevant offence, it may serve a notice in writing (in this section referred to as a "fixed payment notice") in the prescribed form stating that—

(*a*) the person is alleged to have committed the relevant offence concerned (in this section referred to as the "alleged offence"),

(*b*) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €200 or such greater amount not exceeding €1,000 as may be prescribed, identifying the notice to which the payment relates,

(*c*) the person is not obliged to make the payment specified in the notice,

(*d*) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and

(*e*) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is served—

(*a*) the person to whom it applies may make a payment in accordance with *subsection (1)(b)*,

(*b*) the Board shall, upon receipt of the payment, issue a receipt for it,

(*c*) any payment received by the Board shall not be recoverable by the person who made it, and

(*d*) a prosecution in respect of the alleged offence shall not be instituted during the period specified in *subsection (1)(b)* and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with *subsection (1)(b)* pursuant to a fixed payment notice served in respect of the alleged offence.

(4) The Minister may prescribe different amounts for different offences for the purposes of *subsection (1)*.

(5) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.

(6) In this section, "relevant offence" means an offence under *section 19(6G)* or *22(7)*.**]**

Proceedings for rent arrears.

**23.**—Every person entitled to any rent in arrears or to be paid other charges under a tenancy of a dwelling (whether in his or her own right or as personal representative of a deceased landlord) shall be entitled to recover, under *Part 6*, such arrears or charges from the person who occupied the dwelling as a tenant in the period in which the arrears accrued or the charges arose or, as may be appropriate, from the person's personal representative.

"Market rent", references to rent reviews, etc.

**24.**—(1) In this Part "market rent", in relation to the tenancy of a dwelling, means the rent which a willing tenant not already in occupation would give and a willing landlord would take for the dwelling, in each case on the basis of vacant possession being given, and having regard to—

(*a*) the other terms of the tenancy, and

F125**[**(*b*) rent information contained in the published register in relation to dwellings of a similar size (determined by reference to floor area), number of bedrooms, type, character, and (where applicable) BER, to the dwelling and situated in a comparable area to that in which it is situated.**]**

(2) References in this Part to a review of a rent include references to—

(*a*) any procedure (however it is described) for determining whether, and to what extent, a reduction or increase in the amount of the rent for the time being payable under the tenancy concerned ought to have effect, and

(*b*) the effect of the operation of a provision of a lease or tenancy agreement providing that, by reference to any formula, happening of any event or other matter whatsoever (and whether any act, decision or exercise of discretion on the part of any person is involved or not), such a reduction or increase shall have effect,

and, in the case of a provision of the kind referred to in *paragraph (b)*, any prohibition under this Part on a review of rent occurring is to be read as a prohibition on the provision operating to have the foregoing effect.

(3) References in this Part to the setting of a rent are references to the oral agreeing of the rent or to its being provided for in a lease or tenancy agreement or, in the context of a review of rent—

(*a*) the oral agreeing of the rent,

(*b*) the oral or written notification of the rent, or

(*c*) in the case of a provision of the kind referred to in *subsection (2)(b)*, the rent being set by virtue of the operation of that provision.

F126**[**Rent pressure zones

**24A.**—F127**[**...**]]**

F128**[**Areas deemed to be rent pressure zones

**24B.**—F129**[**...**]]**

F130**[**Relevant area within meaning of Local Government Act 2019 deemed to be rent pressure zone

**24BA.**—F131**[**...**]]**

F132[Application of *section 20* (frequency with which rent reviews may occur) to rent pressure zones

**24C.**—F133[...]]

## PART 4

### SECURITY OF TENURE

### CHAPTER 1

*Preliminary*

Non-application of Part.

**25.**—(1) This Part does not apply to a tenancy of a dwelling where the conditions specified in *subsection (2)* are satisfied if the landlord of the dwelling opts, in accordance with *subsection (3)*, for this Part not to apply to it.

(2) Those conditions are—

(*a*) the dwelling concerned is one of 2 dwellings within a building,

(*b*) that building, as originally constructed, comprised a single dwelling, and

(*c*) the landlord resides in the other dwelling.

(3) A landlord's opting as mentioned in *subsection (1)* shall be signified in writing in a notice served by him or her on the tenant before the commencement of the tenancy.

(4) This Part does not apply to a tenancy of a dwelling—

(*a*) if the landlord of the dwelling is entitled, in relation to expenditure incurred on the construction of, conversion into, or, as the case may be, refurbishment of, the dwelling, to a deduction of the kind referred to in section 380B(2), 380C(4) or 380D(2) (inserted by the Finance Act 1999) of the Taxes Consolidation Act 1997, or

(*b*) if the entitlement of the tenant to occupy the dwelling is connected with his or her continuance in any office, appointment or employment.

F134[(5) This Part does not apply to a tenancy of the dwelling referred to in *section 3(4)* where—

(*a*) the dwelling concerned is designated by the approved housing body for the use by it as a transitional dwelling, and

(*b*) the consent of the public authority which—

(i) is, in the case of a dwelling referred to in *paragraph (a)* of *section 3(4)*, a party to the lease or contract referred to in *section 3(2A)*, or

(ii) provides, in the case of a dwelling referred to in *paragraph (b)* of *section 3(4)*, the assistance referred to in that paragraph,

has, in respect of the designation referred to in *paragraph (a)*, been obtained by the approved housing body before it makes the designation.

(6) In *subsection (5)* "transitional dwelling" means a dwelling that an approved housing body leases for periods not exceeding 18 months for the purposes of the approved housing body concerned.

(7) Where, before the coming into operation of section 3 of the Residential Tenancies (Amendment) Act 2015, an approved housing body had not, for the purposes of *subsection (5)*, made a designation in respect of a dwelling referred to

in *paragraph (a)* or *(b)* of *section 3(4)* that it leases to a household referred to in *subsection (2A)* or *(4)(b)* of *section 3* for a period not exceeding 18 months, the approved housing body concerned—

(*a*) may designate that dwelling to be a transitional dwelling for the purposes of *subsection (5)* at any time during the period of 12 months commencing on the day on which section 3 of the Residential Tenancies (Amendment) Act 2015 comes into operation, and

(*b*) shall notify the Minister of that designation not later than 3 months after it is made.**]**

Greater security of tenure not affected.

**26.**—Nothing in this Part operates to derogate from any rights the tenant enjoys for the time being (by reason of the tenancy concerned) that are more beneficial for the tenant than those created by this Part.

## CHAPTER 2

*Statement of essential protection enjoyed by tenants*

Periods of occupancy before relevant date to be disregarded.

**27.**—In this Part "continuous period of 6 months" means a continuous period of 6 months that commences on or after the relevant date F135**[**or, in the case of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), shall be construed in accordance with *section 3B(a)* (inserted by section 4 of the Residential Tenancies (Amendment) Act 2015)**]**.

Statutory protection — "*Part 4* tenancy" — after 6 months occupation.

**28.**—F136**[**(1) Where a person has been in occupation of a dwelling under a tenancy for a continuous period of 6 months and the condition specified in *subsection (3)* is satisfied, that tenancy shall, subject to *Chapter 3*, continue in existence for a period of unlimited duration from the date on which the first-mentioned period expires.**]**

(2) F137**[**...**]**

(3) The condition mentioned in *subsection (1)* is that no notice of termination (giving the required period of notice) has been served in respect of the tenancy before the expiry of the period of 6 months mentioned in that subsection.

(4) Despite the fact that such a notice of termination has been so served, that condition shall be regarded as satisfied if the notice is subsequently withdrawn.

"*Part 4* tenancy"— meaning of that expression.

F138**[29.** For the purposes of this Act, each of the following is a *Part 4* tenancy:

(*a*) a tenancy that continues in existence by virtue of *subsection (1)* (inserted by subsection (1) of section 5 of the Residential Tenancies (Amendment) Act 2021) of *section 28*;

(*b*) a tenancy that continues in existence in accordance with subsection (3) of section 5 of the Residential Tenancies (Amendment) Act 2021;

(*c*) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021.**]**

Terms of *Part 4* tenancy.

**30.**—F139**[**(1) Subject to *subsections (2)* and *(3)*, the terms of a *Part 4* tenancy shall—

(*a*) in the case of a tenancy that continues in existence by virtue of *subsection (1)* (inserted by subsection (1) of section 5 of the Residential Tenancies (Amendment) Act 2021) of *section 28*, be those of the tenancy of which it is a continuation,

(*b*) in the case of a tenancy that continues in existence in accordance with subsection (3) of section 5 of the Residential Tenancies (Amendment) Act 2021, be those of the tenancy of which it is a continuation, and

(*c*) in the case of a new tenancy of a dwelling referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021, be those of the tenancy of that dwelling immediately preceding the new tenancy.**]**

(2) At any time during the period of a *Part 4* tenancy, the parties may, by agreement, vary its terms.

(3) Neither—

(*a*) any term of the tenancy of which the *Part 4* tenancy is a continuation, nor

(*b*) any term purported to be provided for by a variation under *subsection (2)*,

shall be a term of a *Part 4* tenancy if the term is inconsistent with this or any other Part of this Act.

*Sections 28* and *30*: special cases.

**31.**—(1) The reference in *section 28(1)* to a continuous period of occupation under a tenancy includes a reference to a continuous period of occupation under a series of 2 or more tenancies.

(2) Where the continuous occupation referred to in *section 28(1)* has been under a series of 2 or more tenancies—

(*a*) in *section 28(2)*, "the tenancy mentioned in *subsection (1)*" means the last of those tenancies,

(*b*) in *section 28(2)(a)(i)*, "the commencement of the tenancy" means the commencement of the first of those tenancies, and

(*c*) in *section 28(3)*, "the tenancy" means the last of those tenancies,

and *section 30* shall be construed accordingly.

Further special case (sub-letting of *Part 4* tenancy).

**32.**—(1) F140**[**Schedule 1**]** to this Act has effect for the purpose of affording protection in relation to a sub-tenancy created out of a *Part 4* tenancy or a further *Part 4* tenancy.

(2) The creation of a sub-tenancy in respect of part only of the dwelling, the subject of a *Part 4* tenancy or a further *Part 4* tenancy, is prohibited.

(3) Any such sub-tenancy purported to be created is void.

## CHAPTER 3

### *Termination of Part 4 tenancy*

Restriction on termination by landlord.

**33.**—A *Part 4* tenancy may not be terminated by the landlord save in accordance with *section 34*.

Additional requirements relating to termination by landlord

F141**[33A.**—Without prejudice to *section 33*, in addition to the grounds for termination by a landlord under *section 34*, in accordance with *section 57(b)*, *Part 5* shall apply in relation to the termination of a *Part 4* tenancy by a landlord.**]**

Grounds for termination by landlord.

**34.**—F142**[**Subject to *sections 35A* and *35B*, a *Part 4* tenancy**]** may be terminated by the landlord—

(*a*) on one or more of the grounds specified in the Table to this section if—

(i) a notice of termination giving the required period of notice is served by the landlord in respect of the tenancy, F143**[**...**]**

F144**[**(ii) the notice of termination cites as the reason for the termination the ground or grounds concerned and contains or is accompanied—

(I) in the case of F142**[***paragraph 2***]** of that Table, by the statement referred to in that F142**[**paragraph,**]**

(II) in the case of *paragraph 3* or *4* of that Table, by the statutory declaration referred to in that F142**[**paragraph, and**]**

F145**[**(III) in the case of *paragraph 5* or *6* of that Table, by the statement and the statutory declaration referred to in that paragraph,**]**

and**]**

F146**[**(iii) in the case of a notice of termination that cites as the reason for the termination the ground specified in *paragraph 5*, the notice of termination contains or is accompanied by a certificate in writing of a F147**[**registered construction professional (within the meaning of the Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022)**]** stating that—

(I) the proposed refurbishment or renovation works would pose a risk to the health or safety of the occupants of the dwelling concerned and should not proceed while the dwelling is occupied, and

(II) such a risk is likely to exist for such period as is specified in the certificate which shall not be less than 3 weeks,**]**

(*b*) F148**[**...**]**

TABLE

Grounds for termination

1. The tenant has failed to comply with any of his or her obligations F149**[**(other than the obligation to which *paragraph (a)* of *section 16* applies)**]** in relation to the tenancy (whether arising under this Act or otherwise) and, unless the failure provides an excepted basis for termination—

(*a*) the tenant has been notified F150**[**in writing**]** of the failure by the landlord and that notification states that the landlord is entitled to terminate the tenancy if the failure is not remedied within a reasonable time specified in that notification, and

(*b*) the tenant does not remedy the failure within that specified time.

F151**[**1A. The tenant has failed to comply with *paragraph (a)* of *section 16* in relation to the tenancy concerned and the condition specified in *subsection (3)* (inserted by paragraph (b) of section 12 of the Residential Tenancies and Valuation Act 2020) of *section 67* has been satisfied.**]**

2. The dwelling is no longer suitable to the accommodation needs of the tenant and of any persons residing with him or her having regard to the number of bed spaces contained in the dwelling and the size and composition of the occupying household F150**[**and the notice of termination is accompanied by a statement referred to in *section 35***]**.

3. The landlord intends, within F152**[**9 months**]** after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling F150**[**and the notice of termination is accompanied by a statutory declaration referred to in *section 35***]**.

4. The landlord requires the dwelling or the property containing the dwelling for his or her own occupation or for occupation by a member of his or her family

and the notice of termination (the "notice") contains or is accompanied F153**[**by a statutory declaration**]**—

(*a*) specifying—

(i) the intended occupant's identity and (if not the landlord) his or her relationship to the landlord, and

(ii) the expected duration of that occupation, F154**[**...**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F155**[**...**]** the following conditions are satisfied—

(i) the dwelling is vacated by the person referred to in *subparagraph (a)* within the period of F152**[**12 months**]** from expiry of the period of notice required to be given by the notice or, if a dispute in relation to the validity of the notice was referred to the Board under *Part 6* for resolution, the final determination of the dispute, and

(ii) the tenancy to which the notice related had not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in *paragraph 1*, F156**[***1A*,**]** *2*, *3* or *6* F157**[**of this Table, and**]**

F158**[**(*c*) where the notice of termination is served by the landlord in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*), specifying whether the termination date specified in the notice of termination falls before, on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy, and that on the date that the notice of termination is served—

(i) the landlord is not a company, and

(ii) the landlord is a landlord under not more than 3 tenancies of dwellings.**]**

5. The landlord intends to substantially refurbish or renovate the dwelling or the property containing the dwelling in a way which requires the dwelling to be vacated for that purpose (and, where planning permission is required for the carrying out of that refurbishment or renovation, that permission has been obtained) and the notice of termination (the "notice") contains or is accompanied, in writing, F159**[**by a statutory declaration referred to in *section 35(10A*) and a statement**]**—

(*a*) specifying the nature of the F153**[**intended works, **]**

F150**[**(*aa*) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(*ab*) that planning permission is not required and he or she has complied with the requirements of *section 35(9)(b)*, and**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F155**[**...**]** the following conditions are satisfied—

F152**[**(i) the dwelling becomes available for reletting by reason of the completion of the works of refurbishment or renovation, and**]**

(ii) the tenancy to which the notice related had not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in *paragraph 1*, F156**[***1A*,**]** *2*, *3* or *6* of this Table.

6. The landlord intends to change the use of the dwelling or the property containing the dwelling to some other use (and, where planning permission is required for that change of use, that permission has been obtained) and the notice of termination (the "notice") contains or is accompanied, in writing, F159**[**by a statutory declaration referred to in *section 35(10A)* and a statement**]**—

(*a*) specifying the nature of the F153**[**intended use,**]**

F150**[**(*aa*) that, in a case where planning permission has been obtained, a copy of the planning permission is attached to the notice or statement,

(*ab*) as to whether any works are to be carried out in respect of the change of use and where such works are required to be carried out, specifying—

(i) details of those works,

(ii) the name of the contractor, if any, employed to carry out such works, and

(iii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out,

and**]**

(*b*) that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if F155**[**...**]** the following conditions are satisfied—

(i) the dwelling becomes available for reletting within the period of F152**[**12 months**]** from expiry of the period of notice required to be given by the notice or, if a dispute in relation to the validity of the notice was referred to the Board under *Part 6* for resolution, the final determination of the dispute, and

(ii) the tenancy to which the notice related had not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in *paragraph 1*, F156**[***1A*,**]** *2* or *3* of this Table.

Table to *section 34*: interpretation and supplemental.

**35.**—(1) In this section the "Table" means the Table to *section 34*.

(2) In *paragraph 1* of the Table "remedy the failure" means—

(*a*) in the case of a failure that does not result in financial loss or damage to the landlord or his or her property, to desist from the conduct that constitutes the failure or, if the failure consists of an omission to comply with an obligation, comply with that obligation, and

(*b*) in the case of a failure that does result in financial loss or damage to the landlord or his or her property—

(i) to pay adequate compensation to the landlord F160**[**...**]** or repair the damage fully, and

(ii) unless the failure is not of a continuing nature, to desist from the conduct that constitutes the failure or comply with the obligation concerned, as the case may be.

(3) In *paragraph 1* of the Table the reference to a failure that provides an excepted basis for termination is a reference to a failure to comply with *section 16(h)* where the behaviour in question falls within *paragraph (a)* or *(b)* of the definition of "behave in a way that is anti-social" in *section 17(1)*.

F161**[**(4) In *paragraph 4* of the Table the reference to a member of the landlord's family is a reference to—

(*a*) subject to *paragraph (b)*, any spouse, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, child, stepchild, foster child, grandchild, parent, grandparent, step parent, parent-in-law, brother, sister, nephew or niece of the landlord or a person adopted by the landlord under the Adoption Acts 2010 to 2015, or

(*b*) where the notice of termination is served in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*) and the termination date specified in the notice of termination falls before the expiry of a tenancy

of minimum duration under the relevant Part 4 tenancy, any spouse, civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, child, stepchild, foster child, parent, step parent, parent-in-law of the landlord or a person adopted by the landlord under the Adoption Acts 2010 to 2015.**]**

(5) F162**[**...**]**

(6) If an offer such as is referred to in F163**[***paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table,**]** is accepted (within such reasonable period F164**[**not exceeding 7 days**]** as shall be specified for that purpose in the offer) by the former tenant concerned (the "accepter")—

(*a*) the resulting agreement is enforceable by the accepter (as well as by the offeror), and

(*b*) occupation by the accepter under the tenancy created in favour of him or her on foot of that agreement shall, together with his or her occupation under the former tenancy, be regarded, for the purposes of this Act, as continuous occupation by the accepter under the one tenancy.

F164**[**(6A) If an offer such as is referred to in *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, is not accepted (within such reasonable period not exceeding 7 days as shall be specified for that purpose in the offer) by the former tenant concerned, there is no tenancy agreement and the former tenant is not entitled to occupy the dwelling.**]**

F165**[**(7) The statement to accompany a notice of termination in respect of a termination referred to in *paragraph 2* of the Table shall specify—

(*a*) the bed spaces in the dwelling, and

(*b*) the grounds on which the dwelling is no longer suitable having regard to the bed spaces referred to in *paragraph (a)* and the size and composition of the occupying household.

F166**[**(8) The statutory declaration that is to accompany a notice of termination in respect of a termination referred to in *paragraph 3* of the Table shall include—

(*a*) a declaration that the landlord intends to enter into an enforceable agreement to transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling, F167**[**...**]**

F168**[**(*aa*) a declaration that the landlord, by virtue of the notice, is required to offer to the tenant a tenancy of the dwelling if the following conditions are satisfied:

(i) F162**[**...**]**

(ii) the landlord does not enter into an enforceable agreement of the type referred to in paragraph 3 of the Table within the period specified in that paragraph commencing—

(I) on the expiration of the period of notice required to be given under subparagraph (i) of paragraph (a) of section 34, or

(II) in circumstances where a dispute in relation to the validity of the notice is referred to the Board under Part 6 for resolution, on the final determination of that dispute;

and

(iii) the tenancy to which the notice relates has not otherwise been validly terminated by virtue of the citation in the notice of the ground specified in *paragraph 1*, F164**[***1A*,**]** 2 or 6 of the Table,**]**

(*b*) where *section 35A(3)(a)* applies, a declaration that *section 35A(2)* does not apply to the said notice of termination as the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which *Part 4* applies is more than 20 per cent below the market value that

could be obtained for the dwelling with vacant possession, and that the application of that subsection would, having regard to all the circumstances of that case be unduly onerous on, or would cause undue hardship on, F169**[**that landlord, and**]]**

F170**[**(*c*) where the notice of termination is served by the landlord in respect of a relevant *Part 4* tenancy (within the meaning of *section 35B*), a declaration that—

(i) on the date that the notice of termination is served, the landlord—

(I) is not a company, and

(II) is a landlord under not more than 3 tenancies of dwellings,

(ii) where *section 35B(5)* does not apply, that the circumstances specified in one or more of *paragraphs (a)* to *(c)* of *section 35B(4)* apply and that the application of *section 35B(3)(a)* would, having regard to all the circumstances of the case, cause undue financial or other hardship on the landlord, and

(iii) where *section 35B(5)* applies, that the termination date specified in the notice of termination falls on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy.**]**

(9) A notice of termination in respect of a termination made on the ground specified in *paragraph 5* of the Table, or the statement referred to in that paragraph shall—

(*a*) for the purposes of the statement referred to in *subparagraph (aa)* of *paragraph 5* of the Table, be accompanied by a copy of the planning permission required for the carrying out of the refurbishment or renovation of the dwelling concerned, and

(*b*) specify, where planning permission is not required—

(i) the name of the contractor, if any, employed to carry out the intended works, and

(ii) the dates on which the intended works are to be carried out and the proposed duration of the period in which those works are to be carried out.

(10) A notice of termination in respect of a termination made on the ground specified in *paragraph 6* of the Table, or the statement referred to in that paragraph shall, for the purposes of the statement referred to in *subparagraph (aa)* of *paragraph 6* of the Table, be accompanied by a copy of the planning permission required for the carrying out of the change of use of the dwelling concerned.**]**

F170**[**(10A) Where a notice of termination is served by the landlord in respect of a termination of a relevant *Part 4* tenancy (within the meaning of *section 35B*) on the ground specified in *paragraph 5* or *6* of the Table, the statutory declaration that is to accompany the notice shall specify that—

(*a*) on the date that the notice of termination is served—

(i) the landlord is not a company, and

(ii) the landlord is a landlord under not more than 3 tenancies of dwellings, and

(*b*) the termination date specified in the notice of termination falls on or after the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy.**]**

(11) F171**[**...**]**

F172**[**(12) Upon receipt of a copy of a notice of termination under F173**[***section 62(1A)***]**, for the purpose of facilitating the making of an offer referred to in *para-*

*graph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, the Board shall—

(*a*) invite the tenant concerned, to confirm or provide, as appropriate, his or her contact details in writing to the Board, and

(*b*) request the consent of the tenant to the provision of his or her contact details by the Board to the landlord upon request.

(13) Where a landlord is required to make an offer referred to in *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table, but cannot contact the tenant concerned despite having made reasonable inquiry to ascertain the tenant's current contact details, he or she shall, for the purpose of making that offer, make a request in writing to the Board seeking the contact details of the tenant.

(14) Where a landlord makes a request under *subsection (13)*, the Board shall—

(*a*) where the tenant concerned has provided his or her contact details and consent under *subsection (12)* or pursuant to a notice under *paragraph (b)*, provide the contact details of the tenant to the landlord as soon as practicable on or after the date of the request, or

(*b*) where the tenant concerned has not provided his or her contact details or consent under *subsection (12)*, as soon as practicable on or after the date of the request, notify the tenant that—

(i) a request under *subsection (13)* has been received, and

(ii) unless the tenant provides his or her contact details and consent under *subsection (12)* to the Board within a period of 7 days after the date of the notice, the landlord shall not be required to make an offer under *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table.

(15) Where the contact details of a tenant cannot be ascertained by reasonable inquiry by a landlord or by the Board under *subsection (12)* or *(14)*, the landlord shall not be required to make an offer under *paragraph (aa)* of *subsection (8)*, or *paragraph 4(b)*, *5(b)* or *6(b)* of the Table.**]**

Restriction on termination of certain tenancies by landlords

F174**[35A.**—(1) In this section—

"development" means a development consisting of land upon which there stands erected a building or buildings comprising a unit or units where, as respects such unit or units, it is intended that amenities, facilities and services are to be shared;

"relevant period of time" means any period of 6 months within the period—

(*a*) beginning with the offering for sale in the development concerned of the first dwelling the subject of a tenancy, and

(*b*) ending with the offering for sale in that development of the last dwelling the subject of a tenancy.

(2) Except where *subsection (3)* or *(4)* applies, a *Part 4* tenancy shall not be terminated by the landlord on the ground specified in *paragraph 3* of the Table to *section 34* where the landlord intends to enter into an enforceable agreement—

(*a*) in respect of dwellings situated within the development concerned,

(*b*) for the transfer to another, for full consideration, of the whole of his or her interest in 10 or more of those dwellings, each being the subject of such a tenancy, and

(*c*) to so transfer during a relevant period of time.

(3) (*a*) *Subsection (2)* does not apply where the landlord can show to the satisfaction of the Board—

(i) that the price to be obtained by selling at market value the dwelling that is the subject of an existing tenancy to which *Part 4* applies is more than 20 per cent below the market value that could be obtained for the dwelling with vacant possession, and

(ii) that the application of that subsection would, having regard to all the circumstances of that case—

(I) be unduly onerous on that landlord, or

(II) would cause undue hardship on that landlord.

(*b*) In *paragraph (a)(i)*, the reference to the market value of the dwelling is a reference to the estimated amount that would be paid by a willing buyer to a willing seller in an arm's-length transaction after proper marketing (where appropriate) where both parties act knowledgeably, prudently and without compulsion.

(4) Where, before the commencement of section 40 of the Planning and Development (Housing) and Residential Tenancies Act 2016, a notice under *section 34* of this Act has been served on a tenant specifying as one of the grounds for termination the ground in *paragraph 3* of the Table to *section 34*, then that section shall continue to apply to that notice as if the said section 40 had not been enacted.

(5) Subject to *subsection (4)*, this section applies to all tenancies, including a tenancy created before the coming into operation of this section.**]**

F175**[**Further restriction on termination of certain tenancies by certain landlords

**35B.**—(1) In this section—

"civil partner" has the same meaning as it has in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"relevant *Part 4* tenancy" means a tenancy, referred to in *paragraph (a)* of *section 29*, that commences on or after 1 March 2026;

"tenancy of minimum duration" means a continuous period of 6 years under a relevant *Part 4* tenancy—

(*a*) from the commencement of the relevant *Part 4* tenancy, or

(*b*) from each sixth anniversary of that commencement.

(2) A relevant *Part 4* tenancy shall not be terminated by the landlord on the ground specified in *paragraph 3, 4, 5* or *6* of the Table to *section 34* where the landlord is a company or a landlord under more than 3 tenancies of dwellings.

(3) Subject to *subsections (4)* and *(5)*, a relevant *Part 4* tenancy shall not be terminated by a landlord to whom *subsection (2)* does not apply—

(*a*) on the ground specified in paragraph 3 of the Table to *section 34*, or

(*b*) on the ground specified in paragraph 5 or 6 of the Table to *section 34*.

(4) *Subsection (3)(a)* does not apply where the landlord can show to the satisfaction of the Board that—

(*a*) the landlord requires the consideration arising from the transfer referred to in *paragraph 3* of the Table to *section 34* to provide a principal private residence (within the meaning of section 473B of the Taxes Consolidation Act 1997) for the landlord or the spouse or civil partner of the landlord,

(*b*) the consideration arising from the transfer referred to in *paragraph 3* of the Table to *section 34* is required to enable the landlord, or the spouse or civil partner of the landlord, to discharge a debt, or make a payment to the Revenue Commissioners, of at least 15 per cent of the expected consideration arising from that transfer, which debt or payment, as the case may be, is legally required to be discharged or paid within 9 months after the termination date specified in the notice of termination, or

(*c*) the landlord or the spouse or civil partner of the landlord—

(i) is a debtor who has appointed a personal insolvency practitioner under section 49 (3) of the Personal Insolvency Act 2012,

(ii) is adjudicated bankrupt or is subject to proceedings for a declaration of bankruptcy or becomes an arranging debtor, or

(iii) makes a composition or arrangement with creditors, and the application of *subsection (3)(a)* would, having regard to all the circumstances of the case, cause undue financial or other hardship on the landlord.

(5) A relevant *Part 4* tenancy may be terminated by a landlord to whom *subsection (2)* does not apply on the grounds specified in *paragraph 3, 5* or *6* of the Table to *section 34* if, in addition to any other requirement under *section 34* or *35*, a notice of termination (giving the required period of notice) is served by the landlord before the expiry of a tenancy of minimum duration under the relevant *Part 4* tenancy and that period of notice expires on or after the expiry of the tenancy of minimum duration.**]**

Termination by tenant.

**36.**—(1) A tenant may terminate a *Part 4* tenancy by serving on the landlord in respect of the tenancy a notice of termination giving the required period of notice.

(2) This section is without prejudice to *Chapter 6*.

Deemed termination by tenant.

**37.**—(1) Subject to *subsection (3)*, a *Part 4* tenancy shall be deemed to have been terminated by the tenant on his or her vacating the dwelling if—

(*a*) before or on or about that vacating, he or she serves a notice of termination in respect of the tenancy that does not give the required period of notice, and

(*b*) before or on that vacating the rent has fallen into arrears.

(2) Subject to *subsection (3)*, a *Part 4* tenancy shall also be deemed to have been terminated by the tenant upon any rent owed by him or her being in arrears for a period of 28 days or more if—

(*a*) whether before or after the end of that period, the tenant has vacated the dwelling, and

(*b*) no notice of termination has been served by the tenant in respect of the tenancy.

(3) *Subsections (1)* and *(2)* do not apply if the *Part 4* tenancy has been sub-let or assigned.

(4) Nothing in the preceding subsections affects the liability of the tenant for rent for the period that would have elapsed had a notice of termination giving the required period of notice been served by him or her.

(5) This section is subject to *Chapter 6*.

Effect of assignment of *Part 4* tenancy.

**38.**—(1) If a *Part 4* tenancy is assigned by the tenant with the consent of the landlord then if the assignment is—

(*a*) to a person, other than a sub-tenant of the dwelling concerned, the assignment shall operate to convert the *Part 4* tenancy of the dwelling into a periodic tenancy of the dwelling and the protection provided by *section 28* for the assignor shall accordingly cease (but without prejudice to that section's fresh application in relation to the assignee should the circumstances mentioned in that section occur),

(*b*) to a sub-tenant of the dwelling concerned, the protection provided by *section 28* for the assignor shall cease (but without prejudice to the *Part 4* tenancy's continued subsistence as provided for in *subsection (2)*).

(2) If the assignment is to a sub-tenant of the dwelling concerned, the *Part 4* tenancy shall continue in being (but in favour of that person and not the assignor) for the period that it would have continued in being had the assignment not been made and subject to the provisions of this Chapter; accordingly—

(*a*) the assignee shall become the tenant of the landlord under the *Part 4* tenancy,

(*b*) the terms of the *Part 4* tenancy shall continue to be those under which the assignor held the tenancy immediately before the assignment unless the assignee and the landlord agree to a variation of them, and

(*c*) the assignee's sub-tenancy of the dwelling shall merge with the *Part 4* tenancy.

(3) *Subsection (2)(c)* does not affect the liabilities (if any) of the assignee to the assignor (or of the assignor to the assignee) that have arisen by virtue of the sub-tenancy concerned.

(4) The assignment of a *Part 4* tenancy with respect to only part of the dwelling, the subject of the tenancy, is prohibited.

(5) Any such assignment purported to be made is void.

Termination on tenant's death.

**39.**—(1) Subject to *subsections (2)* F176**[**, *(4)* and *(6)***]**, a *Part 4* tenancy shall terminate on the death of the tenant.

(2) Where the 2 conditions specified in *subsection (3)* are satisfied—

(*a*) *subsection (1)* does not apply, and

(*b*) the *Part 4* tenancy concerned, accordingly, continues in being, subject to the other provisions of this Chapter, for the period for which it would otherwise have continued in being had the tenant concerned not died.

(3) Those conditions are—

(*a*) the dwelling, at the time of the death of the tenant concerned, was occupied by—

(i) a spouse F177**[**or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**]** of the tenant,

(ii) a person who was not a spouse of the tenant but who F178**[**was the tenant's cohabitant within the meaning of section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and lived with the tenant**]** in the dwelling for a period of at least 6 months ending on the date of the tenant's death,

(iii) a child, stepchild or foster child of the tenant, or a person adopted by the tenant under the Adoption Acts 1952 to 1998, being in each case aged 18 years or more, or

(iv) a parent of the tenant,

and

(*b*) one or more than one of the foregoing persons elects in writing to become a tenant or tenants of the dwelling.

(4) This section is subject to *Chapter 6*; without limiting the generality of this subsection, *subsections (2)* and *(3)* are not to be read as derogating from the operation of *Chapter 6* in circumstances where a person referred to in *subsection (3)* is a multiple tenant (within the meaning of that Chapter) of the dwelling concerned.

(5) Irrespective of the number of instances of the application to the same dwelling of *subsection (2)* (by reason of a series of deaths of tenants), the *Part 4* tenancy

concerned shall not continue in being any longer than it would otherwise have continued in being had the first of those deaths not occurred.

F179**[**(6) In respect of a dwelling the subject of a tenancy referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), a person to whom *subsection (3)(a)* applies shall not elect, under *subsection (3)(b)*, to become a tenant, or tenants, of such dwelling unless—

(*a*) in the case of a dwelling referred to in *section 3(4)(a)*, he or she is a member of a household referred to in *section 3(4)(a)*, or

(*b*) in the case of a dwelling referred to in *section 3(4)(b)*, he or she is a member of a household referred to in *section 3(4)(b)*.**]**

F180**[**Referral of notice of termination to adjudicator under Act of 2004

**39A.**—(1) F181**[**...**]**

(2) F181**[**...**]**

(3) F182**[**...**]**

(4) F182**[**...**]]**

## CHAPTER 4

*Additional statutory right — further Part 4 tenancy*

Interpretation (*Chapter 4*).

**40.**— F183**[**...**]**

Further *Part 4* tenancy on expiry of 4 year period.

**41.**—F184**[**...**]**

Termination of additional rights.

**42.**—F185**[**...**]**

## CHAPTER 5

*Successive further Part 4 tenancies may arise*

Purposes of Chapter.

**43.**—F186**[**...**]**

Construction of certain references.

**44.**—F187**[**...**]**

Further *Part 4* tenancy to arise on expiry of previous tenancy.

**45.**—F188**[**...**]**

Terms of a further *Part 4* tenancy.

**46.**—F189**[**...**]**

Application of *Chapter 3* and *section 42* to every further *Part 4* tenancy.

**47.**—F190**[**...**]**

## CHAPTER 6

*Rules governing operation of Part in cases of multiple occupants*

Interpretation (*Chapter 6*).

**48.**—(1) In this Chapter "multiple tenants" means, in relation to a dwelling, 2 or more persons who are tenants of the dwelling (whether as joint tenants, tenants-in-common or under any other form of co-ownership) and "multiple tenant" means any one of them.

(2) References in this Chapter to a *Part 4* tenancy coming into existence and cognate references shall be construed as references to the circumstances in which the tenancy referred to in *section 28* is continued in being by virtue of that section.

(3) References in subsequent provisions of this Chapter to a *Part 4* tenancy include, unless the context does not admit of such construction, references to a further *Part 4* tenancy.

General principle in relation to dwellings occupied by more than one person.

**49.**—(1) Subject to this Chapter, the provisions of this Part apply regardless of the fact that the dwelling concerned is occupied at the particular time by either or both—

(*a*) multiple tenants,

(*b*) one or more persons who are also lawfully in occupation of the dwelling as licensees of the tenant or the multiple tenants, as the case may be.

(2) In particular, the fact that the continuous period of occupation, as respects a particular dwelling, by one or more of the multiple tenants is less than 6 months at a particular time does not prevent a *Part 4* tenancy coming into existence at that time in respect of the dwelling if—

(*a*) another of the multiple tenants has been in continuous occupation of the dwelling for 6 months, and

(*b*) the condition specified in *section 28(3)* is satisfied.

Entitlement of multiple occupant to benefit from *Part 4* tenancy.

**50.**—(1) *Subsection (2)* applies unless the multiple tenant concerned benefits, by virtue of the preceding Chapters of this Part, from the protection of the *Part 4* tenancy on its coming into existence.

(2) A multiple tenant who was in occupation of a dwelling immediately before the coming into existence of a *Part 4* tenancy in respect of it shall, on his or her having been in occupation of the dwelling for a continuous period of 6 months (and that tenancy still subsists), benefit from the protection of that tenancy; accordingly the rights, restrictions and obligations under this Part shall, on and from the expiry of that period of 6 months, apply in relation to that multiple tenant as they apply in relation to the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence.

(3) Any person who the landlord accepts as a tenant of a dwelling on, or subsequent to, a *Part 4* tenancy coming into existence in respect of it, shall, on his or her having been in occupation of the dwelling for a continuous period of 6 months (and that tenancy still subsists), benefit from the protection of that tenancy; accordingly, the rights, restrictions and obligations under this Part shall, on and from the expiry of that period of 6 months, apply in relation to that person as they apply in relation to the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence.

(4) The reference in *subsection (3)* to a landlord's accepting a person as a tenant is a reference to his or her accepting a person as a tenant—

(*a*) whether as a replacement for any of the existing multiple tenants or as an additional tenant to them, and

(*b*) whether or not the person was immediately before that acceptance a licensee in occupation of the dwelling.

(5) For the purpose of reckoning the continuous period of occupation referred to in *subsections (2)* and *(3)*, any period of continuous occupation by the person concerned of the dwelling as a licensee (whether that period begins before, on or after the *Part 4* tenancy came into existence) may be counted with any continuous period of occupation by that person of the dwelling as a tenant that follows on immediately from it.

(6) For the purpose of, amongst other things, ensuring that the distinction that exists between licences and tenancies does not operate to frustrate the objectives of this Part in cases to which this Chapter applies, *subsections (7)* and *(8)* are enacted.

(7) A person who is lawfully in occupation of the dwelling concerned as a licensee of the tenant or the multiple tenants, as the case may be, during the subsistence of a *Part 4* tenancy F191**[**may, F192**[**subject to *section 3B(d)* and *subsection (7A)***]**, request**]** the landlord of the dwelling to allow him or her to become a tenant of the dwelling.

F193**[**(7A) *Subsection (7)* shall not apply where the person in lawful occupation of the dwelling concerned is a temporary protection beneficiary within the meaning of Part 2 of the Civil Law (Miscellaneous Provisions) Act 2022.**]**

(8) The landlord may not unreasonably refuse to accede to such a request; if the request is acceded to—

(*a*) an acknowledgement in writing by the landlord that the requester has become a tenant of the landlord suffices for the purpose,

(*b*) the requester shall hold the dwelling—

(i) on the same terms, or as appropriately modified, as those on which the existing tenant or multiple tenants hold the dwelling (other than terms comprising the rights, restrictions and obligations which arise by virtue of a *Part 4* tenancy being in existence in respect of the dwelling),

(ii) upon (if such be the case) *subsection (3)* being satisfied in respect of the requester, subject to the same rights, restrictions and obligations as those subject to which the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence holds the dwelling.

Act of one of multiple tenants cannot prejudice the other's or others' rights.

**51.**—(1) Without prejudice to *subsection (3)*, no act done by any one or more of the multiple tenants of a dwelling that, apart from this subsection, would have either of the following results, namely—

(*a*) the termination of the *Part 4* tenancy, or

(*b*) rendering the *Part 4* tenancy liable to be terminated by the landlord,

shall have either such result if another of those tenants provides an explanation or information to the landlord from which a landlord acting reasonably in the circumstances would conclude that that act was done without that person's consent.

(2) For the purposes of *subsection (1)* a landlord acts reasonably in the circumstances concerned if—

(*a*) he or she requires the last-mentioned tenant in that subsection to provide such information or assistance as he or she may reasonably need to ascertain with whose consent (if any) and by whom the act concerned was done, and

(*b*) in case that requirement is not complied with, he or she concludes, on account of that non-compliance, that the act concerned was done with the tenant's consent.

(3) Instead of the result mentioned in *paragraph (a)* or *(b)* of *subsection (1)*, an act referred to in that subsection that is shown to have been done without the consent of one or more of the other multiple tenants results in—

(*a*) the tenant responsible for the act (and any tenant who consented to that act) losing the benefit of the protection, if he or she otherwise has the benefit of it, of the *Part 4* tenancy, or

(*b*) the rendering of the benefit for him or her (and any tenant who consented to that act) of that protection, if he or she otherwise has the benefit of it, liable to be terminated by the landlord in accordance with this Part as adapted by *subsection (4)*,

as the case may be.

(4) For the purposes of *subsection (3)*, any provision of this Part which—

(*a*) provides for the termination of a *Part 4* tenancy,

(*b*) renders such a tenancy liable to termination by the landlord, or

(*c*) makes provision incidental to, or consequential on, the foregoing,

shall, in relation to a case to which that subsection applies, be construed and operate as a provision which, as appropriate—

(i) provides for the loss of the benefit of the protection of the *Part 4* tenancy for the tenant or tenants concerned,

(ii) renders the benefit for that tenant or those tenants of that protection liable to be terminated by the landlord, or

(iii) makes provision incidental to, or consequential on, the matter referred to in *paragraph (i)* or *(ii)*.

(5) Without limiting the generality of the foregoing, such adaptation of this Part allows the landlord to obtain a determination under *Part 6* requiring the tenant who is in default to vacate possession of the dwelling concerned (without prejudice to the other multiple tenant's or tenants' possession of the dwelling).

(6) For the purpose of *subsection (4), Part 5* has effect as if every provision it makes with respect to a notice of termination were a provision with respect to a notice terminating the benefit of the protection of the *Part 4* tenancy concerned.

(7) In this section a reference to the doing of an act includes the making of an omission.

Immaterial that tenant whose occupation gave rise to *Part 4* tenancy quits or dies.

**52.**—For the avoidance of doubt, neither—

(*a*) the vacating of possession of the dwelling concerned by the multiple tenant whose continuous occupation gave rise to the *Part 4* tenancy's existence in respect of that dwelling, nor

(*b*) the death of that tenant,

of itself, deprives the other multiple tenant or tenants of the benefit of that tenancy's protection.

No separate *Part 4* tenancy to arise in multiple tenant's favour.

**53.**—The conferral of the benefit of the protections under this Part on a person referred to in *section 50(2)* or *(3)* shall not be read as operating to bring into existence a separate *Part 4* tenancy in his or her favour as respects the dwelling concerned.

## CHAPTER 7

*Miscellaneous*

No contracting out from terms of Part permitted.

**54.**—(1) No provision of any lease, tenancy agreement, contract or other agreement (whether entered into before, on or after the relevant date) may operate to vary, modify or restrict in any way a provision of this Part.

(2) This section is without prejudice to *section 26* (which allows more beneficial rights for a tenant than those accorded by this Part).

Protection under this Part and long occupation equity.

**55.**—(1) For the avoidance of doubt, occupation under a *Part 4* tenancy or a further *Part 4* tenancy shall be reckoned for the purposes of section 13(1)(*b*) of the Landlord and Tenant (Amendment) Act 1980.

F194**[**(2) A termination under *section 34* on one or more of the grounds specified in *paragraphs 2* to *6* of the Table to that section of a *Part 4* tenancy or a further *Part 4* tenancy shall not be regarded as a termination of that tenancy for the purposes of section 17(1)(a) of the Landlord and Tenant (Amendment) Act 1980.**]**

Damages for abuse of *section 34* termination procedure.

**56.**—(1) This section applies where—

(*a*) a tenant under a *Part 4* tenancy, or under a further *Part 4* tenancy, has vacated possession of the dwelling concerned on foot of a notice of termination served under *section 34(a)*,

(*b*) that notice of termination cited as the reason for the termination one or more of the grounds specified in *paragraphs 3* to *6* of the Table to *section 34*, and

(*c*) F195**[**(i) in case the ground cited is that specified in *paragraph 3* of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period specified therein,

(II) the notice of termination is not accompanied by the statutory declaration referred to in *section 35*, or

(III) the offer referred to in *paragraph (aa)* of *subsection (8)* of *section 35* is not made in circumstances where the conditions specified in the said *paragraph (aa)* are satisfied,**]**

(ii) in case the ground cited is that specified in *paragraph 4* of that Table, the occupation by the person concerned does not take place within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iii) in case the ground cited is that specified in *paragraph 5* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iv) in case the ground cited is that specified in *paragraph 6* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the service of the notice of termination or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph.

(2) Where this section applies, the tenant may make a complaint to the Board under *Part 6* that, by reason of the matters mentioned in *subsection (1)*, he or she has been unjustly deprived of possession of the dwelling concerned by the landlord.

(3) An adjudicator or the Tribunal, on the hearing of such a complaint, may, if F196**[**the adjudicator or the Tribunal, as the case may be,**]** considers it proper to do so, make—

(*a*) a determination comprising a direction that the landlord shall pay to the complainant an amount by way of damages for that deprivation of possession,

(*b*) subject to *section 118* F197**[**and *subsection (3A)***]**, a determination comprising a direction that the complainant be permitted to resume possession of the dwelling concerned, or

(*c*) subject to *section 118* F197**[**and *subsection (3A)***]**, a determination comprising both of the foregoing directions.

F197**[**(3A) A determination under *paragraph (b)* or *(c)* of *subsection (3)*—

(*a*) shall not include a direction that the complainant be permitted to resume possession of the dwelling where the adjudicator or the Tribunal is satisfied that the landlord of that dwelling has entered into an enforceable agreement of the type referred to in *paragraph 3* of the Table to *section 34*, and

(*b*) that is made where the landlord of the dwelling has entered into an enforceable agreement of the type referred to in *paragraph 3* of the Table to *section 34* shall not have effect in so far as the determination comprises a direction that the complainant be permitted to resume possession of the dwelling.**]**

(4) Damages may not be directed to be paid to a particular person, in respect of the same deprivation of possession, under both *subsection (3)* and *section 118(1)*.

(5) If 2 or more of the grounds specified in *paragraphs 3* to *6* of the Table to *section 34* were cited in the notice of termination concerned, then *paragraph (c)* of *subsection (1)* shall be read as meaning that an omission of the kind mentioned in that paragraph must have occurred in relation to each of those grounds.

(6) For the avoidance of doubt—

(*a*) this section applies even though the tenant vacated possession of the dwelling only after a dispute in relation to the validity of the notice of termination was finally determined under *Part 6* (but in such a case *subsection (1)* has effect as if the paragraph set out in the Table to this section were substituted for *paragraph (c)* of that subsection), and

(*b*) this section is without prejudice to the tenant's right to put in issue, in a dispute in relation to the validity of the notice of termination referred to the Board under *Part 6*, the bona fides of the intention of the landlord to do or, as appropriate, permit to be done the thing or things mentioned in the notice.

TABLE

(*c*) F195**[**(i) in case the ground cited is that specified in paragraph 3 of that Table—

(I) an enforceable agreement of the type referred to in that paragraph is not entered into within the period of 9 months after the tenant ceases to occupy the dwelling following the final determination of the dispute in relation to the validity of the notice of termination, or

(II) an enforceable agreement of the type referred to in that paragraph is not entered into within that period and the conditions specified in *paragraph (aa)* of *subsection (8)* of *section 35* are not satisfied,**]**

(ii) in case the ground cited is that specified in *paragraph 4* of that Table, the occupation by the person concerned does not take place within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iii) in case the ground cited is that specified in *paragraph 5* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph,

(iv) in case the ground cited is that specified in *paragraph 6* of that Table, the thing mentioned in that paragraph is not done within a reasonable time after the dispute is so determined or, in circumstances where such a requirement arises, the landlord does not comply with the requirement to make the offer referred to in that paragraph.

## PART 5

## TENANCY TERMINATIONS — NOTICE PERIODS AND OTHER PROCEDURAL REQUIREMENTS

### CHAPTER 1

*Scope of Part and interpretation provisions*

Purpose of Part.

**57.**—The purpose of this Part is to specify the requirements for a valid termination by the landlord or tenant of a tenancy of a dwelling, whether the dwelling is—

(*a*) one to which this Act applies but to which *Part 4* does not apply F198**[**(by reason of the operation of *sections 3(7)(c)* or *25*)**]**, or

(*b*) one to which both this Act and that Part applies (in which case those requirements are in addition to the requirements of that Part with regard to the termination of a *Part 4* tenancy or a further *Part 4* tenancy).

Termination of tenancies restricted to means provided by this Part.

**58.**—(1) From the relevant date, a tenancy of a dwelling may not be terminated by the landlord or the tenant by means of a notice of forfeiture, a re-entry or any other process or procedure not provided by this Part.

(2) Accordingly, the termination by the landlord or the tenant of—

(*a*) more beneficial rights referred to in *section 26* that the tenant enjoys under a tenancy than those created by *Part 4*, F199**[**...**]**

(*b*) a tenancy to which *section 25* F200**[**applies, or**]**

F201**[**(*c*) a tenancy of a dwelling referred to in *subsection (1A)* of *section 3*.**]**

must be effected by means of a notice of termination that complies with this Part.

(3) Each of the following—

(*a*) a tenancy referred to in *subsection (2)(a)* (unless it expressly excludes this means of termination),

(*b*) a tenancy referred to in *subsection (2)(b)*, and

(*c*) a tenancy of a dwelling created before or after the relevant date in so far as its operation is not affected by *Part 4* F202**[**(but subject to *subsection (4)* where the tenancy is a tenancy referred to in *subsection (1A)* of *section 3*)**]**,

shall be construed as including a term enabling its termination by means of a notice of termination that complies with this Part (but, in the case of a tenancy that is for a fixed period, unless it provides otherwise, only where there has been a failure by the party in relation to whom the notice is served to comply with any obligations of the tenancy).

F202**[**(4) Notwithstanding the application of *subsection (3)* to a tenancy referred to in *subsection (1A)* of *section 3*, such a tenancy shall also be construed as including a term enabling its termination by the tenant, by means of a notice of termination that complies with this Part, during the period beginning on 1 May and ending on 1 October in any year, whether or not there has been failure by the landlord to comply with any obligations of the tenancy.**]**

Exclusion of existing rules and enactments.

**59.**—Subject to *section 60*, neither—

(*a*) any rule of law, nor

(*b*) provision of any enactment in force immediately before the commencement of this Part,

which applies in relation to the termination of a tenancy (and, in particular, requires a certain period of notice or a period of notice ending on a particular day to be given) shall apply in relation to the termination of a tenancy of a dwelling.

Greater notice periods not affected.

**60.**—If, in every case or a particular case or cases in which a right of termination is to be exercised, the lease or tenancy agreement comprising the tenancy requires a greater period of notice to be given by a notice of termination than that required by this Part, then, subject to *section 65(4)*, that greater period of notice shall be given by that notice in (as appropriate) every such case or such particular case or cases.

Construction of certain references to periods of notice and duration of tenancies.

**61.**—(1) A reference in this Part to a particular period of notice to be given by the notice of termination concerned is a reference to such a period that begins on the day immediately following the date of service of the notice.

(2) A reference in this Part to the duration of a tenancy is a reference to the period beginning on the day on which the tenancy came into existence or the relevant date, if later, and ending on the date of service of the notice of termination concerned.

## CHAPTER 2

*What a valid notice of termination must contain*

Requirements for a valid notice of termination.

**62.**—(1) A notice of termination to be valid shall—

(*a*) be in writing,

(*b*) be signed by the landlord or his or her authorised agent or, as appropriate, the tenant,

(*c*) specify the date of service of it,

(*d*) be in such form (if any) as may be prescribed,

F203**[**(*da*) if *Part 4* does not apply to the tenancy, including where the duration of the tenancy is a period of not more than 6 months, state (where the termination is by the landlord) that the reason for the termination of the tenancy is one or more of the following:

(i) the same as the ground specified in *paragraph 1* of the Table to *section 34*;

(ii) the same as the ground specified in *paragraph 1A* of the Table to *section 34*;

(iii) the same as the ground specified in *paragraph 2* of the Table to *section 34*;

(iv) reasons other than the grounds referred to in *subparagraph (i), (ii)* or *(iii)*,**]**

(*e*) if the duration of the tenancy is a period of more than 6 months, F204**[**or the tenancy is a further *Part 4* tenancy,**]** state (where the termination is by the landlord) the reason for the termination,

(*f*) specify the termination date, that is to say, the day (stating the month and year in which it falls)—

(i) on which the tenancy will terminate, and

(ii) on or before which (in the case of a termination by the landlord) the tenant must vacate possession of the dwelling concerned, (and indicating that the tenant has the whole of the 24 hours of the termination date to vacate possession),

and

(*g*) state that any issue as to the validity of the notice or the right of the landlord or tenant, as appropriate, to serve it must be referred to the Board under *Part 6* within F205**[**the period referred to in *paragraph (a)* or *(b)*, as appropriate, of *section 80***]**.

F206**[**(1A) Where a notice of termination is served by a landlord, the landlord shall serve a copy of the notice on the Board F207**[**within 7 days of the date**]** on which the notice is served on the tenant, and where the copy is not so served the notice shall be invalid.

(1B) The Board shall, upon receiving a copy of a notice of termination under *subsection (1A)*, notify the tenant in writing of his or her entitlements under *section 76*, the period after which, under *section 80*, a dispute may not be referred to the Board, and give a copy of the statement given under *section 135(4)(e)* to the tenant and the landlord.**]**

(2) F208**[***Subsections (1)* and *(1A)* are**]** without prejudice to *Chapter 4* and *section 81(3)* (which specify additional requirements in respect of a tenancy that has been sub-let).

Date to be specified for purposes of *section 62(1)(f)*.

**63.**—For the purposes of *section 62(1)(f)*, the day that is to be specified in a notice of termination is the last day of—

(*a*) the period which, by reason of *Chapter 3*, is the period of notice to be given by that notice of termination, or

(*b*) such longer period of notice as the landlord or tenant (as appropriate) chooses, subject to *section 65(4)*, to give by that notice of termination.

Reference to and validity of date of service of notice of termination.

**64.**—(1) For the avoidance of doubt, the specification in a notice of termination of a date as being its date of service does not comply with *section 62(1)(c)* if any relevant step in the service of that notice remains untaken on that date.

(2) A relevant step in the service of a notice remains untaken for the purposes of *subsection (1)* if any of the steps that are within the power or control of the landlord or tenant or agent (as appropriate) to take for the purpose of effecting such service remains untaken.

(3) A reference in this Part to the date of service of a notice of termination is a reference to the date the specification of which, in the notice of termination, complies with *subsection (1)*.

F209**[**Slip or omission in notice of termination

**64A.**—On the hearing of a complaint under *Part 6* in respect of a notice of termination, an adjudicator or the Tribunal, as the case may be, may make a determination that a slip or omission which is contained in, or occurred during the service of, the notice of termination F210**[**or a statement or statutory declaration accompanying the notice of termination or a notification related to the notice of

termination given under *section 67(3)* or *68(3)(a)***]** shall not of itself render the notice of termination invalid, F211**[**if the adjudicator or Tribunal**]**, as the case may be, is satisfied that—

(*a*) the slip or omission concerned does not prejudice, in a material respect, the notice of termination, and

(*b*) the notice of termination is otherwise in compliance with the provisions of this Act.**]**

## CHAPTER 3

*Period of notice to be given*

F212**[**Duration of tenancy for purposes of this Chapter

**64B.**—(1) For the purposes of this Chapter, a *Part 4* tenancy and any further *Part 4* tenancy entered into following the expiration of—

(*a*) the said *Part 4* tenancy, or

(*b*) a further *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

F213**[**(1A) (*a*) For the purposes of this Chapter—

(i) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021 of a dwelling created immediately following the expiration of a relevant *Part 4* tenancy of that dwelling, and

(ii) that relevant *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

(*b*) For the purposes of this Chapter—

(i) a new tenancy referred to in subsection (4) of section 5 of the Residential Tenancies (Amendment) Act 2021 of a dwelling created immediately following the expiration of a relevant further *Part 4* tenancy of that dwelling,

(ii) that relevant further *Part 4* tenancy, and

(iii) any *Part 4* tenancy or further *Part 4* tenancy of the dwelling concerned immediately preceding that relevant further *Part 4* tenancy,

shall be treated as one tenancy, and references in this Chapter to duration of tenancy shall be construed accordingly.

(*c*) In this subsection—

"relevant *Part 4* tenancy" means a *Part 4* tenancy that—

(*a*) came into being before the commencement of section 5 of the Residential Tenancies (Amendment) Act 2021, and

(*b*) expired on or after such commencement; and

"relevant further *Part 4* tenancy" means a further *Part 4* tenancy that—

(*a*) came into being before the commencement of section 5 of the Residential Tenancies (Amendment) Act 2021, and

(*b*) expired on or after such commencement.**]**

(2) This section is without prejudice to *subsection (2)* of *section 61*.**]**

What this Chapter does.

**65.**—(1) This Chapter states the period of notice to be given by a notice of termination.

(2) Nothing in this Chapter is to be read as requiring the period of notice concerned to be actually mentioned in the notice of termination; compliance with *section 62(1)(f)* (which relates to the termination date) suffices for the purposes of communicating the length of notice being given.

(3) Subject to *subsection (4)*, a greater period of notice than that required by this Chapter may be given if the landlord or tenant (as appropriate) so chooses.

(4) If the duration of the tenancy concerned is less than 6 months, a period of notice of more than F214**[**120 days**]** may not be given in respect of it.

F215**[**(5) In the case of a tenancy of a dwelling referred to in *subsection (1A)* of *section 3* a period of notice of more than 28 days may be given by a tenant in accordance with *subsection (2C)* of *section 66*.**]**

Period of notice where *section 67* or *68* is inapplicable.

**66.**—(1) This section applies where the tenancy is being terminated—

(*a*) otherwise than by reason of the landlord's or tenant's failure to comply with any of the obligations of the tenancy, or

(*b*) by reason of such a failure but a condition in another section of this Chapter is required to be satisfied if the period of notice provided by that section is to apply and that condition is not satisfied.

(2) F216**[**Subject to *subsection (2A)*, where**]** this section applies the period of notice to be given by the notice of termination is—

(*a*) in the case of a termination by the landlord, the period mentioned in *column (2)* of *Table 1* to this section opposite the mention of the duration of the tenancy concerned in *column (1)* of that Table, and

(*b*) in the case of a termination by the tenant, the period mentioned in *column (2)* of *Table 2* to this section opposite the mention of the duration of the tenancy concerned in *column (1)* of that Table.

F217**[**(2A) (*a*) Where, on the hearing of a complaint under *Part 6* in respect of a notice of termination served by a landlord or a tenant (the "original notice"), an adjudicator or the Tribunal, as the case may be, makes a determination that—

(i) the original notice is invalid due to a defect contained in, or occurring during the service of, the original notice, F218**[**or a statement or statutory declaration accompanying the original notice or a notification related to the original notice given under *section 67(3)* or *68(3)(a)*,**]**

(ii) the defect concerned does not prejudice, in a material respect, the original notice, and

(iii) the original notice is otherwise in compliance with the provisions of this Act,

the adjudicator or the Tribunal shall make a further determination that the landlord or tenant, as may be appropriate, may remedy the original notice in accordance with *paragraph (b)*.

(*b*) In the circumstances set out in *paragraph (a)*, the following shall apply:

(i) the landlord or tenant, as may be appropriate, shall be permitted to remedy the original notice to cure the defect identified by the adjudicator or Tribunal, as the case may be, by serving a new notice (the "remedial notice");

(ii) the remedial notice shall be served within 28 days of the issue of the determination order under *section 121*;

(iii) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has expired, the period of notice to be given by the remedial notice is 28 days;

(iv) where, on the date of service of the remedial notice, the period of notice to be given by the original notice has not expired, the period of notice to be given by the remedial notice is the cumulative period of—

(I) the period of notice to be given by the original notice which remains unexpired on the date of service of the remedial notice, and

(II) 28 days;

(v) this Part applies, with any necessary modifications, to a remedial notice in the same way as it applies to an original notice;

(vi) an adjudicator or Tribunal shall not permit the landlord or tenant, as the case may be, to remedy the original notice under *subparagraph (i)* if satisfied that the original notice was served by the landlord or tenant, as the case may be, knowingly in contravention of this Act.**]**

F217**[**(2B) Where this section applies, the period of notice to be given in respect of a tenancy referred to in *subsection (1A)* of *section 3* F219**[**by the landlord**]** and specified in the notice of termination shall be not less than 28 days.**]**

F220**[**(2C) Where this section applies, the period of notice to be given in respect of a tenancy referred to in *subsection (1A)* of *section 3* by the tenant and specified in the notice of termination shall be 28 days or such longer period as the tenant chooses.**]**

(3) This section is subject to *section 69*.

F221**[**TABLE 1

Termination by Landlord

| Duration of Tenancy (1) | Notice Period (2) |
|---|---|
| Less than 6 months | 90 days |
| Not less than 6 months but less than one year | 152 days |
| Not less than one year but less than 7 years | 180 days |
| Not less than 7 years but less than 8 years | 196 days |
| Not less than 8 years | 224 days**]** |

F222**[**TABLE 2

Termination by Tenant

| Duration of Tenancy (1) | Notice Period (2) |
|---|---|
| Less than 6 months | 28 days |
| 6 or more months but less than 1 year | 35 days |
| 1 year or more but less than 2 years | 42 days |
| 2 or more but less than 4 years | 56 days |
| 4 years or more but less than 8 years | 84 days |
| 8 or more years | 112 days**]** |

Period of notice for termination by landlord where tenant in default.

**67.**—(1) This section applies where the tenancy is being terminated by the landlord by reason of the failure of the tenant to comply with any of the obligations of the tenancy.

(2) Where this section applies the period of notice to be given by the notice of termination is—

(*a*) 7 days, if the tenancy is being terminated by reason of behaviour of the tenant that is—

(i) behaviour falling within *paragraph (a)* or *(b)* of the definition of "behave in a way that is anti-social" in *section 17(1)*, or

(ii) threatening to the fabric of the dwelling or the property containing the dwelling,

or

F223**[**(*aa*) in the case of the termination of a Part 4 tenancy, 28 days (regardless of the duration of the tenancy) provided that, where the reason for such termination is the failure by the tenant to pay an amount of rent due, the condition specified in *subsection (3)* is satisfied,**]**

(*b*) F224**[**in the case of the termination of a tenancy of a dwelling to which *Part 4* does not apply,**]** 28 days, if the tenancy is being terminated—

(i) for any other reason (but not a failure to pay an amount of rent due), or

(ii) for failure to pay an amount of rent due and the condition specified in *subsection (3)* is satisfied,

regardless of the duration of the tenancy.

F225**[**(3) The condition that applies in respect of *paragraph (aa)* and *subparagraph (ii)* of paragraph (b) of *subsection (2)* is that—

(*a*) the tenant and the Board have been given a notification (in such form as may be specified by the Board) in writing by the landlord that such amount of rent due as is specified in the notification has not been paid to the landlord, and

(*b*) that amount is not paid to the landlord within the period of 28 days following—

(i) receipt of the notification by the tenant, or

(ii) receipt of the notification by the Board,

whichever occurs later.**]**

F226**[**(3A) Where the Board receives a notification under *subsection (3)*, it shall forthwith—

(*a*) provide the tenant concerned with such information in writing as will enable him or her to obtain advice of the type referred to in paragraph (ca) (inserted by paragraph (a) of section 28 of the Social Welfare (Miscellaneous Provisions) Act 2008) of subsection (1) of section 7 of the Comhairle Act 2000, and

(*b*) request the tenant to give his or her consent to the Board's assisting the tenant in obtaining such advice.

(3B) The Board shall assist a tenant in obtaining advice referred to in *subsection (3A)* if the tenant gives his or her consent pursuant to a request referred to in that subsection.

(3C) F227**[**...**]]**

(4) This section is subject to *section 69*.

Period of notice for termination by tenant where landlord in default.

**68.**—(1) This section applies where—

(*a*) the tenancy is being terminated by the tenant by reason of the failure of the landlord to comply with any obligations of the tenancy, and

(*b*) in a case falling within *subsection (2)(b)*, the condition specified in *subsection (3)* in relation to a termination in such a case is satisfied.

(2) Where this section applies the period of notice to be given by the notice of termination is—

(*a*) 7 days, if the tenancy is being terminated by reason of behaviour of the landlord that poses an imminent danger of death or serious injury or imminent danger to the fabric of the dwelling or the property containing the dwelling, or

(*b*) 28 days, if the tenancy is being terminated for any other reason,

regardless of the duration of the tenancy.

(3) The condition mentioned in *subsection (1)(b)* is—

(*a*) the landlord has been notified in writing of the failure concerned by the tenant, and

(*b*) the landlord does not remedy the failure within a reasonable time after being so notified.

(4) In *subsection (3)* "remedy the failure" means—

(*a*) in the case of a failure that does not result in financial loss or damage to the tenant or his or her property, to desist from the conduct that constitutes the failure, or if the failure consists of an omission to comply with an obligation, comply with that obligation, and

(*b*) in the case of a failure that does result in financial loss or damage to the tenant or his or her property—

(i) to pay adequate compensation to the tenant or repair the damage fully, and

(ii) unless the failure is not of a continuing nature, to desist from the conduct that constitutes the failure or comply with the obligation concerned, as the case may be.

(5) This section is subject to *section 69*.

Exception to requirements of *sections 66* to *68*.

**69.**—(1) Subject to *subsection (2)*, the landlord or tenant may agree to a lesser period of notice being given than that required by a preceding provision of this Chapter and such lesser period of notice may be given accordingly.

(2) Such an agreement to a lesser period of notice being given may only be entered into at, or after, the time it is indicated to the tenant or landlord (as appropriate) by the other party that he or she intends to terminate the tenancy.

(3) For the avoidance of doubt, a term of a lease or tenancy agreement cannot constitute such an agreement.

## CHAPTER 4

*Additional requirements and procedures where tenancy sub-let*

Notices of termination in cases of tenancies that are sub-let.

**70.**—(1) This section applies where—

(*a*) the tenancy ("the head-tenancy") of the dwelling concerned is the subject of a sub-tenancy ("the sub-tenancy"), and

(*b*) the landlord under the head-tenancy proposes to terminate the head-tenancy.

(2) Where this section applies, a notice of termination in respect of the head-tenancy must, in addition to its complying with *section 62*, state whether or not the landlord under the head-tenancy requires the head-tenant to terminate the sub-tenancy.

(3) If a requirement to terminate the sub-tenancy is stated in such a notice, then, in addition to its being served on the head-tenant, a copy of that notice must be served on the tenant of the sub-tenancy ("the sub-tenant") F228**[**by the landlord**]**.

Procedures on foot of service of notice mentioned in *section 70* in non-contentious case.

**71.**—(1) Where—

(*a*) *section 70* applies,

(*b*) a requirement is stated in the notice of termination of the head-tenancy to terminate the sub-tenancy, and

(*c*) no dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board, the head-tenant must, within F229**[**90 days**]** from the receipt of that notice, comply with that requirement, that is to say, serve a notice of termination in respect of the sub-tenancy on the sub-tenant.

(2) "Head-tenancy", "head-tenant", "sub-tenancy" and "sub-tenant" in this section shall be construed in accordance with *section 70*.

Procedures on foot of service of notice in cases not falling under *section 71*.

**72.**—(1) Where—

(*a*) *section 70* applies,

(*b*) the notice of termination of the head-tenancy does not require the termination of the sub-tenancy, and

(*c*) no dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board,

the head-tenant must, within F230**[**90 days**]** from the receipt of that notice, notify the sub-tenant of the contents of that notice.

(2) Where—

(*a*) *section 70* applies,

(*b*) the notice of termination of the head-tenancy does not require the termination of the sub-tenancy, and

(*c*) a dispute in relation to the termination of the head-tenancy is referred under *Part 6* to the Board,

the head-tenant must, within F230**[**90 days**]** from the receipt of that notice, notify the sub-tenant—

(i) of the contents of that notice, and

(ii) of the fact that that dispute has been referred to the Board.

(3) The particulars of the determination order (if any) F231**[**issued**]** by the Board on foot of that reference must be notified by the head-tenant to the sub-tenant within 14 days from the receipt by the head-tenant of the order.

(4) "Head-tenancy", "head-tenant", "sub-tenancy" and "sub-tenant" in this section shall be construed in accordance with *section 70*.

## CHAPTER 5

*Miscellaneous*

Notice of termination by multiple tenants.

**73.**—(1) *Subsection (2)* applies where a notice of termination is being served in respect of a dwelling by all of the multiple tenants of the dwelling.

(2) Where this subsection applies, it suffices, for the purposes of *section 62(1)(b)*, that the notice of termination is signed by one of the multiple tenants if—

(*a*) the notice states it is signed by that person on behalf of himself or herself and the other tenant or tenants, and

(*b*) the other tenant or each other tenant is named in the notice.

(3) Any rule of law that a notice of termination served by any of 2 or more multiple tenants under a periodic tenancy of a dwelling without the concurrence of the other or others, or without the knowledge of the other or others, is effective to terminate that tenancy is abolished.

(4) In this section "multiple tenants" has the same meaning as it has in *Chapter 6* of *Part 4*.

Offence to do certain acts on foot of invalid termination.

**74.**—(1) A person is guilty of an offence if—

(*a*) a notice of termination that is invalid purports to be served by the person (or on his or her behalf) in respect of a tenancy, and

(*b*) the person does any act, in reliance on the notice, that affects adversely, or is calculated to affect adversely, any interest of the person on whom the notice is served.

(2) In proceedings for an offence under this section, it is a defence to show that the defendant neither knew nor could reasonably be expected to have known of the existence of any fact that gave rise to the invalidity of the notice concerned.

(3) For the purposes of *subsection (1)*, an act is done by a person in reliance on a notice if—

(*a*) its doing is accompanied or preceded by a statement made by the person (in writing or otherwise and however expressed) that it is being done, or will be done, in reliance on the notice, or

(*b*) in all the circumstances it is reasonable to infer that it is done in reliance on the notice.

(4) For the avoidance of doubt, references in this section to the doing of an act include references to the making of a statement (whether in writing or otherwise).

# PART 6

## DISPUTE RESOLUTION

## CHAPTER 1

*Referral of matters to Board for resolution*

Interpretation *(Part 6)*.

**75.**—(1) References in this Part to the referral of a matter to the Board for resolution are references to the referral of the matter for the purposes of mediation, a determination by an adjudicator or a determination by the Tribunal under this Part (or more than one of those things) being carried out or made in relation to it.

(2) References in this Part to a dispute include references to a disagreement and, unless the context does not admit of such a construction, a complaint mentioned

in *section 56(2), 76(4), 77* or *195(4)* or *paragraph 8(2)* of F232**[***Schedule 1***]** to this Act.

(3) For the purposes of *subsection (2)* "disagreement" shall be deemed to include—

(*a*) any issue arising between the parties with regard to the compliance by either with his or her obligations as landlord or tenant under the tenancy,

(*b*) any matter with regard to the legal relations between the parties that either or both of them requires to be determined (for example, whether the tenancy has been validly terminated),

and, without prejudice to the generality of the foregoing, shall be deemed to include a claim by the landlord for arrears of rent to which the tenant has not indicated he or she disputes the landlord's entitlement but which it is alleged the tenant has failed to pay.

(4) References in this Part to a party, without qualification, are references to—

(*a*) a party to the dispute or disagreement concerned,

(*b*) in the case of proceedings referred to in *section 23* to recover rent or other charges where the landlord or the person alleged to owe the rent or other charges is deceased, the personal representative of the landlord or that other person,

(*c*) the personal representative of the landlord or the tenant in any other case where, if the matter were a cause of action (within the meaning of the Civil Liability Act 1961), it would have survived for the benefit of, or against, the estate of the landlord or the tenant,

(*d*) in the case of a complaint mentioned in *section 76(4)*, the licensee and the landlord, and

(*e*) in the case of a complaint mentioned in *section 77*—

(i) the complainant, and

(ii) the landlord of the dwelling concerned.

Right of referral by parties to tenancy and certain other persons.

**76.**—(1) Either or both of the parties to an existing or terminated tenancy of a dwelling may, individually or jointly, as appropriate, refer to the Board for resolution any matter relating to the tenancy in respect of which there is a dispute between them.

(2) In the case of a tenancy that has been terminated a dispute as to the amount of any rent that had been agreed to or paid by the former tenant may not be referred by him or her to the Board for resolution at any time after the period of 28 days from the termination of the tenancy.

(3) The landlord may refer to the Board for resolution any matter relating to a dwelling in respect of which there is a dispute between the landlord and another, not being the tenant but through whom the other person claims any right or entitlement.

(4) A licensee referred to in *section 50(7)* may refer to the Board for resolution a complaint by him or her that the landlord referred to in that provision has unreasonably refused to accede to a request of the licensee made under that provision.

F235**[**Right of referral of complaint in respect of compliance with *section 86(1)(a)*

**76A.**— ...**]**

F236**[***Section 76A*: supplemental provisions relating to adjudication and determination of dispute relating to complaint

**76B.**— ...**]**

Right of referral in respect of breach of duty under *section 15*.

**77.**—(1) A person referred to in *section 15* may, if the conditions specified in *subsection (2)* are satisfied, refer to the Board for resolution a complaint by him or her that the landlord of a dwelling has breached the duty owed to him or her under that section.

F237**[**(1A) Without prejudice to *subsection (1)*, where the breach of duty referred to in that subsection concerns a breach of duty referred that relates to the obligation of the tenant under *section 16(h)*, the complaint may, if the conditions specified in *subsection (2A)* are satisfied, be referred to the Board by, or on behalf of, a person referred to in *section 15*.**]**

(2) The conditions mentioned in *subsection (1)* are—

(*a*) the referrer of the complaint is or was directly and adversely affected by the breach of duty alleged in the complaint, and

(*b*) before making the reference, the referrer, by communicating or attempting to communicate, with the relevant parties or former parties to the tenancy concerned, took all reasonable steps to resolve the matter (but this requirement shall not be read as requiring the institution of legal proceedings or those parties being given to understand that such proceedings might be instituted).

F237**[**(2A) The conditions mentioned in *subsection (1A)* are—

(*a*) the person referred to in *section 15* is or was directly and adversely affected by the breach of duty alleged in the complaint, and

(*b*) before making the reference, the person referred to in *section 15* took all reasonable steps to resolve the matter—

(i) by communicating or attempting to communicate with the landlord or former landlord, or

(ii) by—

(I) requesting a person referred to in *subsection (4)* (in this section referred to as a "*subsection (4)* person") to communicate with the landlord or former landlord on his or her behalf, and

(II) the *subsection (4)* person to whom such request was made having communicated or attempted to communicate with the landlord or former landlord on behalf of the person referred to in *section 15*,

and the requirement in this paragraph shall not be read as requiring the institution of legal proceedings or the landlord, or former landlord, being given to understand that such proceedings might be instituted.**]**

(3) For the purposes of facilitating the person's compliance with *subsection (2)(b)* F237**[**or, as the case may be, *subsection (2A)(b)***]**, the Board may furnish to a person who proposes to make a reference under this section F237**[**or, as the case may be, a *subsection (4)* person to whom a request under *subsection (4)* has been made,**]** the name and address of the landlord or his or her authorised agent (or the former landlord or his or her authorised agent) of the dwelling concerned if it appears to the Board that the first-mentioned person is a person who may make a reference under this section in relation to the matter concerned.

F237**[**(4) In the case of a complaint referred to in *subsection (1A)* a person referred to in *section 15* may request—

(*a*) an owners' management company within the meaning of the Multi-Unit Developments Act 2011,

(*b*) a body corporate, or

(*c*) an unincorporated body of persons where one of the principal objects of the unincorporated body is to promote the safety and security of dwellings or the safety, security and the general well-being of persons residing in the vicinity of the dwelling that is the subject of the tenancy concerned and includes a body commonly known as a residents' association or a neighbourhood watch group,

to do either or both of the following on his or her behalf:

(i) to make the communication referred to in *subsection (2A)(b)*;

(ii) to refer the complaint referred to in *subsection (1A)* to the Board.

(5) For the purposes of *section 75(4)(e)*, where, in accordance with this section, a *subsection (4)* person—

(*a*) refers a complaint to the Board on behalf of a person referred to in *section 15*, or

(*b*) makes the communication referred to in *subsection (2A)(b)* on behalf of a person referred to in *section 15*,

the *subsection (4)* person shall not be treated as a party to the complaint under this section and shall not be construed as being a party to a complaint under this section for the purposes of this Part.**]**

Particular matters that may be referred (non-exhaustive list).

**78.**—(1) Without prejudice to the generality of *sections 76* and *77*, the matters in respect of which disputes and, where appropriate, complaints may be referred to the Board for resolution include—

(*a*) the retention or refund of a deposit,

F238**[**(*aa*) any payment made to which *section 19B* applies.**]**

(*b*) the amount that ought to be initially set (in compliance with *section 19* F239**[**or, as the case may be, *section 19A***]**) as the amount of rent under a tenancy,

(*c*) the time at which a review of rent referred to in *Part 3* should take place or the amount of rent that should be determined on foot of that review,

(*d*) an alleged failure by the tenant to comply with any of the obligations applicable to the tenant, including those contained in any lease or tenancy agreement,

(*e*) an alleged failure by the landlord to comply with any of the obligations applicable to the landlord, including those contained in any lease or tenancy agreement,

F240**[**(*f*) an allegation that the landlord has sought to—

(i) terminate a tenancy (other than a tenancy referred to in *subsection (1A)* of *section 3*) other than in accordance with *Part 4*, or

(ii) terminate a tenancy referred to in *subsection (1A)* of *section 3* other than in accordance with *Part 5*,**]**

(*g*) an allegation that the ground stated by the landlord for the purposes of terminating a tenancy was not valid or that the notice used to terminate a tenancy did not comply with this Act,

(*h*) the appropriate period of notice to be given by a notice of termination in respect of a tenancy,

(*i*) whether a tenancy stands terminated notwithstanding the absence of the service of a notice of termination by the tenant and where the tenant has allegedly vacated the dwelling concerned,

(*j*) an alleged failure by the tenant or other occupant to offer up, by the specified date, vacant possession of a dwelling on foot of receipt by him or her of a notice of termination validly served by the landlord,

(*k*) an alleged failure by a sub-tenant to offer up, by the specified date, vacant possession of a dwelling on foot of receipt by him or her of a notice of termination validly served by a head-tenant,

(*l*) a claim for recovery of costs or damages or both by a landlord or tenant in respect of a failure by either to comply with his or her obligations applicable to the tenancy including those contained in any lease or tenancy agreement,

(*m*) a claim for costs or damages or both by a landlord or tenant for the purported termination of a tenancy otherwise than in accordance with this Act,

(*n*) an alleged failure by a person to comply with a determination order F241**[**issued**]** by the Board,

(*o*) an allegation that a landlord has contravened *section 14* (prohibition on penalisation of tenants),

F242**[**(*oa*) an allegation that a landlord (within the meaning of *section 19C*) has contravened *section 19C*,**]**

(*p*) an allegation that an agreement referred to in *section 35(6)* has not been complied with,

(*q*) a claim by a landlord for arrears of rent or other charges.

(2) For the avoidance of doubt, a dispute may, subject to the provisions of this Part, be referred by a sub-tenant to the Board for resolution with regard to a notice of termination served in respect of the head-tenancy out of which the sub-tenant's tenancy arises whether or not such a dispute is also so referred by the head-tenant.

(3) On such a reference by the sub-tenant he or she shall have standing to put in issue any matter relating to the notice of termination concerned despite the head-tenant's—

(*a*) not having taken any issue with the head-landlord in relation to that matter, or

(*b*) having made any representation to the landlord or done any act that estops him or her from taking any such issue with the head-landlord, or

(*c*) not putting in issue that matter in any dispute so referred by himself or herself with regard to the notice of termination.

Different matters may be the subject of a single reference.

**79.**—There may be included in the same reference to the Board under *section 76* or *77* disputes and, where appropriate, complaints in respect of 2 or more different matters.

Time limit for referring particular type of dispute.

F247**[80.** —A dispute relating to the validity of a notice of termination which has been served or purported to be served may not be referred to the Board for resolution at any time after—

(*a*) where section 67 or 68 applies, the period of 28 days, or

(*b*) in all other cases, the period of 90 days, has elapsed from the date of receipt of that notice.**]**

Tenancies and subtenancies: referral of disputes concerning their termination.

**81.**—(1) The purpose of this section is to—

(*a*) limit, in certain circumstances, the right of referral to the Board by a sub-tenant of a dispute concerning the termination of the tenancy out of which his or her sub-tenancy arises, and

(*b*) require the tenant of such a tenancy (in addition to employing the procedures under *Chapter 4* of *Part 5*) to make a certain inquiry of the sub-tenant before the tenant may himself or herself refer to the Board for resolution a dispute concerning the termination of that tenancy.

(2) If a landlord, in serving a notice of termination on a tenant in respect of a tenancy, requires the tenant to terminate any sub-tenancy arising out of the tenancy, the tenant shall, if the tenant intends to refer to the Board for resolution a dispute concerning the termination of the tenancy, require the sub-tenant to inform him or her, within 10 days from receipt of the notice mentioned in *subsection (3)*, whether or not the sub-tenant intends to refer to the Board for resolution any dispute that the sub-tenant considers thereby arises or exists in the circumstances relating to the termination of the tenancy.

(3) That requirement shall be stated in the notice of termination required by the landlord to be served by the head-tenant on the sub-tenant.

(4) If a sub-tenant does not comply with the requirement mentioned in *subsection (2)* within the period specified in that subsection then the sub-tenant may not refer to the Board for resolution any dispute concerning the termination of the tenancy concerned.

(5) If the tenant—

(*a*) does not comply with the second-mentioned requirement in *subsection (2)*, then the tenant may not refer to the Board for resolution any dispute concerning the termination of the tenancy concerned, or

(*b*) does comply with that requirement, the tenant may not refer to the Board for resolution such a dispute until 15 days elapse from the date of service of the notice concerned mentioned in *subsection (3)*.

Withdrawal of matter referred to Board.

**82.**—(1) A party who has referred under this Part any matter to the Board may, at any stage, withdraw the matter.

(2) Subject to *subsection (3)*, a party shall indicate his or her wish to withdraw such a matter by serving a notice in writing on the Board to that effect.

(3) If the matter is being dealt with by a mediator, an adjudicator or the Tribunal, it suffices for the party to indicate, orally to him or her or it, that the party is withdrawing the matter.

(4) Without prejudice to *subsection (5)*, on oral or written notice, as appropriate, being given in respect of the withdrawal, the Board, the mediator, the adjudicator or the Tribunal shall consider the matter concerned withdrawn and, accordingly, shall not deal with it any further.

(5) On such notice being given to it or him or her, the Board, the mediator, the adjudicator or the Tribunal shall ascertain whether the other party to the dispute concerned objects to the withdrawal and, if he or she does so, the Board, mediator, adjudicator or Tribunal may direct that the party withdrawing the matter shall pay to the other party F248**[**subject to *subsection (6)*, any costs referred to in *subsection (7)*] incurred by that other party as it or he or she determines.

F249**[**(6) Any costs awarded under *subsection (5)* shall not exceed €1,000.

(7) In *subsection (5)*, costs incurred by the other party includes costs or expenses—

(*a*) relating to travelling and attendance at any place required for the adjudication or determination of the matter concerned, and

(*b*) relating to the preparation of his or her case,

and, for the avoidance of doubt, such preparation costs do not include legal costs referred to in *section 5(3)(a)*.**]**

Board not to deal with reference if fee not paid or tenancy not registered.

**83.**—(1) Subject to *subsection (3)*, the Board shall not—

(*a*) deal initially with a dispute referred to it under this Part, or

(*b*) allow any other procedure under this Part to be followed in relation to a dispute referred to it under this Part,

if the fee of the specified amount prescribed by rules under *section 109* in relation to that initial dealing or the following of that procedure has not been paid to it.

(2) Subject to *subsection (3)*, the Board shall not deal with a dispute in relation to a tenancy referred to it under this Part by the landlord of the dwelling concerned if the tenancy is not registered under *Part 7*.

(3) The Board may, in the case of a default in payment of a particular fee or registration under *Part 7* of a particular tenancy, notify the person or persons concerned of the default and afford the person or persons concerned a reasonable opportunity to rectify the matter; if the matter is rectified within a reasonable time the Board shall, subject to this Part, deal with the dispute or permit the other procedure to be followed in relation to it, as the case may be.

Further right of Board not to deal with certain references.

**84.**—(1) If the Board is of opinion that, in relation to a dispute referred to the Board—

(*a*) the dwelling, the subject of the dispute, is not a dwelling to which this Act applies,

(*b*) for any other reason, the dispute does not come within the Board's jurisdiction (including by reason of a failure to comply with any condition for its being referred to the Board),

(*c*) proceedings in any court in respect of the subject matter of the dispute, would, were they to be capable of being instituted at the date of the reference, be statute-barred, or

(*d*) the matter or matters concerned are trivial F250**[**, frivolous**]** or vexatious,

then the Board shall serve a notice on the party who referred the matter to it stating that it is of that opinion and, unless the party establishes, in accordance with the following subsections, that the opinion is not well founded, that it will not (subject to *subsection (6)*) deal with the matter.

(2) For the purposes of *subsection (1)*, the notice referred to in that subsection shall state that the party concerned may, within a period specified in the notice, make submissions to the Board as to why the party considers the opinion of the Board is not well founded.

(3) The Board shall consider any submissions made to it by that party within the period specified in the notice concerned.

(4) Unless the Board decides that any such submissions establish that the opinion of the Board referred to in *subsection (1)* was not well founded, the Board shall not, subject to *subsection (6)*, deal with the dispute referred to it; the other party or parties to the dispute shall be notified in writing of a decision made by the Board that that opinion was not well founded and shall be furnished by the Board, on request, with a copy of the foregoing submissions (or, if they were not written submissions, a written summary of them prepared by the Board).

(5) The party who referred the dispute concerned to the Board or, as the case may be, any other party to the dispute may appeal to the Circuit Court against a decision of the Board (made in consequence of the procedures under this section having been employed) not to deal with or, as appropriate, to deal with the dispute.

(6) On the hearing of such an appeal the Circuit Court may, as it thinks fit, allow the appeal and direct the Board to deal with or, as appropriate, not to deal with the dispute concerned or dismiss the appeal; an appeal under this section shall be heard by the judge of the Circuit Court for the circuit in which the tenancy or dwelling is or was situated.

(7) For the purpose of *subsection (1)(c)*, proceedings are statute-barred if a defence under the Statute of Limitations 1957 or any other limitation enactment is available in relation to them.

Right of Tribunal or adjudicator not to deal with reference.

**85.**—(1) The Tribunal or an adjudicator shall, if the Tribunal or adjudicator is of opinion that *paragraph (a), (b), (c)* or *(d)* of *section 84(1)* applies to a dispute with which it or he or she is dealing, not deal any further with the dispute.

(2) *Subsection (1)* does not apply if—

(*a*) previously the Board, in consequence of the procedures under *section 84* having been employed by it in relation to the dispute, decided that an opinion formed by it (being a like opinion to that subsequently formed by the Tribunal or adjudicator) in relation to the dispute was not well founded, or

(*b*) a decision of the Board, in consequence of those procedures having been employed by it, in relation to the dispute (being a decision of a like kind to the opinion subsequently formed by the Tribunal or adjudicator) was the subject of an appeal under *section 84(5)* and the Circuit Court, on that appeal, directed the Board to deal with the dispute.

Status of certain matters pending determination of dispute.

**86.**—(1) Subject to *subsection (2)*, pending the determination of a dispute that has been referred to the Board (but subject to that determination when it is made)—

F251**[**(*a*) the rent payable—

(i) under the tenancy concerned shall continue to be payable to the landlord by the tenant, or as the case may be, each multiple tenant, and

(ii) under any sub-tenancy arising out of a tenancy referred to in *subparagraph (i)*, shall continue to be payable to the head-tenant by the sub-tenant, or as the case may be, each sub-tenant,**]**

(*b*) if the dispute relates to the amount of rent payable, no increase in the amount of the rent may be made, and

(*c*) a termination of the tenancy concerned may not be effected.

(2) *Subsection (1)* does not apply if—

(*a*) in the case of *paragraph (a)* of that subsection, the parties concerned agree to payment of the rent being suspended,

(*b*) in the case of *paragraph (b)* of that subsection, the parties concerned agree to an increase in the amount of the rent being made,

(*c*) in the case of *paragraph (c)* of that subsection (unless the dispute is a dispute specified in *subsection (3)*), the notice of termination concerned was served—

(i) before the dispute was referred to the Board for resolution, or

(ii) after the dispute was so referred and the required period of notice to be given by the notice of termination is 28 days or less and that period of notice has been given,

or

(*d*) in any of the cases, the dispute is not dealt with, or ceases to be dealt with, under this Part pursuant to *section 82, 83, 84* or *85*.

(3) The dispute mentioned in *subsection (2)(c)* is a dispute relating to the validity of the notice of termination concerned or the right of the landlord or tenant, as appropriate, to serve it.

Remedial action taken by party in certain cases to be disregarded.

**87.**—If a dispute referred to the Board relates to the termination of a tenancy for failure by the landlord or tenant to fulfil his or her obligations relating to the tenancy, any remedial action taken by the other party subsequent to the receipt of the notice of termination shall not be taken into consideration by the Board, a mediator, an adjudicator or the Tribunal in dealing with the dispute.

Extension of time for referring disputes to Board.

**88.**—(1) The Board may, on application to it, extend the time limited by any provision of this or any other Part for the referral of a dispute to it for resolution F252**[**or an appeal under *section 100* to the Tribunal against a determination of an adjudicator under *section 97(4)(a)***]**.

(2) The Board shall not extend the time concerned unless the applicant for the extension shows good grounds for why the time should be extended.

(3) The reference in this section to the time limited by any provision of this or any other Part for the referral of a dispute to the Board for resolution includes a reference to the time limited by such a provision for fulfilling any condition precedent that is required by the provision to be fulfilled before a particular dispute may be referred to the Board for resolution.

(4) An appeal shall lie to the Circuit Court (by the applicant for the extension or, as the case may be, any other party to the dispute concerned) against a decision of the Board under this section to, as appropriate—

(*a*) refuse to extend the time concerned, or

(*b*) extend the time concerned,

and, on the hearing of such an appeal, the Circuit Court may, as it thinks fit, confirm, vary or cancel the decision of the Board.

(5) An appeal under this section shall be heard by the judge of the Circuit Court for the circuit in which the tenancy or dwelling concerned is or was situated.

## CHAPTER 2

*Relationship between Part and certain other dispute resolution mechanisms*

Dispute subject of discontinued court proceedings may be subject of reference.

**89.**—For the avoidance of doubt, any dispute that has been the subject of proceedings instituted in any court before the commencement of this Part and which proceedings were discontinued by agreement of the parties after such commencement but before the court made its final determination in the matter may be the subject of a reference to the Board under this Part.

Arbitration agreement not effective to oust Board's jurisdiction save in certain circumstances.

**90.**—(1) Notwithstanding any other enactment or any provision of the agreement itself, an arbitration agreement shall not operate to preclude a dispute to which the agreement applies from being referred to the Board for resolution unless the tenant at or after the time the dispute arises consents to the dispute being referred to arbitration.

(2) In this section "arbitration agreement" has the same meaning as it has in the Arbitration Act 1954.

Dispute may not be referred to Board where alternative remedy is being pursued.

**91.**—(1) To the extent that an alternative remedy is available in respect of any dispute falling within this Part and a person takes any steps to avail himself or herself of that remedy, that person may not refer the dispute to the Board for resolution.

(2) If a person, other than the person mentioned in *subsection (1)*, refers a dispute to the Board for resolution, being a dispute—

(*a*) to which that other person is a party, and

(*b*) as respects which that other person takes or has taken steps of the kind mentioned in that subsection,

then the Board, a mediator, an adjudicator or the Tribunal may, in dealing with the dispute, take account (with regard to the relief that may be granted and to such extent as it or he or she considers just) of the existence of that alternative remedy.

## CHAPTER 3

*Preliminary steps by Board (include power to refer matter to Tribunal)*

Initial steps that may be taken by Board to resolve matters referred.

**92.**—(1) As soon as practicable after a dispute is referred to it, the Board may communicate with the parties for the purpose of—

(*a*) endeavouring to ensure that they are fully aware of the nature of the issue or issues the subject of the reference, and

(*b*) in cases where it considers the dispute is due to some basic misunderstanding of either or both of them as to the rights or obligations of landlords and tenants, achieving the objective mentioned in *subsection (2)*.

(2) That objective is to have the issue or issues between the parties resolved by agreement between them without recourse being needed to the other procedures in this Part.

(3) Without prejudice to the generality of *subsection (1)*, the communications by the Board under this section with the parties may, where it would be of assistance to the parties, include an indication by the Board, based on appropriate assumptions stated to the parties, of the typical outcome of issues of the kind concerned being determined under this Part.

(4) Any such indication shall be communicated by the Board as fully to one of the parties as the other or others and the Board, in its communications generally with the parties under this section, shall bear in mind the right of the parties to invoke all of the procedures under this Part that are available to them.

Invitation to parties to resolve matter through mediation.

**93.**—(1) Unless the steps (if any) taken under *section 92* have resulted in the parties agreeing a resolution of the matter concerned, the Board shall request each of the parties to state whether he or she consents to the dispute being the subject of mediation under *section 95*.

(2) If each of the parties states, in response to that request, that he or she consents to the dispute being the subject of such mediation the Board shall arrange for the matter to be the subject of mediation by a person appointed by it from amongst the panel of mediators under *section 164(4)*.

F253**[**(2A) F254**[**...**]]**

(3) If any of the parties fails to respond to a request under *subsection (1)* or responds by stating that he or she does not consent to the matter concerned being the subject of mediation under *section 95*, the Board shall arrange for the matter to be the subject of adjudication under *section 97* by a person appointed by it from amongst the panel of adjudicators under *section 164(4)*.

(4) This section is subject to *section 94*.

Exceptions to *section 93*: direct reference of matter to Tribunal, etc.

**94.**—Notwithstanding *section 93*, the Board shall not be required to arrange for—

(*a*) mediation of the kind mentioned in that section in relation to a dispute if it has made an application to the Circuit Court under *section 189* in relation to the dispute, in which case the Board may, as it thinks appropriate—

(i) arrange for the dispute to be the subject of adjudication under *section 97* by a person appointed by it from amongst the panel of adjudicators under *section 164(4)*, or

(ii) refer the dispute to the Tribunal,

or

(*b*) mediation or adjudication of the kind mentioned in that section in relation to a dispute if, in all the circumstances, it considers it would be more appropriate for it to refer the dispute to the Tribunal and refers it accordingly.

## CHAPTER 4

*Mediation and adjudication*

Mediation.

**95.**—(1) The following provisions apply to a mediation which the Board has arranged under *section 93* in relation to a dispute.

(2) The person appointed under *section 93(2)* to conduct the mediation ("the mediator") shall inquire fully into each relevant aspect of the dispute concerned, provide to, and receive from, each party such information as is appropriate and generally make such suggestions to each party and take such other actions as he or she considers appropriate with a view to achieving the objective mentioned in *subsection (3)*.

(3) That objective is to have the issue or issues between the parties resolved by agreement between them without further recourse to the procedures under this Part being needed.

(4) As soon as practicable after the mediation is completed, the mediator shall prepare a report containing the following—

(*a*) a statement of what matters, if any, relating to the dispute are agreed by the parties to be fact,

(*b*) a summary of the matter or matters, if any, whether they go in whole or part to resolving the dispute or not, agreed to by the parties (and this summary shall be contained in a document signed by each of the parties acknowledging that the matter or those matters are agreed to by them), and

(*c*) relevant particulars in relation to the conduct of the mediation (including particulars in relation to the number and duration of sessions held by the mediator and the F256**[**persons who participated in**]** any such session) and a list of any documents submitted to the mediator (but without disclosing any of their contents).

(5) The mediator shall, after preparing a report under *subsection (4)*, furnish a copy of it to the F258**[**Director**]** F259**[**, but shall otherwise maintain the confidentiality of the mediation and shall not disclose the report to any other person**]**.

F260**[**(5A) Notwithstanding that, following a mediation, the parties have signed an agreement that resolves the dispute concerned, each of the parties may, not later than F261**[**10 working days**]** from the completion of the mediation concerned, notify the mediator and the Board in writing that he or she no longer agrees with that agreement and does not wish to be bound by it.

(5B) In this section and *section 96*, the "date of the completion of the mediation" means—

(*a*) the date that the document referred to in F262**[***subsection (4)(b)***]** is signed by each of the parties, or

(*b*) where the document is signed by the parties on different dates, the later of those dates.**]**

(6) F263**[**...**]**

F264**[**Procedures to be followed by Board following report of mediator

**96.** F265**[**(1) Where the report furnished to the Director under *section 95(5)* states that there is agreement between the parties and that the agreement resolves the dispute, the Director shall, as soon as practicable, prepare and issue a determination order under *section 121* in respect of the dispute.**]**

(2) Where—

(*a*) one or more of the parties to a dispute request the Board to refer the dispute to the Tribunal, and

(*b*) the report furnished F266**[**to the Director**]** under *section 95(5)* states that—

(i) there is no agreement between the parties that has resolved the F265**[**dispute, or**]**

(ii) the dispute is not resolved notwithstanding that, one, or more than one, of the matters concerning the dispute have been agreed between the F265**[**parties,**]**

(iii) F267**[**...**]**

the Board shall refer the dispute to the Tribunal.**]**

F268**[**(3) Where, within the period of 10 working days following the completion of a mediation, a party to the mediation has made a notification to the mediator and the Board under *section 95(5A)*, the Board shall refer the dispute to the Tribunal.**]**

Adjudication.

**97.**—(1) The following provisions and *sections 98* and *99* apply to an adjudication which the Board has arranged under *section 93(3)* or *94(a)* in relation to a dispute.

(2) The person appointed under *section 93(3)* or *94(a)* to conduct the adjudication ("the adjudicator") shall inquire fully into each relevant aspect of the dispute concerned and provide to, and receive from, each party such information as is appropriate.

(3) For that purpose, the adjudicator may require either party to furnish to him or her, within a specified period, such documents or other information as he or she considers appropriate.

(4) The adjudicator shall determine the dispute by either—

(*a*) reaching a decision himself or herself in the matter, or

(*b*) subject to *section 98*, declaring to the parties that he or she has adopted, as his or her determination of the dispute, a decision reached (through the adjudicator's assistance under *subsection (5)*) by the parties themselves in resolution of the matter,

and the reference in *paragraph (a)* to the adjudicator's reaching a decision in the matter shall be deemed to include a reference to his or her deciding not to deal with the dispute in accordance with *section 85*.

F269**[**(4A) Where an adjudication relates to a matter in connection with a notice of termination referred to the Board for resolution under *section 76*, the adjudicator shall have regard to any advice referred to in *section 67(3A)* when making a decision or determination in relation to the matter.**]**

(5) Where the adjudicator considers it would be of practical benefit, the adjudicator may provide assistance to the parties with a view to the parties themselves reaching

a decision in resolution of the matter concerned; such assistance may include the adjudicator's stating to the parties any provisional conclusion he or she has reached in relation to any of the issues concerned.

(6) Any statement of such a conclusion shall—

(*a*) not be made in relation to any issue of fact which is in dispute between the parties, unless the parties request the making of such a statement,

(*b*) not be made before every document submitted to the adjudicator by the parties and any initial oral submissions made by them have been considered by the adjudicator, and

(*c*) be accompanied by a statement, whether oral or in writing, that the conclusion is of a provisional nature and its making does not absolve the adjudicator of his or her duty to determine the dispute impartially and in accordance with the requirements of procedural fairness.

(7) The adjudicator may, in his or her discretion, permit another person to appear on a party's behalf at any hearing before the adjudicator.

F270**[**(8) An adjudicator may receive evidence in accordance with *subsection (9)* where an adjudication relates to—

(*a*) a matter referred to the Board under *section 76* that relates to—

(i) an alleged failure by a tenant to comply with *section 16(h)*,

(ii) alleged behaviour of a tenant that is threatening to the fabric of the dwelling or the property containing the dwelling, or

(iii) an alleged failure by a landlord to comply with *section 12(1)(a)*,

or

(*b*) a complaint referred to the Board under *section 77* that relates to—

(i) an alleged breach of the duty of a landlord to enforce the obligation of a tenant under *section 16(h)*, or

(ii) an alleged breach of the duty of a landlord not to allow behaviour of a tenant that is threatening to the fabric of the dwelling concerned or the property containing the dwelling.

(9) Where *subsection (8)* applies, the adjudicator may—

(*a*) receive evidence from a person who could be affected by the alleged failure, behaviour or breach, or

(*b*) receive as evidence of the alleged failure, behaviour or breach, a statement by a member of An Garda Síochána or an officer of a housing authority that the member or officer believes the alleged failure, behaviour or breach is occurring or has occurred, if the adjudicator is satisfied that—

(i) there are reasonable grounds for the belief, and

(ii) a person other than the member or officer would be deterred or prevented by violence or threat of violence to the person or to a person associated with that person, or to property of the person or of a person associated with that person, from giving such evidence.**]**

F271**[**(10) An adjudication shall be conducted in public unless the adjudicator determines in accordance with rules made under *section 109* that, due to the existence of special circumstances, the adjudication or part of it should be conducted otherwise than in public.

(11) Where an adjudication or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the adjudication.

(12) A person who contravenes *subsection (11)* shall be guilty of an offence.

(13) Criminal proceedings for an offence referred to in *subsection (12)* shall not lie against a member of the staff of the Board or an adjudicator in respect of anything done in good faith by the member of the staff or adjudicator in the course of the performance or purported performance of functions under this Act.

(14) Each witness of a party before an adjudicator (including the party as witness) may be cross-examined by or on behalf of each other party.

(15) A person giving evidence in an adjudication shall be entitled to the same immunities and privileges as a witness before the High Court.

(16) An adjudicator may require that evidence be given in an adjudication by a person on oath or affirmation and for that purpose may administer or cause to be administered an oath or affirmation to the person.**]**

"Cooling-off" period for purposes of *section 97(4)(b)*.

**98.**—(1) A decision reached by the parties themselves in resolution of the matter concerned may not be the subject of a declaration under *section 97(4)(b)* unless—

(*a*) a period of F273**[**10 working days**]** has elapsed from the date on which the parties first inform the adjudicator that such a decision has been reached by them, and

(*b*) in that period none of the parties has informed the adjudicator that he or she no longer accepts that decision.

(2) If, in the period mentioned in *subsection (1)*, the adjudicator is informed by any of the parties that he or she no longer accepts the decision mentioned in that subsection, the adjudicator shall, subject to conducting any further hearings in the matter as he or she thinks appropriate, proceed to reach a decision himself or herself in the matter.

(3) The adjudicator shall indicate to the parties the effect of this section upon being first informed by them that a decision has been reached by them in resolution of the matter concerned.

(4) That indication of the adjudicator shall also include an indication that the decision reached is not capable of being appealed to the Tribunal and shall become binding on the parties F274**[**in accordance with *section 123(1)(c)***]**.

Adjudicator's report.

**99.**—(1) As soon as practicable after an adjudicator has made a determination under *section 97* in relation to a dispute, the adjudicator shall prepare a report containing the following—

(*a*) a statement of what matters, if any, relating to the dispute are agreed by the parties to be fact,

(*b*) a summary of the matters (whether they go in whole or part to resolving the dispute or not) agreed to by the parties,

(*c*) the terms of the determination made by the adjudicator,

(*d*) in the case of a determination under *section 97(4)(a)*, a summary of the reasons for the determination, and

(*e*) relevant particulars in relation to the conduct of the adjudication (including particulars in relation to the number and duration of hearings held by the adjudicator, the persons who attended any such hearing and any documents submitted to the adjudicator).

(2) The adjudicator shall, after preparing a report under *subsection (1)*, furnish a copy of it to the Board.

(3) After the receipt by it of a report under *subsection (2)*, the Board shall serve on each of the parties a copy of the report and the following statement.

(4) That statement is one to the effect that the F275**[**Director**]** will follow the procedures under *section 121* (which concerns the F276**[**preparing and issuing**]** of determination orders) in relation to the determination of the adjudicator unless, in the case of a determination under *section 97(4)(a)*, an appeal is made under, and in accordance with, *section 100* against the determination and that appeal is not subsequently abandoned.

Appeal to Tribunal against adjudicator's determination.

**100.**—(1) One or more of the parties may appeal to the Tribunal against a determination of an adjudicator under *section 97(4)(a)*.

(2) Such an appeal shall F277**[**state the ground or grounds for the appeal and shall**]** be made within F278**[**10 working days**]** from the date the Board serves on the party the report and statement referred to in *section 99(3)*.

Provisions common to mediators and adjudicators.

**101.**—(1) In respect of a matter dealt with by him or her under this Chapter, the mediator or adjudicator shall—

(*a*) declare to the parties at the outset of dealing with the matter any potential conflict of interest of which he or she is aware or ought reasonably be F279**[**aware, and**]**

(*b*) act at all times in accordance with the highest standards of the professional body, if any, of which he or she is a F279**[**member.**]**

(*c*) F280**[**...**]**

(2) Where a declaration referred to in *subsection (1)(a)* is made to the parties then, unless the parties agree to the mediator or the adjudicator continuing to deal with the matter, the Board shall appoint another person from amongst the panel of mediators or adjudicators under *section 164(4)* to deal with the matter.

(3) References in this Part to the person appointed under *section 93(2)* or *(3)* or *section 94(a)* to conduct the mediation or adjudication concerned shall be construed as including references to the person appointed for that purpose pursuant to *subsection (2)*.

(4) Subject to any rules under *section 109*, the manner in which a mediation or adjudication is conducted shall be at the discretion of the mediator or adjudicator concerned but it shall be the duty of that person to ensure that the mediation or adjudication is conducted without undue formality.

## CHAPTER 5

*Tenancy Tribunal*

Tenancy Tribunals and the "Tribunal".

**102.**—(1) From time to time as occasion requires the Board shall cause to be constituted, for the purposes of this Part, one or more tribunals which or each of which shall be known as a "Tenancy Tribunal".

(2) A reference in *section 103* or any other provision of this Act to the "Tribunal" is a reference to whichever of the tribunals constituted under this section the provision concerned falls to be applied.

Membership of Tribunal, etc.

**103.**—(1) The number of members of the Tribunal shall be 3.

(2) Each of the members of the Tribunal shall be a person who is, for the time being, a member of the Dispute Resolution Committee.

(3) The members of the Tribunal shall be appointed by the Board.

(4) One of the members of the Tribunal shall be the chairperson of the Tribunal; F282**[**...**]** the Board shall determine which of the members shall be the chairperson.

(5) F282**[**...**]**

(6) The Tribunal shall be independent in the performance of its functions.

(7) A decision of a majority of the members of the Tribunal suffices for any purpose.

## CHAPTER 6

*Dispute resolution by Tribunal*

Determination of disputes by Tribunal: procedures generally.

**104.**—(1) This section and the other sections of this Chapter contain the principal provisions regarding the procedures to be adopted by the Tribunal in relation to the determination by it of a dispute, whether that dispute—

(*a*) has been referred to it by the Board under *section 94* (which provides for the direct reference of a matter without mediation or adjudication taking place in relation to it),

(*b*) has been referred to it by the Board under F287**[***section 96(2)***]** (which provides for the reference of a matter after mediation has not resulted in the matter being resolved), or

(*c*) is the subject of an appeal under *section 100* from a determination of an adjudicator of the matter.

(2) The Tribunal shall hold one or more hearings for the purposes of determining the dispute.

(3) The parties to the dispute shall be given by the Tribunal notice (to be of the duration specified in *subsection (5)*) of the holding of a hearing.

(4) The following information shall be included in such a notice—

(*a*) the date, time, venue and purpose of the hearing,

(*b*) an outline of the substance of the matters to be dealt with at the hearing,

(*c*) an outline of the procedures to be adopted at the hearing,

(*d*) a reference to the provisions of this Act and any rules made under it that are relevant to the holding of the hearing,

(*e*) a statement that the Tribunal will, unless substantial grounds arise for its deciding to do otherwise, proceed with the hearing at the date and time concerned notwithstanding that a party does not attend the hearing,

(*f*) a statement that the Tribunal will determine the dispute notwithstanding that a party does not take part in the proceedings before the Tribunal, and

(*g*) any other information the Tribunal considers appropriate.

(5) The duration of the notice under *subsection (3)* shall be—

(*a*) at least F288**[**10 working days**]** beginning on the date of the giving of the notice, or

(*b*) such lesser period as the Board may specify where—

(i) one or more of the parties requests the Board to specify such a period and the other party or parties consent to such F287**[**a specification,**]**

(ii) the dispute concerns alleged behaviour by the landlord or the tenant that poses an imminent danger of death or serious injury or imminent danger to the fabric of the dwelling concerned or the property containing F287**[**that dwelling, or**]**

F289**[**(iii) one or more of the parties requests the Board to specify such a period on the grounds of alleged financial or other hardship.**]**

(6) Each of the parties shall be entitled to and be given the opportunity to be heard at the hearing and to be represented and to present evidence and witnesses before the Tribunal.

(7) In the case of an appeal under *section 100*, the Tribunal may have regard to the report of the adjudicator.

F290**[**(8) The Tribunal shall, on the hearing of a dispute referred to it under *section 94* or *96(2)* or an appeal under *section 100*, have regard to any advice referred to in *section 67(3A)* in relation to the matter the subject of the dispute or appeal, as the case may be, when making a determination under *section 108*.**]**

Provisions in relation to evidence, summoning of witnesses, etc.

**105.**—(1) The Tribunal may require that the evidence of a witness before it be given on oath.

F294**[**(1A) The Tribunal may receive evidence in accordance with *subsection (1B)* where the dispute relates to—

(*a*) a matter referred to the Board under *section 76* that relates to—

(i) an alleged failure by a tenant to comply with *section 16(h)*,

(ii) alleged behaviour of a tenant that is threatening to the fabric of the dwelling or the property containing the dwelling, or

(iii) an alleged failure by a landlord to comply with *section 12(1)(a)*,

or

(*b*) a complaint referred to the Board under *section 77* that relates to—

(i) an alleged breach of the duty of a landlord to enforce the obligation of a tenant under *section 16(h)*, or

(ii) an alleged breach of the duty of a landlord not to allow behaviour of the tenant that is threatening to the fabric of the dwelling or the property containing the dwelling.

(1B) Where *subsection (1A)* applies, the Tribunal may—

(*a*) receive evidence from a person who could be affected by the alleged failure, behaviour or breach, or

(*b*) receive as evidence of such alleged failure, behaviour or breach a statement by a member of An Garda Síochána or an officer of a housing authority that the member or officer believes the alleged failure, behaviour or breach is occurring or has occurred, if the Tribunal is satisfied that—

(i) there are reasonable grounds for the belief, and

(ii) a person other than the member or officer would be deterred or prevented by violence or threat of violence to the person, or to a person associated with that person, or to property of the person or of the person associated with that person, from giving such evidence.**]**

(2) Each witness of a party before the Tribunal (including the party as a witness) may be cross-examined by or on behalf of every other party.

(3) For the purposes of its functions under this Part, the Tribunal may—

(*a*) summon witnesses to attend before it,

(*b*) administer an oath, and

(*c*) require any person to produce to the Tribunal any document in his or her power or control.

(4) A witness before the Tribunal shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(5) Any person who—

(*a*) on being duly summoned as a witness before the Tribunal and having had tendered to him or her the sum, if any, which has been directed under *subsection (6)(a)* to be paid in respect of the expenses of his or her attendance makes default in attending,

(*b*) being in attendance as a witness refuses to take an oath legally required by the Tribunal to be taken, or to produce any document in his or her power or control legally required by the Tribunal to be produced by him or her, or to answer any question to which the Tribunal may legally require an answer, or

(*c*) does any other thing which, if the Tribunal were a court having power to commit for contempt of court, would be contempt of such court,

is guilty of an offence.

(6) The Tribunal may, out of moneys at the disposal of the Board, direct that the whole or part of the reasonable expenses—

(*a*) that will be incurred by a person summoned to attend before it in so attending, or

(*b*) that have been incurred by a person summoned to attend before it in so attending,

shall, as it thinks appropriate, be paid to him or her before he or she so attends or, as the case may be, be re-imbursed to him or her.

Proceedings to be in public.

F295**[106.**—(1) Proceedings before the Tribunal shall be conducted in public unless the Tribunal determines in accordance with rules made under *section 109* that, due to the existence of special circumstances, the proceedings or part of them should be conducted otherwise than in public.

(2) Where proceedings, or part of them, are conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the proceedings.

(3) A person who contravenes *subsection (2)* shall be guilty of an offence.

(4) Criminal proceedings for an offence referred to in *subsection (3)* shall not lie against a member of the staff of the Board or a member of the Tribunal in respect of anything done in good faith by the member of the staff or the member of the Tribunal in the course of the performance or purported performance of functions under this Act.**]**

Adjournments of hearing.

**107.**—The Tribunal may adjourn the hearing by it of a matter until a date specified by it.

Determination by Tribunal of dispute and notification to Board.

**108.**—(1) Unless it has sooner made a determination of the kind specified in *subsection (2)*, the Tribunal shall, on completion of its hearing in relation to the dispute, make its determination in relation to the dispute and notify the Board of that determination.

(2) The determination firstly mentioned in *subsection (1)* is a decision by the Tribunal not to deal with the dispute in accordance with *section 85*; such a determination shall be notified to the Board by the Tribunal.

## CHAPTER 7

*Supplementary procedural matters*

Power of Board to make procedural rules.

**109.**—(1) The procedure to be followed under this Part in relation to a dispute shall, subject to this Part, be such as shall be determined by the Board by rules made by it with the consent of the Minister.

(2) Without prejudice to the generality of *subsection (1)*, rules under this section may—

(*a*) specify the forms to be used for referring a dispute to the Board under this Part,

(*b*) require specified notifications to be given in respect of the referral of a dispute to the Board under this Part,

(*c*) specify that a fee of specified amount shall be paid to the Board in respect of the Board's initially dealing with a dispute or the following of any other procedure under this Part in relation to it F296**[**...**]**,

(*d*) specify the period within which—

(i) a mediator or adjudicator must be appointed under *section 93(2)* or *(3)* or *section 94(a)* to deal with or determine a dispute referred to the Board,

(ii) a mediator or adjudicator must furnish his or her report under *section 95* or *99* to the Board,

(iii) F297**[**...**]**

(iv) the Board must serve the documents referred to in *section 99(3)* on each of the parties,

(v) a dispute must be referred under *section 94,* F298**[***96(2)***]** or *100* to the Tribunal,

(vi) F299**[**the Director must, from the date of receipt by the Board**]** of a determination of an adjudicator under *section 97(4)(a)* (contained in a report made to it under *section 99*), F300**[**prepare and issue a determination order**]** on foot of that determination,

(vii) the Tribunal must, from the date of a dispute being referred to it, or a determination in relation to a dispute being appealed to it, arrange a hearing in relation to the dispute,

(viii) the Tribunal must, from the date of completion by it of a hearing or hearings in relation to a dispute, make its determination in relation to the dispute,

(ix) F299**[**the Director must, from the date of receipt by the Board**]** of a determination of the Tribunal under *section 108* F300**[**prepare and issue a determination order**]** on foot of that determination, and

(x) the Board must make an application under *section 124* to enforce a determination order on being notified that that order is not being complied with.

(3) In the absence of a specification, by rules under this section, of the period within which a thing referred to in a provision of this Act specified in *subsection (2)(d)* must be done, the provision shall be construed as requiring the thing to be done as soon as practicable after the doing of the thing that immediately precedes it.

Title to lands or property not to be drawn into question.

**110.**—The title to any lands or property shall not be drawn into question in any proceedings before a mediator, an adjudicator or the Tribunal under this Part.

Power to enter and inspect dwelling.

**111.**—(1) Subject to *subsection (3)*, a mediator, an adjudicator or a member of the Tribunal or the Board who is dealing with a dispute under this Part may, for the purposes of his or her functions under this Part, enter and inspect any dwelling to which the dispute relates.

(2) The powers under *subsection (1)* may be exercised in relation to a dwelling to which a dispute relates even though the dwelling is occupied by a person who takes no part in the proceedings concerned or initially takes part in them but subsequently withdraws from them.

(3) The powers under *subsection (1)* shall not, without the consent of that person, be exercised in relation to a dwelling occupied by a person referred to in *subsection (2)* unless, at least 24 hours before the date on which the person concerned intends to exercise those powers, he or she serves on the first-mentioned person a notice of that intention.

(4) A person mentioned in *subsection (1)* may authorise in writing a person who he or she is satisfied has an expertise in any area relevant to the dispute concerned (for example, engineering, valuation or surveying) to exercise the powers under that subsection in relation to the dwelling concerned; a person so authorised shall, if requested, produce to any person concerned his or her authorisation under this subsection before exercising the powers under *subsection (1)*.

(5) A person who obstructs or impedes a person mentioned in *subsection (1)*, or a person authorised under *subsection (4)*, in the exercise of his or her powers under this section is guilty of an offence.

Obligations of confidentiality.

**112.**—(1) A mediator F302**[**...**]** shall not disclose to any person any statement or information of a confidential nature made or supplied to the mediator F302**[**...**]** in connection with the performance of his or her functions under this Part unless one or more of the conditions specified in *subsection (2)* is complied with.

(2) The conditions referred to in *subsection (1)* are—

(*a*) the person who makes the statement or supplies the information consents to its disclosure,

(*b*) the mediator F302**[**...**]** has reasonable grounds for believing that the disclosure is necessary to prevent or reduce the danger of injury to any person or damage to any property,

(*c*) the disclosure is for the purpose of proceedings for an offence under *section 113*,

(*d*) it would not be possible for the mediator F302**[**...**]** to deal with or determine the dispute concerned without disclosing the statement or information.

(3) A statement or information is of a confidential nature for the purposes of *subsection (1)* if—

(*a*) it was expressed to be of such a nature by the maker or supplier of it to the mediator F302**[**...**]**, or

(*b*) from the circumstances in which it was made or supplied to him or her or its subject matter, the mediator F302**[**...**]** ought reasonably to have concluded that it was of such a nature.

(4) A person who contravenes *subsection (1)* is guilty of an offence.

Offence of providing false information to Board.

**113.**—A person is guilty of an offence if—

(*a*) he or she makes a statement or supplies information to an adjudicator, the Tribunal or the Board in connection with the performance by the adjudicator, Tribunal or Board of his or her or its functions under this Part in relation to a dispute,

(*b*) that statement or information is false or misleading in a material respect, and

(*c*) the person knows that that statement or information is so false or misleading.

Certain proceedings and acts privileged.

**114.**—(1) Any report or other document prepared, or communication made, by the Board, the Tribunal, a mediator or an adjudicator for the purposes of, or in connection with, proceedings under this Part dealt with by it or him or her shall, for the purposes of the law of defamation, enjoy absolute privilege.

(2) Any report or other document prepared, or communication made, by the Board, the Tribunal, a mediator or an adjudicator that does not fall within *subsection (1)* but which is prepared or made for the purposes of, or in connection with, the performance by it or him or her of functions under this or any other Part of this Act shall, for the purposes of the law of defamation, enjoy qualified privilege.

F303**[**Publication of certain statistics by Board

**114A.**—The Board shall publish statistics, including average waiting times and such other statistics as may be prescribed, in relation to the performance of its functions under *section 151(1)(a)* in respect of each successive period of 3 months in every calendar year.**]**

## CHAPTER 8

*Redress that may be granted under this Part*

Redress that may be granted on foot of determination.

**115.**—(1) A power conferred by this Part on an adjudicator or the Tribunal to make a determination in relation to a dispute includes a power to make such declarations or give such directions as the adjudicator or the Tribunal thinks appropriate for the purpose of providing relief to one, or more than one as appropriate, of the parties.

(2) Without prejudice to the generality of *subsection (1)* and the subsequent provisions of this Chapter, one or more of the following declarations or directions, as appropriate, may be made or given in respect of a dispute—

(*a*) a direction that a specified amount of rent or other charge shall be paid on, or on and from, or by a specified date,

(*b*) a declaration as to whether or not an amount of rent set under a tenancy of a dwelling complies with F304**[**...**]** section 19 (and if the declaration is that that amount does not so comply, the declaration shall be accompanied by an indication by the adjudicator or the Tribunal as to what amount, in his or her or its opinion, would comply F305**[**with *section 19***]**,

(*c*) a direction as to the return or payment, in whole or in part, of the amount of a deposit,

(*d*) a direction that a specified amount of damages or costs or both be paid,

(*e*) a direction that a dwelling be quitted by a specified date,

(*f*) a declaration as to the validity or otherwise of a notice of termination of a tenancy,

(*g*) F306**[**subject to *subsection (2A)*,**]** a declaration with regard to the right to return to, or continue in, occupation of a dwelling (and such a declaration may include provision to the effect that any period of interruption in possession that has occurred is to be disregarded for one or more purposes),

(*h*) a declaration that a term of a lease or tenancy agreement is void by reason of *section 184*,

(*i*) F307**[**...**]**

F306**[**(2A) A declaration made under *subsection (2)(g)* where the landlord has entered into an enforceable agreement of the type referred to in *paragraph 3* of the Table to *section 34* shall not have effect.**]**

(3) F308**[**Subject to *subsection (6)*, the amount**]** (or, as appropriate, the aggregate of the amounts), other than costs or expenses of whatsoever kind, that an adjudicator or the Tribunal may direct to be paid to a party in respect of the matter (or, as appropriate, all of the matters) the subject of a dispute referred to the Board for resolution shall not exceed—

(*a*) if the amount or amounts consist solely of damages — €20,000,

(*b*) if the amount or amounts consist solely of an amount or amounts by way of arrears of rent or other charges — €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is the higher (but subject to a maximum under this paragraph of €60,000),

(*c*) if the amount or amounts consist of both damages and an amount or amounts referred to in *paragraph (b)*—

(i) in so far as the amount or amounts consist of damages — €20,000,

(ii) in so far as the amount or amounts consist of such other amount or amounts — €20,000 or an amount equal to twice the annual rent of the dwelling concerned, whichever is the higher (but subject to a maximum under this subparagraph of €60,000).

F309**[**(4) Without prejudice to the generality of *subsection (3)*, an amount that is to be awarded in accordance with a direction relating to a failure to comply with *section 16(f)* or *16(g)* shall be included in the amount referred to in *subsection (3)(a)* or, as the case may be, *subsection (3)(c)(i)*.

(5) The amount of costs or expenses that may be awarded to a party shall not exceed €1,000.**]**

F306**[**(6) The amount (or, as appropriate, the aggregate of the amounts), that an adjudicator or the Tribunal may direct to be paid to a party under *subsection (3)*, together with the amount of costs or expenses that may be awarded to a party in accordance with *subsection (5)*, including any costs referred to in *paragraph (a)* or *(b)* of *section 5(3)*, shall not exceed the monetary limit for an action in tort for the time being standing specified of the jurisdiction of the Circuit Court.**]**

Determination may require sub-tenancy to be quitted in certain cases.

**116.**—If—

(*a*) the determination of an adjudicator or the Tribunal includes a direction that a dwelling, the subject of a tenancy, be quitted by a specified date,

(*b*) that tenancy is one out of which a sub-tenancy has been created, and

(*c*) the landlord, when he or she served a notice of termination on the tenant in respect of that tenancy, required the tenant to terminate that sub-tenancy,

then the determination may include a direction requiring the subtenant to quit the dwelling by a specified date.

Redress of an interim nature may be granted.

**117.**—(1) In addition to the powers conferred by this Part with respect to the determination of disputes, an adjudicator or the Tribunal, in dealing with a dispute, may give such directions as he or she or it thinks appropriate for the purpose of providing relief of an interim nature to one, or more than one as appropriate, of the parties.

(2) Such a direction shall indicate that the relief it provides for may not necessarily be the relief provided for by the final determination made in the matter.

(3) As soon as such a direction is given, the adjudicator or the Tribunal shall reduce it to writing and forward it immediately to the Board.

(4) This section is without prejudice to *section 189* and the power under *subsection (1)* may not be exercised in a manner which is inconsistent with or would derogate from any interim or interlocutory relief granted by the Circuit Court under that section.

Discretion to refuse direction for possession.

**118.**—(1) If the inclusion of a direction in a determination that a party ("the first-mentioned person") be permitted to resume possession of a dwelling, the subject of a tenancy, would cause hardship or injustice to a person ("the second-mentioned person") not party to the dispute who is in possession of that dwelling, then the determination may, instead of including such a direction, include—

(*a*) a declaration that the first-mentioned person was wrongfully deprived of possession of the dwelling, and

(*b*) a direction that damages of a specified amount be paid by the landlord to that person in respect of that deprivation.

(2) In deciding whether the inclusion in a determination of a direction of the kind firstly mentioned in *subsection (1)* would cause hardship or injustice to the second-mentioned person, the matters to which regard shall be had shall include—

(*a*) the length of time the second-mentioned person has been in possession of the dwelling concerned,

(*b*) any involvement the second-mentioned person may have had in the first-mentioned person being deprived of possession of the dwelling, and

(*c*) any knowledge the second-mentioned person may have had, before he or she took possession of the dwelling, of the existence of a dispute concerning the right of the first-mentioned person to possession of the dwelling.

(3) The second-mentioned person shall be afforded an opportunity to make submissions with regard to whether a determination should include a direction of the kind firstly mentioned in *subsection (1)*; if necessary, for that purpose, the proceedings concerned shall be adjourned and the second-mentioned person notified of the matter.

Certain directions to be given in the case of arrears of rent.

**119.**—(1) Any amount of arrears stipulated to be paid by a determination shall be the gross amount of the rent and other charges (if any) concerned which the adjudicator or the Tribunal considers to be in arrears as reduced by—

(*a*) any relevant debts due, in the opinion of the adjudicator or the Tribunal, by the landlord to the tenant in accordance with section 48 of the Landlord and Tenant Law Amendment Act Ireland 1860,

(*b*) any set-off for expenditure on repairs the tenant would be entitled to make under section 87 of the Landlord and Tenant (Amendment) Act 1980,

(*c*) any compensation due by the landlord to the tenant in circumstances where section 61 of the Landlord and Tenant (Amendment) Act 1980 applies,

(*d*) any other amount which the adjudicator or the Tribunal considers warranted in the circumstances of the case,

and as increased by any amount that the adjudicator or the Tribunal, in all the circumstances of the matter, considers appropriate in respect of—

(i) F312**[**subject to *subsection (3)*, costs**]** reasonably incurred by the landlord in pursuit of the arrears of rent,

(ii) damages,

(iii) F313**[**...**]**

(2) A determination of an adjudicator or the Tribunal in respect of an amount referred to in *subsection (1)* shall, if any of *paragraphs (a)* to *(d)* or *paragraphs (i)* to *(iii)* of that subsection have had to be applied in calculating the amount, indicate

how the amount was calculated by reason of the application of the paragraph or paragraphs concerned.

F314**[**(3) The costs awarded under *subsection (1)(i)* shall not exceed €1,000.**]**

Circumstances of landlord or tenant not to be taken account of in certain cases.

**120.**—(1) If the dispute being dealt with by a mediator, adjudicator or the Tribunal relates to the amount of the rent that ought to be set under a tenancy at a particular time or as to when a review of such rent ought to take place, the circumstances, financial or otherwise, of the landlord or tenant may not be taken into consideration—

(*a*) by the mediator in taking any of the steps mentioned in *section 95*, or

(*b*) by the adjudicator or the Tribunal in determining the dispute.

(2) The reference in *subsection (1)* to the setting of the rent under a tenancy shall be construed in accordance with *section 19(2)*.

## CHAPTER 9

*Determination orders and enforcement generally*

Determination orders.

**121.**—(1) Each of the following—

F315**[**(*a*) an agreement referred to in *section 96(1)*,**]**

(*b*) a determination mentioned in a report of an adjudicator under *section 99*,

(*c*) a determination of the Tribunal notified to the Board under *section 108*,

(*d*) a direction given by an adjudicator or the Tribunal under *section 82(5)* or *117*,

shall be the subject of a written record (in this Act referred to as a "determination order") prepared F316**[**by the Director and issued by him or her**]** to the parties concerned.

(2) A determination order shall contain the terms of the agreement, determination or direction concerned; those terms may be expressed in the order in a manner different from the manner in which they are expressed in the agreement, determination or direction if the F316**[**Director**]** considers it appropriate to do so for the purpose mentioned in *subsection (3)*.

(3) That purpose is to remove any ambiguity that the F316**[**Director**]** considers exists in the terms of the agreement, determination or direction or to clarify, generally, those terms in a manner that it considers will be of benefit to the parties or will facilitate compliance with the agreement, determination or direction.

(4) In considering whether it is appropriate to exercise the power under *subsection (2)* with respect to the terms of a particular agreement or determination referred to in *paragraph (a)* or *(b)* of *subsection (1)*, the F316**[**Director**]** shall have regard to—

F315**[**(*a*) in the case of such an agreement, the report furnished F316**[**to him or her**]** under *section 95(4)*,**]**

(*b*) in the case of such a determination, the relevant report of the adjudicator furnished F316**[**to him or her**]** under *section 99(2)*.

(5) In the case of doubt as to whether it is appropriate to exercise that power the Board may also consult with, as appropriate, the mediator, the adjudicator or the Tribunal and with the parties themselves.

F317**[**(5A) A document purporting to be a determination to which this section relates and to be signed by—

(*a*) the Director under this section, or

(*b*) a member of the staff of the Board, pursuant to the function of the Director under this section being delegated to the member under *section 161(2)*,

shall, unless the contrary is proved, be deemed to be a determination duly made and shall be received in any proceedings in any court without further proof of—

(i) the determination,

(ii) the signature of the Director or the person to whom *paragraph (b)* relates, as the case may be, or

(iii) where relevant, the delegation to which *paragraph (b)* relates.**]**

(6) F318**[**...**]**

(7) F319**[**...**]**

(8) The reference in *subsection (1)(b)* to a determination mentioned in a report of an adjudicator under *section 99* does not include a reference to such a determination against which an appeal has been made under, and in accordance with, *section 100* unless that appeal has been subsequently abandoned.

F320**[**(9) The Director may, by notice in writing given to the parties concerned, correct any mistake (including any omission) of an administrative or clerical nature in a determination order.**]**

Provision to ensure consistency between determinations.

**122.**—(1) If, on consideration of a determination of the Tribunal, the Board is of opinion that the determination is not consistent with previous determinations of the Tribunal in relation to disputes of a similar nature to the dispute concerned then the Board may exercise the powers under *subsection (2)*.

(2) Those powers are—

(*a*) to notify the members of the Tribunal who made the determination concerned of that opinion and request each of them to submit any views he or she has in relation to the matter to the Board,

(*b*) having had regard to the views, if any, submitted by those members to it, pursuant to that request, to notify the parties to the dispute concerned of that opinion and request each of them to indicate whether he or she consents to a fresh determination being made pursuant to *paragraph (c)* by the Tribunal in relation to the dispute or wishes to make representations to the Board in relation to the matter,

(*c*) if the parties consent to such a fresh determination being made or the Board, having had regard to the representations, if any, made to it by one or more of them pursuant to the request under *paragraph (b)*, considers it appropriate to direct the Tribunal to do so, to direct the Tribunal to make a fresh determination in relation to the dispute.

(3) The making of any such fresh determination shall be preceded by a re-hearing of the matter by the Tribunal and the provisions of *Chapters 5* to *7* shall apply accordingly.

(4) For the purposes of *subsection (1)*, one dispute is of a similar nature to another dispute if the issues involved in each of them are the same and the facts that gave rise to each of them, as appearing from any record kept by the Tribunal in relation to its proceedings or any other record available to the Board, are the same in all material respects.

Binding nature of determination orders.

**123.**—F321**[**(1) Subject to *subsection (2)*, a determination order shall become binding on the parties concerned—

(*a*) in the case of a determination order embodying the terms of an agreement referred to in *section 96(1)*, on the expiry of the period referred to in *section 95(5A)* unless, before the expiry of that period, a notification is

made to the mediator and the Board under the said *section 95(5A)* in respect of the agreement,

(*b*) in the case of a determination of an adjudicator under *section 97(4)(a)*, on the expiry of the period referred to in *section 100(2)* unless, before the expiry of that period, an appeal is made under *section 100(1)* in respect of the determination, and

(*c*) in the case of a determination of an adjudicator under *section 97(4)(b)*, on the order being issued to the parties.**]**

(2) A determination order embodying the terms of a determination of the Tribunal shall, on the expiry of the relevant period, become binding on the parties concerned unless, before that expiry, an appeal in relation to the determination is made under *subsection (3)*.

(3) Any of the parties concerned may appeal to the High Court, within the relevant period, from a determination of the Tribunal (as embodied in a determination order) on a point of law.

(4) The determination of the High Court on such an appeal F322**[**...**]** shall be final and conclusive.

(5) The High Court may, as a consequence of the determination it so makes, F323**[**direct the Director**]** to cancel the determination order concerned or to vary it in such manner as the Court specifies and F323**[**the Director shall cancel**]** or vary the order accordingly; if the cancellation or variation directed to be made relates to a determination of the Tribunal not to deal with the dispute in accordance with *section 85*, the Board shall, in addition, refer all or part, as appropriate, of the dispute to the Tribunal for determination by the Tribunal and the provisions of this Part shall, with any necessary modifications, apply to that determination.

F324**[**(5A) The High Court shall, on an appeal under *subsection (3)* from a determination of the Tribunal other than a determination not to deal with the dispute in accordance with *section 85*—

(*a*) where its determination on the appeal does not require the Director to cancel or vary the determination order under *subsection (5)*, direct the party or parties concerned to comply with the determination order in the terms as it was originally issued, and

(*b*) where its determination on the appeal requires the Director to vary the determination order under subsection (5), direct the party or parties concerned to comply with the determination order in the terms as it will stand following such variation.

(5B) Where the High Court directs the Director to cancel or vary the determination order concerned under *subsection (5)*, it may direct the Director to direct that a fresh determination of all or part of the dispute shall be made by the adjudicator or the Tribunal as appropriate (and the making of any such fresh determination shall be preceded by a re-hearing of the matter by the adjudicator or the Tribunal and the provisions of Chapters 4 to 7 shall apply accordingly).

(5C) At any time during the course of an appeal under this section, the High Court may make such ancillary or other orders, including an order for possession of a dwelling the subject of a determination order or an interim order directing the payment of rent due, as it considers just.

(5D) The Board may furnish to the registrar of the High Court such information derived from the register as, in its opinion, is likely to assist in the execution of an order made by the Court under *subsections (5)* to *(5C)* (including, if the Court gives a direction authorising the Board to give that number to the registrar, the personal public service number of any party concerned).**]**

(6) References in *section 124* to a determination order shall, where that order embodies the terms of a determination of the Tribunal, be construed as references to—

(*a*) such an order as respects which an appeal against the determination embodied in it has not been made under this section within the relevant period or, if such appeal has been brought, it has been abandoned, or

(*b*) if such an appeal has been brought (and the result of the appeal does not require the F323**[**Director**]** to cancel the order under *subsection (5)*), as the case may be—

(i) such an order in the terms as it was originally F325**[**issued**]**, or

(ii) such an order in the terms as it stands following the variation of it by the F323**[**Director**]** under *subsection (5)*.

(7) The Board F326**[**shall**]** publish, in such manner as it thinks fit—

(*a*) a determination order F323**[**issued by the Director**]** (including such an order as it stands varied by it under *subsection (5)*),

(*b*) notice of the cancellation of such an order under *subsection (5)* or *section 125*.

F327**[**(7A) Where, due to the existence of special circumstances identified by an adjudicator under *section 97(10)* or the Tribunal under *section 106(1)*, an adjudication or Tribunal hearing or part of it is to be conducted otherwise than in public, the Board shall redact from the determination order that it publishes under *subsection (7)* the name, address, contact details and other personal data of the parties concerned.**]**

F328**[**(8) In this section, "relevant period" means a period beginning on the date that the determination order concerned is issued to the parties for a duration—

(*a*) of 21 days, or

(*b*) specified by the High Court pursuant to an application under *subsection (9)*.**]**

F329**[**(9) Any of the parties concerned may make an application to the High Court for an order extending the period referred to in *subsection (8)(a)*.

(10) An application under *subsection (9)* shall—

(*a*) state the reason why the applicant is seeking an extension of the period referred to in *subsection (8)(a)*, and

(*b*) be made on motion (grounded on affidavit) on notice to the Board and any other party or notice party to the proposed appeal.

(11) The High Court may, upon application to it under *subsection (9)*, make an order extending the period referred to in *subsection (8)(a)* and specifying the duration of the period within which an appeal under *subsection (3)* may be made, if it is satisfied that—

(*a*) there is good and substantial reason for doing so, and

(*b*) the circumstances that resulted in the applicant seeking an extension of the period referred to in *subsection (8)(a)* were outside the control of the applicant.**]**

Enforcement of determination orders.

**124.**—(1) If the Board or a party mentioned in a determination order is satisfied that another party has failed to comply with one or more terms of that order, the Board or the first-mentioned party may make an application under this section to the F330**[**District Court**]** for an order under *subsection (2)*.

F331**[**(2) On such an application and subject to *section 125*, the District Court shall, if it is satisfied that the determination order has been issued to the party concerned (in this section referred to as the "respondent") and that the respondent has failed to comply with one or more terms of the determination order concerned, make an order directing the respondent to comply with that term or those terms.**]**

(3) F332**[**...**]**

(4) F332**[**...**]**

(5) F332**[**...**]**

F331**[**(6) If the applicant under this section is not the Board, and the respondent proposes to oppose the application, the respondent shall give the Board at least 10 working days' notice specifying that the respondent proposes to oppose the application on the ground that—

(*a*) the determination order has not been issued to the respondent, or

(*b*) the determination order ought to be cancelled under *section 125*,

and the Board shall be entitled to appear and be heard at the hearing of the application.**]**

(7) The court may make such ancillary or other orders F333**[**, including an order for possession of a dwelling the subject of a determination order,**]** as it considers just on the hearing of an application under this section.

(8) The Board may furnish to the registrar of the court such information derived from the register as, in its opinion, is likely to assist in the execution of an order made by the court under *subsection (2)* (including, if the court gives a direction authorising the Board to give that number to the registrar, the personal public service number of any party concerned).

(9) An application under this section to the F330**[**District Court**]** shall be made to the judge of the F330**[**District Court**]** for the F330**[**District Court district**]** in which the tenancy or dwelling concerned is or was situated.

F334**[**(10) The monetary limit for the time being standing specified of the jurisdiction of the District Court shall not apply in respect of proceedings brought or heard, as the case may be, in the District Court under this section on or after the commencement of section 57 of the Residential Tenancies (Amendment) Act 2015 and, the monetary limit which shall apply in respect of those proceedings, shall be the monetary limit F335**[**for an action in tort**]** for the time being standing specified of the jurisdiction of the Circuit Court.**]**

Cancellation of determination order in cases of nonappearance.

**125.**—(1) A person who establishes to the satisfaction of—

(*a*) the Board, or

(*b*) if the determination order is the subject of an application under *section 124*, the F337**[**District Court**]**, on the hearing of that application,

that, in relation to a determination order embodying the terms of a determination of the Tribunal or an adjudicator, there are good and substantial reasons for his or her having failed to appear at the relevant hearing conducted by the Tribunal or the adjudicator, the Board or the F337**[**District Court**]** may, subject to *subsection (3)*, exercise the powers referred to in *subsection (2)*.

(2) The powers mentioned in *subsection (1)* are to F338**[**direct the Director to**]** cancel the determination order and direct that a fresh determination of the matter shall be made by the adjudicator or the Tribunal as appropriate (and the making of any such fresh determination shall be preceded by a re-hearing of the matter by the adjudicator or the Tribunal and the provisions of *Chapters 4* to *7* shall apply accordingly).

(3) The Board or the F337**[**District Court**]**, as the case may be, may direct that that cancellation shall not have effect unless specified conditions are, within a specified period, complied with by the person referred to in *subsection (1)* (being conditions analogous to the terms the High Court may impose under the Rules of the Superior Courts (S.I. No. 15 of 1986) for setting aside a judgment obtained in circumstances where one of the parties did not appear at the trial concerned).

F339**[**(4) Without prejudice to *subsection (3)*, if the determination order, the subject of an application under *section 124*, is one requiring a dwelling to be vacated and—

(*a*) the basis for that requirement is that the tenancy concerned was validly terminated by service of a notice of termination, and

(*b*) that notice was served by reason of the tenant's failure to pay an amount of rent due,

the District Court may, before hearing any arguments or receiving any evidence in relation to whether good and substantial reasons referred to in *subsection (1)* have been established, require the respondent to lodge in court or pay to the applicant, as it thinks appropriate, that amount of rent together with such amount as it specifies in respect of the dwelling's continued occupation by the respondent after the service of that notice.**]**

(5) The Board, before deciding whether to exercise the powers under this section, shall afford the other party or parties concerned an opportunity to be heard.

(6) The reference in *subsection (3)* to the Rules of the Superior Courts is a reference to those Rules as amended for the time being; if those Rules should be revoked then the reference to them in that subsection shall be read as a reference to such rules corresponding to those Rules as may be for the time being in force.

F340**[**Cancellation of return of deposit in cases of failure to provide statement of agreement or disagreement

**125A.**— ...**]**

Offence for failure to comply with determination order.

**126.**—F341**[**...**]**

## PART 7

## Registration of Tenancies

### Chapter 1

*Private residential tenancies register*

Establishment of register.

**127.**—(1) The Board shall, as soon as practicable after the establishment day, establish and maintain a register which shall be known as the "private residential tenancies register" and is in this Act referred to as the "register".

(2) There shall be registered in the register each tenancy of a dwelling in the State the subject of an application for registration made under, and in accordance with, this Part.

(3) F342**[**Subject to *subsection (3A)*, the form**]** of the register, the types of information to be contained in it, the format of any aspect of that information and any other matters relevant to the maintenance of the register shall be such as the Board determines from time to time.

F343**[**(3A) The register shall contain—

(*a*) the number assigned under *section 135(3)* in respect of the tenancy of the dwelling,

(*b*) the local electoral area (within the meaning of section 2 of the Local Government Act 2001) in which the dwelling concerned is situate, and

(*c*) the particulars referred to in respect of the dwelling in *paragraphs (i), (j)* and *(k)* (other than particulars of any taxes or other charges required to be paid by the tenant) of *section 136(1)*.**]**

(4) Save under and in accordance with this Act and subject to *subsection (5)*, no information contained in the register shall be disclosed to any person.

(5) *Subsection (4)* does not apply to a disclosure of information contained in the register by—

(*a*) a member of the Board,

(*b*) a member of a committee of the Board,

(*c*) a member of staff of the Board,

(*d*) a mediator or adjudicator, or

(*e*) a person whose services are provided to the Board under *section 167*,

in the performance of any of his or her functions under this Act, being a disclosure the making of which is necessary for the performance by him or her of any such function.

Published register.

**128.**—(1) The Board shall, as soon as practicable after the establishment of the register, prepare a document (in this Act referred to as the "published register").

(2) Subject to F344**[***subsections (3), (4)* and *(4A)***]**, the published register shall consist of an extract of the information contained in the register.

(3) The extent of that extract shall be such as the Board determines is likely to make the published register useful to members of the public.

F344**[**(4) The published register shall not contain any information, as respects a particular dwelling, that discloses or could reasonably lead to the disclosure of the identity of the landlord or the tenant or tenants of the dwelling.**]**

F345**[**(4A) The published register shall contain the information specified in *section 127(3A)*.**]**

(5) The form of the published register, the format of any aspect of the information contained in it and any other matters relevant to its maintenance shall be such as the Board determines from time to time.

Inspection of published register.

**129.**—(1) The published register shall be kept at an office that is designated, for the time being, by the Board for that purpose.

(2) The published register shall be made available for inspection, at all reasonable times, at that office and by such other means, if any, as the Board may determine.

(3) A fee of such amount as the Board determines to be reasonable may be charged in respect of the inspection of the published register.

Register and published register may be kept in electronic form.

**130.**—The register and the published register may each be prepared and maintained otherwise than in a legible form but only if that form allows the particular register to be converted into a legible form and any entry in it to be copied or reproduced in a legible form.

Publication of aggregated details derived from register.

**131.**—(1) Without prejudice to *section 128*, the Board may publish details concerning the F346**[**...**]** rented sector derived from the register, being details of an aggregated nature.

(2) In this section—

"details of an aggregated nature" means details of such a nature as could not reasonably lead to a disclosure of the kind mentioned in *section 128(4)* occurring;

"F347**[**rented sector**]**" has the same meaning as it has in *section 151*.

Furnishing of entries in registers, etc.

**132.**—(1) On application by the landlord or tenant of a dwelling, the Board shall, on being supplied by the landlord or tenant with such information as it may require for the purpose of confirming the identity of the applicant concerned, provide to him or her a copy of the entry in respect of that dwelling in the register.

F348**[**(1A) On application by the tenant of a dwelling, the Board shall, on being supplied by the tenant with such information as it may require for the purpose of confirming the identity of the applicant concerned and a notice of termination served on that tenant by a landlord, provide to the tenant confirmation as to whether, on the date that the landlord of that dwelling served the notice of termination, the register recorded that the landlord was not a company and was a landlord under not more than 3 tenancies of dwellings.**]**

(2) On application by a person who is not the landlord or tenant of a particular dwelling, the Board shall provide to him or her a copy of the entry in respect of that dwelling in the published register (but not the entry in the register).

(3) A fee of such amount as the Board determines to be reasonable may be charged in respect of the provision of a copy of an entry under *subsection (1)* or *(2)* F348**[**or the confirmation referred to in *subsection (1A)***]**.

(4) A copy of an entry in the register or the published register F349**[**, or a copy of a confirmation referred to in *subsection (1A)*,**]** purporting to be certified by an officer of the Board as being a true copy of that entry F349**[**or confirmation**]** shall, without proof of that person's authority to so certify the copy, of any signature of the person appearing on the copy or that he or she is or was an officer of the Board, be received in evidence in any proceedings and shall be presumed to be such a copy unless the contrary is shown.

(5) Evidence that any particular matter in respect of a dwelling stood registered in the register on a particular date may be given by the production of a copy of the entry in respect of that dwelling under *subsection (4)* and which copy bears that date beside, or as part of, the certification mentioned in that subsection.

Confirmation to parties to tenancy as to particulars specified in an application under *section 134*.

**133.**—(1) Either party to a tenancy of a dwelling may request the Board to confirm to him or her what are the particulars specified in an application made under *section 134* to register the tenancy.

(2) The Board shall comply with such a request if it is satisfied, having been supplied by the person making the request with such information as it may require, that the person is a party to the tenancy.

## CHAPTER 2

*Procedure for registration*

Obligation to apply to register tenancy.

**134.**—F350**[**(1) The landlord of a dwelling shall apply to the Board in accordance with this Part to register the tenancy of the dwelling—

(*a*) on the commencement of the tenancy, and

(*b*) annually during the tenancy.**]**

(2) F351**[**Subject to *subsection (2A)*, an application**]** under F352**[***paragraph (a)* of *subsection (1)***]** shall be made—

(*a*) in the case of a tenancy F353**[**(other than a tenancy to which *paragraph (aa)* applies)**]** that commences on a date that falls 3 or more months from the commencement of this Part — within 1 month from the commencement of the tenancy,

F353**[**(*aa*) in the case of a tenancy to which *subsection (1A)* of *section 3* applies that commences during the period of 3 months from the commencement

of section 3 of the Residential Tenancies (Amendment) Act 2019, not later than 4 months from the commencement of the tenancy, and**]**

(*b*) in the case of a tenancy that has commenced on a date falling before or after the commencement of this Part (other than one to which *paragraph (a)* applies but including one that commenced before the passing of this Act F353**[**and one to which *subsection (1A)* of *section 3* applies that commences after the period of 3 months from the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019**]**)—

(i) in case it commenced before the passing of this Act — within 3 months from the commencement of this Part,

(ii) in any other case — within whichever of the following periods expires the later—

(I) the period of 3 months from the commencement of this Part, or

(II) the period of 1 month from the commencement of the tenancy.

F354**[**(2A) Where an application under F355**[***paragraph (a)* of *subsection (1)***]** is made in respect of a tenancy and the dwelling that is the subject of that tenancy is a dwelling referred to in *section 3(4)*, an application under F355**[***paragraph (a)* of *subsection (1)***]** in respect of such tenancy shall be made—

(*a*) where the tenancy has commenced before the day on which *section 3(4)* comes into operation, within 12 months from the day on which *section 3(4)* comes into operation,

(*b*) where the tenancy commences within the period of 12 months from the day on which *section 3(4)* comes into operation—

(i) within 12 months from the day on which *section 3(4)* comes into operation, or

(ii) within 1 month from the commencement of the tenancy,

whichever is the later, or

(*c*) where the tenancy commences on a day that falls 12 or more months from the day on which *section 3(4)* comes into operation, within 1 month from the commencement of the tenancy.**]**

F356**[**(2B) An application under *subsection (1)(b)* shall be made within 1 month from each anniversary of the date of the commencement of the tenancy.

(2C) A landlord shall comply with *subsection (1)* in respect of a tenancy that commenced before, on or after the commencement of section 22 of the Residential Tenancies (Amendment) Act 2019.**]**

F351**[**(3) An application under this section shall—

(*a*) be in the prescribed form,

(*b*) subject to F357**[***subsections (3B)* and *(4)***]** and *(7)*, be accompanied by—

(i) subject to *subparagraph (ii)*, the fee referred to in F358**[***section 137(1)***]**, or

(ii) in the case of a tenancy referred to in *subsection (2A)*, the fee specified in F358**[***section 137A(1)***]**,

and

(*c*) where a fee referred to in *section 176(3)(ba)* is required to be paid, be accompanied by that fee.**]**

F359**[**(3B) A fee shall not be payable in respect of an application to register a further *Part 4* tenancy in accordance with *paragraph (b)* of *subsection (1)* (inserted

by paragraph (a) of subsection (1) of section 22 of the Residential Tenancies (Amendment) Act 2019 ) of *section 134* if—

(*a*) an application to register the tenancy was made in accordance with *Part 7* before the commencement of paragraph (a) of section 23 of the Residential Tenancies (Amendment) Act 2019, and

(*b*) the fee in respect of that application is paid not later than one month after such commencement.**]**

(4) The foregoing F351**[**requirements**]** with respect to the application being accompanied by a fee F351**[**do**]** not apply in relation to an application (the "relevant application") by a person (the "applicant") in respect of a particular dwelling (the "relevant dwelling") if the application is made within the period specified in F358**[***paragraph (a), (aa)* or *(b)* of *subsection (2), paragraph (a), (b)* or *(c)* of *subsection (2A)* or *subsection (2B)***]** and one of the following conditions is satisfied.

(5) Those conditions are that, in the 12 months preceding the relevant application—

F358**[**(*a*) an application, if made pursuant to *subsection (2)* or *(2B)* accompanied by the fee specified in *section 137(1)*, or, if made pursuant to *subsection (2A)* or *(2B)* accompanied by the fee specified in *section 137A(1)*, has been made by the applicant in respect of the relevant dwelling within the period specified in *paragraph (a), (aa)* or *(b)* of *subsection (2), paragraph (a), (b)* or *(c)* of *subsection (2A)*, or *subsection (2B)*,**]**

F351**[**(*b*) the applicant has paid—

(i) in respect of several applications falling within *section 137(3)*, the single fee referred to in *section 137(2)* and the dwellings to which those several applications related included the relevant dwelling, or

(ii) in respect of several applications falling within *section 137A(3)*, the single fee referred to in *section 137A(2)* and the dwellings to which those several applications related included the relevant dwelling,**]**

(*c*) an application, under the Housing (Registration of Rented Houses) Regulations 1996 and accompanied by the fee specified in those Regulations, to register a tenancy in respect of the relevant dwelling has been made by the applicant.

(6) An application under this section may not relate to more than one tenancy of a dwelling; accordingly separate applications under this section are required for separate tenancies.

*Section 134*: supplemental provisions.

**135.**—(1) F361**[**...**]**

(2) F362**[**...**]**

(3) The Board shall assign a unique number to each application made under *section 134* to register a tenancy and that number shall be used by the Board as the reference number for the tenancy when it is registered.

F363**[**(4) An acknowledgement, in the prescribed form, shall be given to the applicant under *section 134* and to the tenant and shall—

(*a*) acknowledge the receipt by the Board of the application under *section 134*,

(*b*) acknowledge the receipt by the Board of a fee referred to in *subsection (3)* of that section,

(*c*) ...

(*d*) specify the reference number, referred to in *subsection (3)*, assigned by the Board in respect of the tenancy concerned, and

(*e*) include a statement setting out—

(i) a summary of the rights and obligations of tenants and landlords under this Act and without prejudice to the generality of the foregoing, the statement shall set out a summary of the rights and obligations of tenants and landlords in relation to—

(I) the setting of rent under *section 19*, a review of rent under *section 20* and the notification of a new rent under *section 22*,

F364**[**(IA) the obligation on the landlord to pay fees to the Board on an application to register a tenancy at its commencement and annually during the tenancy,**]**

F365**[**(II) security of tenure under *Part 4* (other than in the case of a tenancy referred to in *subsection (1A)* of *section 3*),**]**

F365**[**(III) the termination of tenancies (other than tenancies referred to in *subsection (1A)* of *section 3*) under *Part 4*, and**]**

F366**[**(IV) the termination of tenancies under *Part 5*,**]**

(ii) the matters which may be referred to the Board for resolution under *Part 6* and without prejudice to the generality of the foregoing the statement shall specify that—

(I) a complaint may be referred to the Board under *section 78(1)(b)* in respect of the amount of rent that ought to be initially set in compliance with *section 19*, and

(II) a complaint may be referred to the Board under *section 78(1)(c)* in respect of the amount of rent determined on foot of a review of rent,

(iii) the redress that may be granted by the Board and without prejudice to the generality of the foregoing the statement shall specify the maximum amount of damages that may be paid to a party to a dispute pursuant to *section 115(3)*, and

(iv) the function of the Board, referred to in *section 147A*, to disclose to the Revenue Commissioners information contained in the register referred to in that section.**]**

F367**[**(5) Where an application, other than an application referred to in *subsection (6)*, under *section 134* is received by the Board and the application is—

(*a*) incomplete, or

(*b*) not accompanied by—

(i) the fee referred to in *section 134(3)(b)(i)* or as the case may be *section 134(3)(b)(ii)*, or

(ii) the fee referred to in *section 134(3)(c)*, where that fee is required to be paid,

the Board shall notify the applicant of the omission concerned and specify a date by which the application is to be completed or the fee is to be paid.**]**

F368**[**(6) Where—

(*a*) an application under *section 134* received by the Board is incomplete, and

(*b*) the Board, having regard to—

(i) the information provided with that application, and

(ii) the information required to be contained in the register pursuant to *section 127(3)*,

is satisfied that the information provided with the application, is sufficient to effect the registration of the tenancy concerned,

the Board, having regard to the proper discharge by it of its functions under this Act and where in its opinion it is appropriate, may, subject to *subsection (7)*, treat the application as complete for the purposes of this Part and register the tenancy concerned.**]**

F369**[**(7) ...**]**

F368**[**(8) Where an application referred to in *subsection (6)* is received by the Board before the coming into operation of *subsection (6)*, and has not been determined before such coming into operation, *subsection (6)* shall apply to such application.**]**

F373**[**Obligation to transmit deposit to Board

**135A.**— ...**]**

F374**[**Enforcement of obligations under *section 135A*

**135B.**— ...**]**

Particulars to be specified in application under *section 134*.

**136.**—F377**[**(1)**]** An application under *section 134* shall contain the following particulars—

(*a*) the address of the dwelling,

(*b*) F378**[**the name, address where the landlord ordinarily resides, any other address for correspondence the landlord may wish to provide and the personal public service number (if any) of the landlord**]** and, where the application is made by his or her authorised agent, the name, address for correspondence and personal public service number (if any) of the agent,

F380**[**(*ba*) if the application relates to registration on the commencement of a tenancy or annual registration during a tenancy,**]**

(*c*) if the landlord is a company, the registered number and registered office of that company,

(*d*) if (where the application is made by the landlord's authorised agent) the authorised agent is a company, the registered number and registered office of that company,

(*e*) F379**[**...**]**

(*f*) the name and, unless it cannot be ascertained by reasonable inquiry, personal public service number of the tenant, or (as the case may be) of each of the tenants, of the dwelling,

(*g*) the name of the housing authority in whose functional area the dwelling is situated,

(*h*) if the dwelling is one of a number of dwellings comprising an apartment complex, the name of the management company (if any) of the complex and the registered number and registered office of that company,

(*i*) a description of the dwelling, indicating—

(i) F379**[**...**]**

(ii) F379**[**...**]**

(iii) a statement as to which of the following categories it belongs namely, a whole or part of a house, a maisonette, an apartment, a flat or a bedsitter and, in case it falls within the category of a house or maisonette, an indication as to whether the house or maisonette is detached, semi-detached or F375**[**terraced,**]**

(iv) the number of bedrooms,

F376**[**(v) the number of bed spaces,

(vi) the floor area, and

(vii) in the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, the BER,**]**

(*j*) the date the tenancy of the dwelling commenced,

(*k*) the amount of the rent payable under that tenancy, the frequency with which it is required to be paid and any taxes or other charges required to be paid by the tenant,

(*l*) if the tenancy is for a fixed term, the period of that term,

(*m*) if the tenancy consists of a sub-letting, an indication to that effect,

(*n*) the number assigned under *section 135(3)* in respect of a previous tenancy that was registered under this Part in respect of the dwelling (but only if the particulars provided under *paragraph (f)* in respect of that tenancy were the same as those that are being provided, under that paragraph, in respect of the immediate tenancy), and

(*o*) such other matters as may be prescribed.

F377**[**(2) Nothing in *subsection (6)* of *section 135* shall operate to affect the obligation under *subsection (1)*.**]**

Fee to accompany application under *section 134*.

**137.**—F382**[**(1) (*a*) Subject to *subsections (2)* and *(6)* and *section 137A*, the fee to accompany an application under *section 134* shall—

(i) in the case of an application (other than an application referred to in *paragraph (b)*) made during the period of 12 months after the commencement of section 25 of the Residential Tenancies (Amendment) Act 2019, be €40, and

(ii) in the case of an application (other than an application referred to in *paragraph (b)*) made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

F383**[**(*b*) Subject to *subsections (2)* and *(6)* and *section 137A*, the fee to accompany an application under *section 134* shall—

(i) in the case of an application in respect of a tenancy to which *subsection (1A)* of *section 3* applies made during the period of 12 months after the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019, be €40, or

(ii) in the case of an application in respect of a tenancy to which *subsection (1A)* of *section 3* applies made after that period—

(I) be €40, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(2) The requirement under F384**[***section 134(3)(b)(i)***]** F385**[**that a fee referred to in *subsection (1)***]** accompany an application under *section 134* shall be regarded as satisfied, as respects the applications mentioned in *subsection (3)*, if the applicant

mentioned in that subsection opts to pay to the Board a single fee of the amount specified in *subsection (4)* in respect of those applications.

(3) The applications referred to in *subsection (2)* are applications made by the same person at the same time F386**[**in respect of not more than 10 tenancies**]** of dwellings comprised in the same property.

F387**[**(4) (*a*) The amount of the single fee referred to in *subsection (2)* shall—

(i) if the applications (other than an application referred to in *paragraph (b)*) concerned are made during the period of 12 months after the commencement of section 25 of the Residential Tenancies (Amendment) Act 2019, be €170, or

(ii) if the applications (other than an application referred to in *paragraph (b)*) concerned are made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

F383**[**(*b*) The amount of the single fee referred to in *subsection (2)* shall—

(i) if the applications concerned are in respect of a tenancy to which *subsection (1A)* of *section 3* applies made during the period of 12 months after the commencement of section 3 of the Residential Tenancies (Amendment) Act 2019, be €170, or

(ii) if the applications concerned are in respect of a tenancy to which *subsection (1A)* of *section 3* applies made after that period—

(I) be €170, or

(II) where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, be a fee of that amount.**]**

(5) The option of paying the single fee referred to in *subsection (2)* is not available to the person mentioned in *subsection (3)* if the applications concerned are not made within the period specified in F388**[***subsection (2)* or *(2B)* of *section 134***]**.

F389**[**(6) If an application under *subsection (1)* of *section 134* is made after the expiration of the period specified in F390**[***subsection (2)* or *(2B)* of that section**]**, as may be appropriate, the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(*a*) the fee that would have been payable had the application been made before the expiration of that period, and

(*b*) €10 F391**[**or, where an amount stands declared for the time being under *subsection (1)* of *section 138* for the purposes of this paragraph, a fee of that amount,**]** in respect of each month or part of a month falling after such expiration.**]**

F392**[**Fee to accompany application under *section 134(2A)*

**137A.**—F393**[**(1) Subject to *subsections (2)* and *(6)*, the fee that is required to accompany an application referred to in *subsection (2A)* of *section 134* F394**[**, or an application referred to in *subsection (2B)* of *section 134* in respect of a tenancy of a dwelling referred to in *section 3(4)*,**]** shall—

(*a*) in the case of an application made during the period of 12 months after the commencement of section 26 of the Residential Tenancies (Amendment) Act 2019, be €20, or

(*b*) in the case of an application made after that period—

(i) be €20, or

(ii) where an amount stands declared for the time being under F395[*subsection (1A)*] of *section 138* for the purposes of this paragraph, be a fee of that amount.]

(2) The requirement under *section 134(3)(b)(ii)* F396[that a fee referred to in *subsection (1)*] accompany an application under *section 134* shall be regarded as satisfied, as respects the applications referred to in *subsection (3)*, if the applicant referred to in *subsection (3)* opts to pay the Board a single fee of the amount specified in *subsection (4)* in respect of those applications.

(3) The applications referred to in *subsection (2)* are applications made by the same person at the same time in respect of not more than 10 tenancies of dwellings comprised in the same property.

F397[(4) The amount of the single fee referred to in *subsection (2)* shall—

(*a*) if the applications concerned are made during the period of 12 months after the commencement of section 26 of the Residential Tenancies (Amendment) Act 2019, be €85, or

(*b*) if the applications concerned are made after that period—

(i) be €85, or

(ii) where an amount stands declared for the time being under F395[*subsection (1A)*] of *section 138* for the purposes of this paragraph, be a fee of that amount.]

(5) The option of paying the single fee referred to in *subsection (2)* is not available to the person referred to in *subsection (3)* if the applications concerned are not made within the period specified in F398[*subsection (2A)* or *(2B)*, as may be appropriate, of *section 134*].

F399[(6) If an application referred to in *subsection (2A)* of *section 134* is made after the expiration of the period specified in that subsection F394[, or an application referred to in *subsection (2B)* of *section 134* in respect of a tenancy of a dwelling referred to in *section 3(4)* is made after the expiration of the period specified in the said *subsection (2B)*], the fee required to accompany that application shall be of such amount as is equal to the aggregate of—

(*a*) the fee that would have been payable had the application been made before the expiration of that period, and

(*b*) €5 F394[or, where an amount stands declared for the time being under *subsection (1A)* of *section 138* for the purposes of this paragraph, a fee of that amount,] in respect of each month or part of a month falling after such expiration.]

(7) F400[...]]

Variation of fee in line with changes in value of money.

**138.**—(1) If the Board is satisfied that, having regard to changes in the value of money generally in the State that have occurred in—

(*a*) any period ending on or before the date that falls 12 months after the commencement of *section 134*, or

(*b*) any period subsequent to that date,

it is appropriate for it to declare a fee of a greater or lesser amount than—

F401[(i) in the case of *paragraph (a)(ii)* or *(b)(ii)* of *section 137(1)*—

(I) €40, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of the said *paragraph (a)(ii)* or *(b)(ii)*, as the case may be,

(ii) in the case of *paragraph (a)(ii)(I)* or *(b)(ii)(I)* of *section 137(4)*—

(I) €170, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of the said *paragraph (a)(ii)(I)* or *(b)(ii)(I)*, as the case may be,

or**]**

F402**[**(iii) in the case of *section 137(6)(b)*—

(I) €10 in respect of each month or part of a month falling after the expiration of the period specified in *subsection (2)* or *(2B)* of *section 134*, as the case may be, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) in respect of each month or part of a month for the purposes of the said *section 137(6)(b)*,**]**

it may, subject to *subsection (2)*, declare in writing, for the purposes of F401**[***subsection (1)*, *(4)* or *(6)* of *section 137***]**, a fee of such a greater or lesser amount.

F403**[**(1A) Without prejudice to *subsection (1)*, where, in respect of the fee referred to in *subsections (1)(b)* and *(4)(b)* of *section 137A*, the Board is satisfied that, having regard to changes in the value of money generally in the State that have occurred in—

(*a*) any period ending on or before the date that falls 24 months after the commencement of *subsection (2A)* of *section 134*, or

(*b*) any period subsequent to that date,

it is appropriate for it to declare a fee of a greater or lesser amount than—

F401**[**(i) in the case of *section 137A(1)(b)*—

(I) €20, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of that provision,

(ii) in the case of *section 137A(4)(b)*—

(I) €85, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of that provision,

or**]**

F402**[**(iii) in the case of *section 137A(6)(b)*—

(I) €5 in respect of each month or part of a month falling after the expiration of the period specified in *section 134(2A)* or *(2B)*, as the case may be, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) in respect of each month or part of a month for the purposes of the said *section 137A(6)(b)*,**]**

it may, subject to *subsection (2A)*, declare in writing, for the purposes of F401**[***subsection (1)*, *(4)* or *(6)* of *section 137A***]**, a fee of such greater or lesser amount.**]**

(2) The amount (expressed as a percentage) by which the amount of a fee declared under this section is greater or lesser than the amount of the relevant fee mentioned in *subsection (1)* shall be such as, in the opinion of the Board, approximates to the percentage increase or decrease in the value of money generally in the State that has occurred in—

(*a*) unless *paragraph (b)* applies, the period beginning on the commencement of *section 134* and ending on the making of the declaration, or

(*b*) if the power under this section has previously been exercised for the purpose of F401**[***subsection (1)*, *(4)* or *(6)* of *section 137***]**, as the case may be, the period beginning on the date that that power was last exercised and ending on the making of the declaration.

F403**[**(2A) In respect of the declaration of a fee referred to in *subsection (1A)*, the amount (expressed as a percentage) by which the amount of a fee declared under that subsection is greater or lesser than the amount of the relevant fee mentioned in that subsection shall be such as, in the opinion of the Board, approximates to the percentage increase or decrease in the value of money generally in the State that has occurred in—

(*a*) unless *paragraph (b)* applies, the period beginning on the commencement of *subsection (2A)* of *section 134* and ending on the making of the declaration, or

(*b*) if the power under this section has been previously exercised for the purpose of F401**[***subsection (1)*, *(4)* or *(6)* of *section 137A***]**, as the case may be, the period beginning on the date that the power was last exercised and ending on the making of the declaration.**]**

## CHAPTER 3

*Updating of register and enforcement of requirement to register*

Updating of particulars entered in the register.

**139.**—(1) Within 1 month from an alteration of the rent payable under a tenancy registered in the register taking effect, the landlord under the tenancy shall furnish to the Board F406**[**, by a notice in writing in the prescribed form, the information specified in *subsection (2)***]**.

(2) That information is—

(*a*) the amount of that rent as it stands altered and the date from which that alteration took effect, and

(*b*) so far as any of the other matters in respect of which particulars were entered in the register in respect of the tenancy have changed in any material respect since, as appropriate—

(i) the tenancy was registered in the register, or

(ii) information in respect of them was last previously furnished to the Board under *subsection (1)*,

particulars in respect of those other matters as they stand at the date of this furnishing of information under *subsection (1)*.

(3) No fee shall be payable in respect of the furnishing to the Board of the information mentioned in this section.

(4) The Board, as soon as may be after receipt of the information mentioned in this section, shall amend the relevant particulars in the register with respect to the tenancy concerned.

F404**[**(5) ...

(6) ...**]**

F405**[**(7) (*a*) Without prejudice to *subsection (1)*, a landlord may, at any time, notify the Board in writing of—

(i) any changes in respect of particulars entered in the register, and

(ii) any additional particulars to be entered in the register,

in respect of the tenancy.

(*b*) In *subsection (4)*, the reference to information shall include particulars notified under *paragraph (a)*.**]**

Amendment of register by Board of its own volition.

**140.**—(1) If the Board becomes aware that any particular entered in the register is incorrect it shall amend the register to correct the matter.

(2) For the purpose of complying with *subsection (1)* and, in particular, for the purpose of determining what needs to be stated in the register by way of correction of the matter, the Board may make such inquiries as it thinks fit (whether of the landlord or tenant under the tenancy concerned or any other person).

Deletion from register of a tenancy.

**141.**—(1) Where, in the opinion of the landlord of the dwelling, a dwelling in respect of which a tenancy has been registered in the register has ceased to be a dwelling to which this Act applies, the landlord shall notify in writing the Board of that opinion and the grounds for it.

(2) That notification shall be made within 1 month from the date that, in the opinion of the landlord, the cessation concerned occurred.

(3) Having considered the grounds stated in a notification made to it under *subsection (1)*, the Board shall—

(*a*) if it is satisfied that the dwelling concerned is no longer a dwelling to which this Act applies, delete the entry in the register in respect of the dwelling and notify the landlord of that deletion, or

(*b*) if it is not satisfied that the dwelling is no longer a dwelling to which this Act applies, notify the landlord that it is not so satisfied.

(4) For the avoidance of doubt, no refund of the whole or part of the fee charged under *section 134* in respect of the registration under this Part of the dwelling concerned may be made to the landlord in a case to which *subsection (3)(a)* applies.

(5) Despite the deletion, under *subsection (3)(a)*, of the entry in the register in respect of a tenancy of a dwelling, the Board may, if it considers it appropriate to do so for the purpose of its functions under *section 151*, keep a record of all or any of the particulars in respect of that tenancy that were contained in the entry.

Presumption in relation to date of commencement of tenancy.

**142.**—In any proceedings under *Part 6*, it shall be presumed until the contrary is shown that the date stated in the register as the date on which the tenancy, the subject of the proceedings, commenced is the date on which that tenancy commenced.

Offence for furnishing false or misleading information.

**143.**—A person who, in purported compliance with *section 134* or *139*, furnishes information to the Board which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading is guilty of an offence.

Provision in aid of enforcement of registration requirements.

**144.**—(1) If it appears to the Board that a particular tenancy that F407**[**ought to be or ought to have been registered in the register has not been the subject of an application for registration under *section 134*, it may serve**]** the notice referred to in *subsection (2)* on the person whom it F407**[**considers to be or to have been**]** the landlord under that tenancy.

(2) That notice is a notice—

(*a*) stating the Board's opinion that the tenancy mentioned in the notice is required to be registered in the register and, accordingly, that an application for registration of the tenancy under *section 134* must be made by the addressee of the notice, and

(*b*) requesting the addressee of the notice to furnish to the Board, within a period specified in the notice, the reasons why the addressee considers (if such be the case) that the opinion is not well founded.

(3) If the addressee of the notice referred to in *subsection (2)*—

(*a*) does not furnish to the Board, in accordance with the notice, the reasons requested, or

(*b*) furnishes, in accordance with the notice, reasons to the Board which do not result in its altering the opinion stated in that notice,

the Board shall (unless an application has by then been made under *section 134* to register the tenancy) serve a further notice on the addressee stating that he or she is required to apply to the Board under *section 134* to register the tenancy in the register and that, if he or she fails to do so within 14 days from the receipt by him or her of the notice, he or she is guilty of an offence.

(4) A person who fails to comply with a notice under *subsection (3)* within the period of 14 days from the receipt by him or her of the notice is guilty of an offence.

(5) For the purpose of a person's complying with the requirement in a notice under *subsection (2)* or *(3)* to register a tenancy under *section 134*, that section F408**[**shall apply as if *subsection (2)* or, as the case may be, *subsection (2A)***]** were omitted from it (but for that purpose only and not so as to affect the application of *section 137(6)* F408**[**or *137A(6)***]**).

(6) Proceedings for an offence under *subsection (4)* may not be brought if more than a year has elapsed between the date of service of the notice under *subsection (2)* and of the notice under *subsection (3)* in relation to the matter concerned.

(7) The reference in *subsection (1)* to a particular tenancy that F407**[**ought to be or ought to have been registered**]** shall be deemed to include a reference to a tenancy which, in the opinion of the Board, F407**[**exists or existed in respect of a dwelling and, accordingly, ought to be or ought to have been registered**]**; where the Board is of that opinion in respect of a dwelling then the notice referred to in *subsection (2)* concerning that dwelling shall expressly state that as part of the opinion stated by the Board in the notice.

F409**[**(8) Where the Board has reasonable grounds for believing that a person has committed an offence under *subsection (4)*, it may serve on the person a notice in the prescribed form (in this section referred to as a "fixed payment notice") stating that—

(*a*) the person is alleged to have committed an offence under *subsection (4)* (in this section referred to as the "alleged offence"),

(*b*) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,

(*c*) the person is not obliged to make the payment specified in the notice,

(*d*) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and

(*e*) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(9) Where a fixed payment notice is served—

(*a*) the person to whom it applies may make a payment in accordance with *subsection (8)(b)*,

(*b*) the Board shall, upon receipt of the payment, issue a receipt for it,

(*c*) any payment received by the Board shall not be recoverable by the person who made it, and

(*d*) a prosecution in respect of the alleged offence shall not be instituted during the period specified in *subsection (8)(b)* and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(10) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with *subsection (8)(b)* pursuant to a fixed payment notice served in respect of the alleged offence.

(11) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.**]**

F410**[**Enforcement of requirement to update particulars

**144A.**—(1) F411**[**If it appears to the Board that a landlord under a tenancy has failed to comply with *section 139(1)*, the Board may**]** serve the notice referred to in *subsection (2)*.

(2) The notice shall—

(*a*) inform the landlord of the Board's opinion, and

(*b*) request the landlord to, within the period specified in the notice—

(i) comply with *section 139(1)*, or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(3) If the landlord, within the period specified in the notice—

(*a*) does not comply with *section 139(1)*, or

(*b*) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to comply with *section 139(1)* and that the Board's opinion has not altered and that, if he or she fails to do so within 14 days from the receipt by him or her of the notice, the landlord shall be guilty of an offence.

(4) A person who fails to comply with a notice under *subsection (3)* within 14 days from the receipt by him or her of the notice shall be guilty of an offence.**]**

F412**[**(5) Where the Board has reasonable grounds for believing that a person has committed an offence under *subsection (4)*, it may serve on the person a notice in the prescribed form (in this section referred to as a "fixed payment notice") stating that—

(*a*) the person is alleged to have committed an offence under *subsection (4)* (in this section referred to as the "alleged offence"),

(*b*) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,

(*c*) the person is not obliged to make the payment specified in the notice,

(*d*) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and

(*e*) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(6) Where a fixed payment notice is served—

(*a*) the person to whom it applies may make a payment in accordance with *subsection (5)(b)*,

(*b*) the Board shall, upon receipt of the payment, issue a receipt for it,

(*c*) any payment received by the Board shall not be recoverable by the person who made it, and

(*d*) a prosecution in respect of the alleged offence shall not be instituted during the period specified in *subsection (5)(b)* and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(7) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with *subsection (5)(b)* pursuant to a fixed payment notice served in respect of the alleged offence.

(8) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.**]**

Further provisions in aid of enforcement of registration requirements.

**145.**—F413**[**(1) Where the Board has reasonable grounds for believing that any activity in connection with the letting or tenancy of a dwelling (in this section referred to as the "dwelling concerned") is carried on at a premises, a person authorised in writing by the Board for the purposes of this section as respects the premises may, at all reasonable times, enter into and inspect that premises for the purposes of—

(*a*) forming an opinion as to whether any activity in connection with the letting or tenancy of any dwelling (including the dwelling concerned) is being, or has been, carried on at the premises,

(*b*) forming an opinion as to whether a tenancy of the dwelling concerned that ought to be, or ought to have been, registered in the register has been the subject of an application for registration under *section 134*,

(*c*) ascertaining the particulars to be specified in an application under *section 134* in respect of a tenancy of the dwelling concerned, or

(*d*) determining the correctness of any particular specified in an application made under *section 134* in respect of a tenancy of the dwelling concerned.**]**

F414**[**(1A) A person referred to in *subsection (1)* shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under *subsection (1B)* authorising the entry.

(1B) A judge of the District Court, if satisfied on the sworn information of a person referred to in *subsection (1)* that—

(*a*) there are reasonable grounds for suspecting that any information or records, as the said person may reasonably require for the purposes of the said person's authorisation under this section, is or are held on any premises or any part of any premises, and

(*b*) the said person, acting under authority for the purposes of this section, has been prevented from entering the premises or any part thereof,

may issue a warrant authorising a person authorised in writing by the Board for the purposes of this section, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned for the purposes of this section.

(1C) An application for a warrant under *subsection (1B)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.**]**

F413**[**(2) A person shall not be authorised under *subsection (1)* unless the Board has reasonable grounds for believing that there has been a failure to comply with *section 134* in respect of the dwelling concerned.**]**

(3) A person who obstructs or impedes a person authorised under *subsection (1)* in the exercise by that person of his or her powers under that subsection is guilty of an offence.

(4) If it appears to the Board that a particular tenancy that ought to be F414**[**, or ought to have been,**]** registered in the register has not been the subject of an application for registration under *section 134* it may, by service of a notice on the tenant under the tenancy, require the tenant to supply to it, within a period specified in the notice, the name and address of the landlord under the tenancy or, if those particulars are not known to the tenant, any information in the possession of the tenant that could reasonably lead to the Board's ascertaining the identity of the landlord or his or her address.

(5) A person who fails to comply with a notice under *subsection (4)* or supplies information to the Board in purported compliance with the notice which is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading is guilty of an offence.

## CHAPTER 4

*Data exchange — private residential tenancies*

Data exchange — private residential tenancies.

**146.**—(1) A local authority shall, at such intervals as are specified by the Board, supply to the Board such information in its possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of information the supply of which to the Board is F415**[**necessary and proportionate**]** for the performance by the Board of its functions.

(2) The Minister for Social and Family Affairs shall, at such intervals as are specified by the Board, supply to the Board such information in his or her possession as falls within any class of information specified by the Board for the purpose of this subsection, being a class of information the supply of which to the Board is F415**[**necessary and proportionate**]** for the performance by the Board of its functions.

(3) The Board shall, at such intervals as are specified by a local authority, supply to the local authority such information in the possession of the Board as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is F415**[**necessary and proportionate**]** for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

(4) The Board shall, at such intervals as are specified by the Minister for Social and Family Affairs, supply to that Minister of the Government such information in the possession of the Board as is F415**[**necessary and proportionate**]** for the performance by that Minister of his or her F416**[**functions under Chapter 9 of Part 3 of the Social Welfare Consolidation Act 2005 and for the purposes of administering the application for, and payment of, financial contributions under Part 2 of the Civil Law (Miscellaneous Provisions) Act 2022**]**.

F417**[**(5) Where the Board considers that it is necessary and proportionate for the performance by the Board of its functions, the Board may request Sustainable Energy Ireland – the Sustainable Energy Authority of Ireland (in this section referred to as the "SEAI") to supply the Board with the following information in relation to a dwelling:

(*a*) the floor area;

(*b*) the BER.

(6) The SEAI shall comply with a request under *subsection (5)* in so far as the information requested is in its possession.

(7) The Board shall, at such intervals as are specified by the SEAI, supply to that body such information in the possession of the Board as falls within any class of information specified by the SEAI for the purpose of this subsection, being a class

of information the supply of which to the SEAI is necessary and proportionate for the performance by the SEAI of its functions under the Sustainable Energy Act 2002.**]**

Exchange of public service data.

**147.**—(1) A local authority shall, at such intervals as are specified by the Minister for Social and Family Affairs, supply to that Minister of the Government such information in its possession as falls within any class of information specified by that Minister for the purpose of this subsection, being a class of information the supply of which to that Minister is reasonably necessary for the performance by that Minister of his or her functions under Chapter 11 of Part III of the Social Welfare (Consolidation) Act 1993.

(2) The Minister for Social and Family Affairs shall, at such intervals as are specified by a local authority, supply to the local authority such information in his or her possession as falls within any class of information specified by the local authority for the purpose of this subsection, being a class of information the supply of which to the authority is reasonably necessary for the performance by the authority of its functions relating to houses, dwellings or other structures (either generally or those which have been provided by it).

F419**[**Disclosure of certain information to Revenue Commissioners.

F418**[147A.**—(1) The Revenue Commissioners may, where they consider that it is necessary and proportionate for the performance by them of their functions, request the Board to supply the Revenue Commissioners with—

(*a*) information contained in the register, or

(*b*) where it appears to the Board that a dwelling is, or might be, the subject of a tenancy that is not registered under *Part 7*, some or all of the following information:

(i) where the owner, landlord or tenant of the dwelling is—

(I) an individual, the name, contact details, address (including postcode) and personal public service number of the individual,

(II) a company, its name, its contact details, the address (including postcode) of its registered office, its tax reference number and its registered number, or

(III) a body corporate other than a company, its name, its contact details, the address (including postcode) of its principal office or place of business and its tax reference number;

(ii) the address (including postcode) of the dwelling;

(iii) the duration of the tenancy;

(iv) the amount of rent payable under the tenancy;

(v) the number of tenants;

(vi) such other information as the Revenue Commissioners may reasonably require for the purposes of their functions.

(2) The Board shall, as soon as practicable after receipt of a request under *subsection (1)* or at such intervals as are specified by the Revenue Commissioners, comply with the request in so far as the information requested is in their possession.

(3) The Board may, of its own volition, disclose to the Revenue Commissioners the following information in its possession:

(*a*) information relating to a decision under *subsection (4)(a)* or *(5)* of *section 148X* to impose a sanction;

(*b*) information relating to a sanction imposed under *Part 7A*;

(*c*) information relating to a tenancy, or a dwelling that appears to the Board to be the subject of a tenancy, that is not registered under *Part 7*, the disclosure of which to the Revenue Commissioners is necessary and

proportionate for the performance by the Revenue Commissioners of their functions.**]]**

F420**[**Disclosure of information by Revenue Commissioners to Board

**147B**.—(1) Where it appears to the Board that a dwelling is, or might be, let by an owner or landlord and the Board considers that it is necessary and proportionate for the performance by the Board of its functions, the Board may request the Revenue Commissioners to supply the Board with some or all of the following information:

(*a*) where the owner, landlord or tenant of the dwelling is—

(i) an individual, the name, contact details, address (including postcode) and personal public service number of the individual,

(ii) a company, its name, its contact details, the address (including postcode) of its registered office, its tax reference number and its registered number, or

(iii) a body corporate other than a company, its name, its contact details, the address (including postcode) of its principal office or place of business and its tax reference number;

(*b*) the address (including postcode) of the dwelling.

(2) The Revenue Commissioners shall, as soon as practicable after receipt of a request under *subsection (1)* or at such intervals as are specified by the Board, comply with a request under *subsection (1)* in so far as the information requested is in their possession.**]**

Provision of details of tenancy to Revenue Commissioners.

**148.**—(1) In this section "identification number" means—

(*a*) in the case of an individual, the individual's personal public service number, and

(*b*) in the case of a company, the registered number of the company.

(2) On the request of—

(*a*) a landlord of a dwelling, on his or her furnishing—

(i) his or her identification number, or

(ii) his or her name and the identification number of his or her authorised agent,

or

(*b*) the Revenue Commissioners, on their furnishing—

(i) the identification number of a landlord of a dwelling, or

(ii) the name of a landlord of a dwelling and the identification number of his or her authorised agent,

the Board shall, at such time or times as are reasonably specified in the request, furnish to the Revenue Commissioners—

(I) confirmation as to whether the landlord has registered a tenancy in respect of a dwelling, and

(II) in the event of there being one or more than one tenancy so registered, such of the particulars registered in respect of it or them as the Revenue Commissioners may require.

F421[Obligation of parties in relation to return of deposit **148A.**— ...]

F422[Return of deposit by Board **148B.**— ...]

F423[Agreement between the parties on the return of deposit **148C.**— ...]

F424[Return by Board of deposit where joint agreed application made under *section 148C* **148D.**— ...]

F425[Application for return of deposit where no agreement between the parties **148E.**— ...]

F426[Notification by Board of application for return of deposit where no agreement between the parties **148F.**— ...]

F427[Return of deposit where statement of agreement under *section 148F* received **148G.**— ...]

F428[Notification to parties of statement of disagreement under *section 148F* **148H.**— ...]

F429[Notification by Board where no statement of agreement, or disagreement, received within prescribed period **148I.**— ...]

F430[Return of deposit where statement of agreement under *section 148I* received **148J.**— ...]

F431[Notification to parties of statement of disagreement under section 148I

**148K.**— ...]

F432[Return of deposit where no notification of agreement or disagreement made

**148L.**— ...]

F433[Offence of furnishing false or misleading information in relation to return of deposit

**148M.**— ...]

F434[Notifications by Board for purposes of return of deposit

**148N.**— ...]

F435[Reference by party of return of deposit to Board as a dispute for resolution under *Part 6*

**148O.**— ...]

F436[Transitional provisions relating to transmission of deposits of certain tenancies

**148P.**— ...]

F437[Enforcement of obligation under *section 148P*

**148Q.**— ...]

F438[Part 7A

Complaints, Investigations and Sanctions]

F438[Interpretation (*Part 7A*)

**148R.**—In this Part—

"authorised officer" means a person appointed under *section 164A* to be an authorised officer;

"complainant" means a person who makes a complaint under *section 148T*;

"decision maker" means a person appointed under *section 164A* to be a decision maker;

"decision notice" means a notice given by the Board under *section 148Y*;

"improper conduct" in relation to a landlord, means conduct specified in *Schedule 2*;

"investigation" means an investigation under *section 148X*;

"investigation report" in relation to an investigation, means a report in writing, following the completion of the investigation by the authorised officer appointed under *section 148U(1)* to carry out the investigation;

"records" has the meaning assigned to it by *section 148S(19)*;

"sanction" has the meaning assigned to it by *section 148X(11)*.**]**

F439**[**Powers of authorised officer

**148S.**—(1) For the purposes of carrying out an investigation, an authorised officer may—

(*a*) subject to *subsections (12*) and *(13)*, at all reasonable times enter, inspect, examine and search any premises where he or she has reasonable grounds for believing that any activity in connection with the letting or tenancy of a dwelling is carried on,

(*b*) at such premises inspect and take copies or extracts from records relating to the activity referred to in *paragraph (a)* which he or she finds or with which he or she is provided in the course of his or her inspection,

(*c*) remove any such records from the premises and retain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Part,

(*d*) require any person at the premises or the owner or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such records (and in the case of records in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or control or within that person's procurement, as he or she may reasonably require for the purposes of his or her functions under this Part,

(*e*) be accompanied by a member of the Garda Síochána if there is reasonable cause to apprehend any serious obstruction in the performance of any of the authorised officer's functions under this subsection, and

(*f*) require a landlord to provide an explanation of a decision, course of action, system or practice or the nature or content of any records.

(2) A requirement under *paragraph (d)* or *(f)* of *subsection (1)* shall specify a period within which, or a date and time on which, the person the subject of the requirement is to comply with it.

(3) For the purposes of an investigation, an authorised officer—

(*a*) may require a person who, in the authorised officer's opinion—

(i) possesses information that is relevant to the investigation, or

(ii) has any records within that person's possession or control or within that person's procurement as the authorised officer may reasonably require for the purposes of his or her functions under this Part,

to provide that information or those records, as the case may be, to the authorised officer, and

(*b*) where the authorised officer thinks fit, may require that person to attend before the authorised officer for the purpose of so providing that information or those records as the case may be.

(4) The person who is the subject of a requirement under *subsection (3)* shall comply with the requirement.

(5) A requirement under *subsection (3)* shall specify—

(*a*) a period within which, or a date and time on which, the person the subject of the requirement is to comply with the requirement, and

(*b*) as the authorised officer concerned thinks fit—

(i) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or

(ii) the place to which the person shall send the information or the records concerned.

(6) A person required to attend before an authorised officer under *subsection (3)(b)*—

(*a*) is also required to answer fully and truthfully any question put to the person by the authorised officer, and

(*b*) if so required by the authorised officer, shall answer any such question under oath or affirmation.

(7) Where it appears to an authorised officer that a person has failed to comply or fully comply with a requirement under *subsection (1)*, *(3)* or *(6)*, the authorised officer may, on notice to that person and with the consent of the Board, apply in a summary manner to the District Court for an order under *subsection (8)*.

(8) Where satisfied after hearing the application about the person's failure to comply or fully comply with the requirement in question, the District Court may, subject to *subsection (11)*, make an order requiring that person to comply or fully comply, as the case may be, with the requirement within a period specified by the Court.

(9) The administration of an oath referred to in *subsection (6)(b)* by an authorised officer is hereby authorised.

(10) Any statement or admission made by a person pursuant to a requirement under *subsection (1)*, *(3)* or *(6)* is not admissible against that person in criminal proceedings other than criminal proceedings for an offence under *subsection (16)*, and this shall be explained to the person in ordinary language by the authorised officer concerned.

(11) Nothing in this section shall be taken to compel the production by any person of any records which he or she would be exempt from producing in proceedings in a court on the ground of legal professional privilege.

(12) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under *subsection (13)* authorising the entry.

(13) A judge of the District Court, if satisfied on the sworn information of an authorised officer that—

(*a*) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this Part, is or are held on any premises or any part of any premises, and

(*b*) an authorised officer, in the performance of his or her functions under this subsection, has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(14) For the purposes of an investigation, an authorised officer may, if he or she thinks it proper to do so, of his or her own volition or at the request of the landlord to whom the investigation relates, conduct an oral hearing.

(15) *Part 1* of *Schedule 3* shall have effect for the purposes of an oral hearing referred to in *subsection (14)*.

(16) Subject to *subsection (10)*, a person who—

(*a*) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation,

(*b*) fails or refuses to comply with any requirement of an authorised officer under this section, or

(*c*) otherwise obstructs or hinders an authorised officer in the performance of functions imposed under this Part,

is guilty of an offence and liable—

(i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(17) An application under *subsection (7)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the person in respect of whom the application is made resides or carries on any profession, trade or business.

(18) An application for a warrant under *subsection (13)* shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.

(19) In this section "records" includes books, accounts or other documents or any written or printed material or copies thereof, in any form including material created, stored, maintained or preserved by means of any mechanical or electronic device whether or not created, stored, maintained or preserved in non-legible form.**]**

F440**[**Complaint **148T.**—(1) A person (in this section referred to as a "complainant") may make a complaint in writing to the Board alleging that improper conduct by a landlord has occurred or is occurring.

(2) Where the Board receives a complaint, it shall cause an investigation of the matter the subject of the complaint to be carried out unless, following the making of such inquiries as it thinks fit, the Board is satisfied that—

(*a*) insufficient information is provided with the complaint to enable the Board to form a view whether the complaint should be investigated,

(*b*) the complaint does not relate to improper conduct,

(*c*) the complaint is not made in good faith,

(*d*) the complaint is frivolous or vexatious or without substance or foundation, or

(*e*) the complaint should be referred to the Board for resolution under *Part 6*.

(3) Where the Board decides that a complaint falls within *paragraph (a)*, *(b)*, *(c)*, *(d)* or *(e)* of *subsection (2)*, it shall give notice in writing to the complainant and the landlord of the decision and the reasons for the decision.

(4) Where a complaint is withdrawn by a complainant before the decision maker has made a decision under *section 148X(4)* or *(5)*, the Board may proceed as if the complaint had not been withdrawn if it is satisfied that there is good and sufficient reason for so doing.

(5) Where, pursuant to *subsection (4)*, the Board proceeds as if a complaint had not been withdrawn, the investigation concerned shall thereupon be treated as an investigation initiated by the Board, and other provisions of this Part shall be construed accordingly.**]**

F441[Board to appoint authorised officer and decision maker

**148U.**—(1) Subject to *section 148T(2)* and *(4)* the Board shall, following receipt of a complaint and may, of its own volition, cause an investigation to be carried out and decided upon under this Part and for that purpose shall appoint an authorised officer and a decision maker.

(2) The Board may appoint more than one authorised officer to carry out an investigation but, in any such case, the investigation report concerned shall be prepared jointly by the authorised officers so appointed and the other provisions of this Part shall, with all necessary modifications, be construed accordingly.

(3) The terms of appointment of an authorised officer may define the scope of the investigation to be carried out by the authorised officer, whether as respects the matters or the period to which it is to extend or otherwise, and, in particular, may limit the investigation to matters connected with particular circumstances.**]**

F442[Notice of investigation

**148V.** —(1) The authorised officer appointed by the Board under *section 148U* shall, subject to *subsection (2)*, as soon as is practicable after being so appointed—

(*a*) if the investigation arises following receipt of a complaint by the Board—

(i) give notice in writing to the landlord in relation to whose improper conduct the complaint relates of the receipt of the complaint and setting out particulars of the complaint,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of *section 148S*, afford to the landlord an opportunity to respond within 21 days from the date on which the landlord received the notice referred to in *subparagraph (i)*, or such further period not exceeding 21 days as the authorised officer allows, to the complaint,

(*b*) if the investigation arises on the volition of the Board—

(i) give notice in writing to the landlord concerned of the matters to which the investigation relates,

(ii) give the landlord copies of any documents relevant to the investigation, and

(iii) without prejudice to the generality of *section 148S*, afford the landlord an opportunity to respond, within 21 days from the date on which the landlord received the notice referred to in subparagraph (i), or such further period not exceeding 21 days as the authorised officer allows, to the matter to which the investigation relates.

(2) The notice under *paragraph (a)* or *(b)* of *subsection (1)* shall advise the landlord that he or she may acknowledge a contravention under *section 148W*.

(3) Where an investigation arises following receipt of a complaint by the Board, the authorised officer appointed to carry out the investigation—

(*a*) shall, as soon as is practicable, give the complainant a copy of the notice referred to in *subsection (1)(a)(i)* given to the landlord in relation to whose improper conduct the complaint relates, and

(*b*) shall make reasonable efforts to ensure that the complainant is kept informed of progress on the investigation.**]**

F443[Acknowledg-ment of contravention

**148W.**—(1) A landlord may, within 21 days of receipt of a notice under *section 148V(1)*, acknowledge to the authorised officer that improper conduct by the landlord has occurred or is occurring.

(2) On receipt of an acknowledgment by the landlord under *subsection (1)* the authorised officer shall submit a copy of the notice to the landlord under *paragraph (a)* or *(b)* of *section 148V(1)*, together with the acknowledgment of the landlord to the decision maker appointed by the Board under *section 148U*.

(3) On receipt of the documents and information under *subsection (2)* the decision maker shall determine, in accordance with this Part, what if any sanction shall be imposed on the landlord.**]**

F444**[**Investigation report and decision

**148X.**—(1) Subject to *subsection (3)*, where an authorised officer has completed an investigation, the authorised officer shall, as soon as is practicable after having considered, in so far as they are relevant to the investigation, any information or records provided to the authorised officer pursuant to any requirement under *section 148S*, any statement or admission made by any person pursuant to any requirement under that section, any submissions made and any evidence presented (whether at an oral hearing referred to in *section 148S(14)* or otherwise)—

(*a*) prepare a draft of the investigation report, and

(*b*) give to the landlord to whom the investigation relates and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the draft of the investigation report,

(ii) a copy of this section, and

(iii) a notice in writing stating that the landlord and complainant (if any) may, not later than 21 days from the date on which the notice was respectively received by them, or such further period not exceeding 21 days as the authorised officer allows, each make submissions in writing to the authorised officer on the draft of the investigation report.

(2) Subject to *subsection (3)*, an authorised officer who has complied with *subsection (1)* shall, as soon as is practicable after—

(*a*) the expiration of the period referred to in *subsection (1)(b)(iii)*, and

(*b*) having—

(i) considered the submissions (if any) referred to in *subsection (1)(b)(iii)* made before the expiration of that period on the draft of the investigation report concerned, and

(ii) made any revision to the draft of the investigation report which, in the opinion of the authorised officer, is warranted following such consideration,

prepare the final form of the investigation report and submit it to the decision maker appointed by the Board under *section 148U* with any such submissions annexed to the report.

(3) Where an authorised officer states, whether in a draft of the investigation report or in the final form of the investigation report, that he or she is satisfied that improper conduct by the landlord has occurred or is occurring, the authorised officer shall not make any recommendation, or express any opinion, in the report as to the sanction that he or she thinks ought to be imposed on the landlord in respect of such improper conduct in the event that the decision maker is also satisfied that improper conduct by the landlord has occurred or is occurring.

(4) Subject to *subsection (6)*, where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under *subsection (2)*, he or she shall decide to do one of the following:

(*a*) if he or she is satisfied that improper conduct by the landlord has occurred or is occurring, may, subject to *subsection (9)* and *section 148Z* impose a sanction on the landlord as he or she thinks fit in the circumstances of the case;

(*b*) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring but is of the opinion that a further investigation of the landlord is warranted, shall direct the Board to cause a further investigation on the matters to which, in the opinion of the decision maker the further investigation should relate;

(*c*) if he or she is not satisfied that improper conduct by the landlord has occurred or is occurring and is not of the opinion that a further investigation of the landlord is warranted, and the investigation arose—

(i) following the receipt of a complaint by the Board, shall dismiss the complaint,

(ii) on the volition of the Board, shall decide that no further action under this Part is warranted.

(5) Subject to *subsection (7)*, where the decision maker has considered an acknowledgment by a landlord under *section 148W(1)* submitted to him or her under *section 148W(2)* he or she may decide, subject to *subsection (9)* and *section 148Z*, to impose a sanction on the landlord as he or she thinks fit in the circumstances of the case.

(6) Where the decision maker has considered an investigation report (and any submissions annexed thereto) submitted to him or her under *subsection (2)*, the decision maker may, if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under *subsection (4)*, or for the purposes of observing fair procedures, for those purposes—

(*a*) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the investigation report (and any submissions annexed thereto), and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the investigation report,

or

(*b*) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the investigation report and the notice referred to in *paragraph (a)(ii)*.

(7) Where the decision maker has considered an acknowledgment under *section 148W(1)* submitted to him or her under *section 148W(2)* the decision maker may, if he or she considers it proper to do so for the purposes of assisting him or her to make a decision under *subsection (5)* or for the purposes of observing fair procedures—

(*a*) conduct an oral hearing and give to the landlord and, if the investigation arose following receipt of a complaint, the complainant—

(i) a copy of the acknowledgment by the landlord, and

(ii) a notice in writing stating that the landlord and complainant may, not later than 14 days from the date on which the notice was respectively received by them, or such further period not exceeding 14 days as the decision maker allows, each make submissions in writing to the decision maker on the acknowledgment by the landlord under *section 148W(1)*,

or

(*b*) give to the landlord and, if the investigation arose following receipt of a complaint, the complainant a copy of the acknowledgement by the landlord and the notice referred to in *paragraph (a)(ii)*.

(8) *Part 2* of *Schedule 3* shall have effect for the purposes of an oral hearing referred to in *subsection (6)(a)* or *(7)(a)*.

(9) Where *subsection (4)(a)* or *(5)* applies, the decision maker shall in deciding the sanction to be imposed on the landlord take into consideration the matters referred to in *section 148AD*.

(10) The decision maker shall, as soon as practicable after making a decision under *subsection (4)* or *(5)*, give notice in writing of the decision and the reasons for it to the Board.

(11) In this section, "sanction" in relation to improper conduct, means one, more than one, or all of the following:

(*a*) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, by way of financial penalty for the improper conduct by the landlord specified in the direction;

(*b*) a direction in writing to the landlord to pay to the Board a sum specified in the direction not exceeding €15,000, being all or part of the costs incurred by the Board in investigating the matter to which the direction relates;

(*c*) the giving of a caution in writing to the landlord.**]**

F445**[**Receipt of decision by Board

**148Y.**—(1) On receipt of the notice of the decision under *section 148X(10)* the Board shall prepare a written record of it (in this section referred to as a "decision notice") and issue it to the landlord.

(2) If the decision maker has made a decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* the decision notice shall set out—

(*a*) the sanction imposed on the landlord for the improper conduct by the landlord in respect of which the decision maker is satisfied under *subsection (4)(a)* or *(5)* of *section 148X*, and

(*b*) the reasons for the imposition of the sanction as the case may be.

(3) If the decision maker has given a direction to the Board under *section 148X(4)(b)* the Board shall cause a further investigation to be carried out under *section 148V(1)*.

(4) The decision notice under *subsection (2)* shall inform the landlord when, subject to *section 148Z*, the decision under *subsection (4)(a)* or *(5)* of *section 148X* shall become binding.

(5) Where the decision of the decision maker under *section 148X(4)* or *148X(5)* relates to an investigation which arose following receipt of a complaint by the Board, the Board shall give the complainant a copy of the decision notice given or to be given to the landlord at the same time as the notice is given to the landlord or as soon as practicable thereafter.**]**

F446**[**Decision and requirement of confirmation

**148Z.**—(1) The landlord has a right to appeal the decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* in accordance with *section 148AA*.

(2) The decision to impose a sanction under *subsection (4)(a)* or *(5)* of *section 148X* shall not take effect unless it is confirmed by the Circuit Court on appeal under *section 148AA*, or under *section 148AB*.**]**

F447**[**Appeal to Circuit Court against decision to impose sanction

**148AA.**—(1) A landlord the subject of a decision under *subsection (4)(a)* or *(5)* of *section 148X* by the decision maker to impose a sanction on the landlord may, not later than 21 days from the giving by the Board to the landlord of the decision notice, appeal to the Circuit Court against the decision.

(2) The Circuit Court may, on the hearing of an appeal under *subsection (1)* by a landlord, consider any evidence adduced or argument made, whether or not adduced or made to an authorised officer or the decision maker.

(3) Subject to *subsection (4)*, the Circuit Court may, on the hearing of an appeal under *subsection (1)* by a landlord—

(*a*) either—

(i) confirm the decision the subject of the appeal,

(ii) set aside the decision the subject of the appeal, or

(iii) set aside that decision and replace it with such other decision as the Court considers appropriate, which may be a decision—

(I) to impose a different sanction on the landlord, or

(II) to impose no sanction on the landlord,

and

(*b*) make such order as to costs as it thinks fit in respect of the appeal.

(4) The Circuit Court shall, for the purposes of *subparagraph (i)* or *(iii)(I)* of *subsection (3)(a)*, take into consideration the matters referred to in *section 148AD*.

(5) An appeal under *subsection (1)* shall be brought before a judge of the Circuit Court for the time being assigned to the Circuit in which the appellant resides or carries on any profession, trade or business.**]**

F448**[**Application to Circuit Court to confirm decision to impose sanction

**148AB.**—(1) Where a landlord does not, within the period allowed under *section 148AA(1)*, appeal to the Circuit Court against a decision under *subsection (4)(a)* or *(5)* of *section 148X* by the decision maker to impose a sanction on the landlord, the Board shall, as soon as is practicable after the expiration of that period and on notice to the landlord, make an application in a summary manner to the Circuit Court for confirmation of the decision.

(2) The Circuit Court shall, on the hearing of an application under *subsection (1)*, confirm the decision under *subsection (4)(a)* or *(5)* of *section 148X* the subject of the application unless the Court considers that there is good reason not to do so.

(3) An application under *subsection (1)* shall be made to a judge of the Circuit Court for the time being assigned to the Circuit in which the landlord to whom the decision concerned applies resides or carries on any profession, trade or business.**]**

F449**[**Provisions supplementary to *sections 148AA* and *148AB*

**148AC.**—(1) The decision of the Circuit Court on an appeal under *section 148AA* or an application under *section 148AB* is final except that the Board or the landlord the subject of the decision may, by leave of the Circuit Court, appeal against the decision to the High Court on a point of law.

(2) Where the Circuit Court confirms or gives a decision under *section 148AA(3)* or *148AB(2)*, the Board shall, as soon as is practicable after the decision is confirmed or given, as the case may be, give notice in writing of the decision to the landlord.

(3) The Board may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable any amount due and owing to the Board pursuant to a decision confirmed or given under *section 148AA(3)* or *148AB(2)* by the Circuit Court.

(4) All payments made to the Board of any amount due to the Board pursuant to a decision confirmed or given under *section 148AA(3)* or *148AB(2)* by the Circuit Court shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Public Expenditure and Reform may direct.

(5) Where an investigation arose following receipt of a complaint by the Board, the Board shall give to the complainant a copy of a notice given or to be given under *subsection (2)* to a landlord at the same time as the notice is given to the landlord or as soon as is practicable thereafter.**]**

F450**[**Matters to be considered in determining nature of sanction

**148AD.**—The Circuit Court or the decision maker, as appropriate, in considering the sanction (if any) to be imposed on a landlord pursuant to *subsection (4)(a)* or *(5)* of *section 148X* or confirmed or given under *section 148AA(3)* or *148AB(2)*, shall take into account the circumstances of the improper conduct concerned (including the factors occasioning it) and, without prejudice to the generality of the foregoing, may have regard to—

(*a*) the need to ensure that any sanction imposed—

(i) is appropriate and proportionate to the improper conduct,

(ii) if applicable, will act as a sufficient incentive to ensure that any like improper conduct will not occur in the future, and

(iii) if applicable, will act in the public interest to encourage compliance with this Act,

(*b*) the seriousness of the improper conduct,

(*c*) if the landlord has, under *section 148W(1)*, acknowledged the improper conduct,

(*d*) the extent of any failure by the landlord to co-operate with the investigation concerned of the improper conduct by the landlord,

(*e*) any explanation by the landlord for the improper conduct or failure to co-operate with the investigation concerned,

(*f*) any gain (financial or otherwise) made by the landlord or by any person in which the landlord has a financial interest as a consequence of the improper conduct,

(*g*) the amount of any loss suffered or costs incurred as a result of the improper conduct and any steps taken by the landlord to remediate the loss suffered or costs incurred,

(*h*) the duration of the improper conduct,

(*i*) if applicable, a re-occurrence of the improper conduct by the landlord,

(*j*) if applicable, the continuation of the improper conduct after the landlord was notified of the investigation concerned,

(*k*) if applicable, the extent and timeliness of any steps taken to end the improper conduct and any steps taken for remedying the consequences of the improper conduct, and

(*l*) whether a sanction has previously been imposed under this Part on the landlord on foot of a similar occurrence of improper conduct.**]**

F451**[**Publication of sanctions

**148AE.**—The Board shall publish particulars, in such form and manner and for such period as it thinks fit of any imposition of a sanction on a landlord under *section 148AA(3)* or *148AB(2)*.**]**

F452**[**Procedural rules

**148AF.**—(1) The procedure to be followed under this Part in relation to an investigation shall, subject to this Part, be such as shall be determined by the Board by rules made by it with the consent of the Minister.

(2) Without prejudice to the generality of *subsection (1)*, rules under this section may—

(*a*) specify any forms to be used under this Part by a complainant, landlord, authorised officer or decision maker, and

(*b*) specify the period within which, in relation to a complaint the Board shall appoint an authorised officer or decision maker under *section 148U*.

(3) Subject to this Part and rules under this section, the procedure for carrying out an investigation by an authorised officer or making a decision by a decision maker shall be such as the authorised officer or decision maker considers appropriate in all the circumstances of the case.

(4) The authorised officer or decision maker shall perform his or her functions without undue formality where that is consistent with the due performance of those functions.**]**

F453**[**Relationship between investigation and criminal proceedings

**148AG.**—(1) If a sanction is imposed on a landlord under *section 148AA(3)* or *148AB(2)* and the improper conduct in respect of which the sanction is imposed is an offence under this Act, the landlord is not liable to criminal proceedings for the offence in respect of the improper conduct concerned F454**[**or to a fixed payment notice under *section 12*, *22B*, *144* or *144A* being served in respect of that offence**]**.

(2) If criminal proceedings have been or are being brought against a landlord F454**[**, or a fixed payment notice under *section 12*, *22B*, *144* or *144A* has been served on the landlord,**]** and the offence in respect of which the proceedings have been or are being brought is improper conduct, F454**[**or the fixed payment notice has been served, as the case may be,**]** a sanction may not be imposed on the landlord under *section 148AA(3)* or *148AB(2)* in respect of the offence concerned.

(3) An acknowledgment by a landlord under *section 148W(1)* is not admissible against the landlord in criminal proceedings other than criminal proceedings for an offence under *section 148S(16)*.**]**

# PART 8

## Private Residential Tenancies Board

### Chapter 1

*Establishment and principal functions of Board*

Establishment day.

**149.**—The Minister shall by order appoint a day to be the establishment day for the purposes of this Part.

Establishment of Board.

**150.**—(1) On the establishment day there shall stand established a board to be known as An Bord um Thionóntachtaí Cónaithe Príobháideacha or, in the English language, the Private Residential Tenancies Board (in this Act referred to as "the Board") to perform the functions conferred on it by this Act.

(2) The Board shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land, or an interest in land and to acquire, hold and dispose of any other property.

(3) The Board shall, subject to the provisions of this Act, be independent in the performance of its functions.

(4) The Board shall have all such powers as are necessary or expedient for or incidental to the performance of its functions under this Act.

Functions of Board.

**151.**—(1) The principal functions of the Board shall be—

(*a*) the resolution of disputes between tenants and landlords in accordance with the provisions of *Part 6*,

(*b*) the registration of particulars in respect of tenancies in accordance with the provisions of *Part 7*,

F455**[**(*ba*) the investigation of landlords and the imposition of sanctions in accordance with the provisions of *Part 7A*,**]**

(*c*) the provision to the Minister of advice concerning policy in relation to the F456**[**...**]** rented sector,

F457**[**(*ca*) F458**[**...**]]**

F457**[**(*cb*) the publication of statistics under *section 114A*,**]**

(*d*) the development and publication of guidelines for good practice by those involved in the F456**[**...**]** rented sector,

(*e*) the collection and provision of information relating to the F456**[**...**]** rented sector, including information concerning prevailing rent levels,

(*f*) where the Board considers it appropriate, the conducting of research into the F456**[**...**]** rented sector and monitoring the operation of various aspects of the F456**[**...**]** rented sector or arranging for such research and monitoring to be done,

F459**[**(*fa*) the performance of the functions transferred to it by section 76 of the Residential Tenancies (Amendment) Act 2015,**]**

(*g*) the review of the operation of this Act (and, in particular, *Part 3*) and any related enactments and the making of recommendations to the Minister for the amendment of this Act or those enactments,

(*h*) the performance of any additional functions conferred on the Board under *subsection (3)*.

(2) The Board shall provide information to the Minister on such matters related to its functions and the F456**[**...**]** rented sector as may be requested by the Minister from time to time.

F460**[**(2A) (*a*) The Minister shall, not earlier than 12 months and not later than 15 months after the commencement of section 22 of the Residential Tenancies (Amendment) Act 2019, request the Board to provide him or her with such information in relation to prevailing rent levels in the rented sector (other than lettings referred to in *paragraph (b)* of the definition of that term) as he or she may specify by such date (which shall be a date that falls not later than 3 months after the date of the request concerned) as he or she may specify.

(*b*) The Board shall comply with a request under *paragraph (a)*.

(*c*) The Minister shall, not later than 3 months after the date specified under *paragraph (a)* in respect of the request concerned—

(i) prepare a report in relation to prevailing rent levels in the rented sector (other than lettings referred to in *paragraph (b)* of the definition of that term), and

(ii) lay a copy of that report before each House of the Oireachtas.**]**

(3) The Minister may, if he or she so thinks fit or if so requested by another Minister of the Government, after consultation with—

(*a*) the Board,

(*b*) that other Minister of the Government, and

(*c*) the Minister for Finance,

by order—

(i) confer on the Board such additional functions connected with the functions for the time being of the Board or activities that the Board is authorised for the time being to undertake as he or she considers appropriate,

(ii) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Board of functions under this subsection or the performance by the Board of functions so conferred.

F461**[**(4) In this section "rented sector" means—

(*a*) the sector of commercial activity in the State consisting of the letting of dwellings, and

(*b*) the letting, by approved housing bodies, of dwellings, referred to in *section 3(4)* (inserted by section 3 of the Residential Tenancies (Amendment) Act 2015), to households referred to in that subsection.**]**

Model lease.

**152.**—(1) Guidelines published under *section 151(1)(d)* may include a precedent for a model lease of a dwelling.

(2) Such a precedent shall—

(*a*) contain all of the provisions necessary to make the lease of the dwelling concerned an instrument which is consistent with this Act and any other relevant enactments,

(*b*) be worded, so far as is practicable, in plain language, and

(*c*) to the extent necessary having regard to the requirements of *paragraph (a)*, contain provisions best calculated to ensure harmonious relations between the parties to the lease as regards their conduct towards one and another in their capacity as such parties.

## CHAPTER 2

*Composition of Board*

Membership of Board.

**153.**—(1) The members of the Board shall be such number, not less than 9 and F463**[**not more than 12**]**, as the Minister considers appropriate from time to time.

(2) The members of the Board shall be appointed by the Minister as soon as may be after the establishment day and shall be persons who, in the Minister's opinion, have experience in a field of expertise relevant to the Board's functions.

(3) Except as provided for by *subsection (2)*, the members of the Board shall be appointed from time to time as occasion requires by the Minister.

(4) The Minister shall, in so far as is practicable, ensure an equitable balance between the numbers of members of the Board who are women and the number of them who are men.

(5) The Minister when appointing a member shall fix such member's period of membership which shall not exceed 5 years and, subject to this section, membership shall be on such terms as the Minister may determine.

(6) The members of the Board (including the chairperson) may be paid such remuneration as the Minister, with the consent of the Minister for Finance, may determine.

Supplemental provisions as to membership of Board.

**154.**—(1) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or upon receipt of the letter by the Minister, whichever is the later.

(2) A member of the Board may, at any time, be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions.

(3) A person shall cease to be, and shall be disqualified from being, a member of the Board where he or she—

(*a*) is adjudicated bankrupt,

(*b*) makes a composition or arrangement with creditors,

(*c*) is sentenced by a court of competent jurisdiction to a term of imprisonment, or

(*d*) is disqualified or restricted from being a director of any company.

(4) If a member of the Board dies, resigns, becomes disqualified or is removed from membership, the Minister may appoint a person to be a member of the Board and fill the casual vacancy so caused.

(5) A member of the Board whose term of membership of the Board expires shall be eligible for re-appointment as a member of the Board.

Chairperson of Board.

**155.**—(1) The Minister shall appoint a person, from among the members of the Board, as chairperson of the Board.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may at any time resign his or her office as chairperson of the Board while continuing to serve as a member of the Board and the resignation, unless previously withdrawn, shall take effect at the commencement of the meeting of the Board held after the Board has been informed by the Minister of the resignation.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)*, hold office until the expiry of his or her period of membership of the Board and, if re-appointed as a member of the Board, shall be eligible for re-appointment as chairperson of the Board.

## CHAPTER 3

*Meetings and committees*

Meetings of Board.

**156.**—(1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister shall fix the date, time and place of the first meeting of the Board and the Board shall fix the date, time and place of subsequent meetings.

(3) The quorum for a meeting of the Board F464**[**shall be 4**]**.

(4) At a meeting of the Board the chairperson of the Board shall, if present, chair the meeting and if not present, or if the office of chairperson is vacant, the members of the Board present at the meeting shall choose one of their number to chair the meeting.

(5) At a meeting of the Board each person present, including the chairperson, shall have a vote and any question on which a vote is required so as to establish the Board's position on a matter shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of the votes, the chairperson of the meeting shall have a second and casting vote.

(6) The Board may act notwithstanding one or more vacancies among its members (but this subsection is without prejudice to *subsection (3)*).

(7) Subject to the provisions of this Act, the Board may regulate its own procedures and business.

Committees of Board.

**157.**—(1) The Board may establish committees consisting F465**[**, subject to *subsections (2A)* and *(2B)* (inserted by section 68 of the Residential Tenancies (Amendment) Act 2015),**]** in whole or in part of persons who are members of the Board—

(*a*) to assist and advise the Board on matters relating to any of its functions or on such matters as the Board may from time to time determine, or

(*b*) to perform such functions of the Board as may be delegated by it from time to time.

(2) Without prejudice to the generality of *subsection (1)*, the Board shall establish a committee which shall be known and is in this Act referred to as the "Dispute Resolution Committee".

F465**[**(2A) Subject to *subsection (2B)*, a member of the Board shall not be eligible for appointment to the Dispute Resolution Committee.

(2B) Notwithstanding *subsection (2A)*, the member of the Board who is appointed under *section 155* as chairperson of the Board, shall be the chairperson, and member, of the Dispute Resolution Committee for the period for which he or she is appointed as chairperson of the Board.**]**

(3) The Board, when appointing a member of a committee, shall—

(*a*) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee,

(*b*) have regard to the desirability of such balance between the numbers of each sex on the committee as is appropriate and determined from time to time,

(*c*) fix the member's period of membership (which, in the case of a member of the Dispute Resolution Committee, shall not be less than a period of 3 years),

(*d*) fix the terms of his or her membership.

(4) The members of a committee may be paid by the Board such fees as the Board may determine, subject to the consent of the Minister and the Minister for Finance.

Supplemental provisions as to committees of Board.

**158.**—(1) In this section "committee" means a committee established under *section 157*.

(2) A member of a committee may be removed by the Board at any time for stated reasons.

(3) The acts of a committee and the performance by a committee of functions delegated to it under *section 157* shall be subject to confirmation by the Board, unless the Board otherwise determines.

(4) The Board may, subject to this Act, determine the terms of reference and regulate, by standing orders or otherwise, the procedures and business of a committee including the filling of casual vacancies but, subject to any such regulation, a committee may regulate its own procedures.

(5) A committee shall appoint, from time to time, a chairperson from among its members.

(6) The Board may at any time dissolve a committee.

(7) A committee shall provide the Board with such information as the Board may from time to time require, in respect of its activities and operation, for the purposes of the performance of the functions of the Board.

(8) *Subsections (4)* to *(6)* do not apply to the Dispute Resolution Committee.

Dispute Resolution Committee.

**159.**—(1) There shall be delegated to the Dispute Resolution Committee by the Board such of the functions of the Board under *Part 6* (except those under *sections 109* F466**[**...**]** and *124*) as the Board determines; functions under that Part may not be delegated to any other committee established under *section 157*.

F467**[**(2) The Dispute Resolution Committee shall consist of not more than 45 members which shall include the chairperson of the Dispute Resolution Committee.**]**

(3) A member of the Board shall not be eligible for appointment as a member of the Dispute Resolution Committee F468**[**...**]**.

F469**[**(3A) When the member of the Board ceases to be the chairperson of the Board he or she shall also cease to be chairperson of the Dispute Resolution Committee.**]**

(4) The members of the Dispute Resolution Committee shall be appointed by the Board after consultation with the Minister.

(5) The Board, after consultation with the Minister, shall appoint a member of the Dispute Resolution Committee as chairperson of the Committee; that member must be a person who is also a member of the Board.

(6) The Dispute Resolution Committee shall adopt, subject to the approval of the Board and the Minister, rules and procedures for the conduct of its meetings and the performance of its functions generally.

(7) A member of staff of the Board shall act as secretary to the Dispute Resolution Committee.

## CHAPTER 4

*Management of Board*

Director of Board.

**160.**—(1) There shall be a chief officer of the Board who shall be known and is referred to in this Act as the "Director".

(2) The Director shall be appointed by the Board in accordance with procedures that have been determined by the Board with the consent of the Minister.

(3) The first appointment by the Board of a person to be the Director shall be made within 3 years from the establishment day.

(4) The Director may, at any time, for stated reasons be removed from office by the Board with the consent of the Minister.

(5) The Director shall carry on, manage and control generally the administration and business of the Board and perform such other functions as may be determined by the Board.

(6) The Director shall hold office for such period and upon and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be determined from time to time by the Minister, after consultation with the Board and with the consent of the Minister for Finance.

Supplemental provisions in relation to Director.

**161.**—(1) The Director shall perform his or her functions subject to such policies as may be determined from time to time by the Board and shall be answerable to the Board for the efficient and effective management of the Board and for the due performance of his or her functions.

(2) The Director may delegate any of his or her functions to a member of staff of the Board (other than functions that have been delegated to the Director subject to a condition that they are not to be sub-delegated), and the member of staff shall be accountable to the Director for the performance of the functions so delegated.

F470**[**(2A) During a period when—

(*a*) the Director is, by reason of illness or otherwise, unable to perform the functions of Director, or

(*b*) the office of Director is vacant,

specified functions of the Director may, during that period, at the request of the Board and with the consent of the Minister, be performed by a member of staff of the Board designated to act as the deputy for the Director (in this section referred to as the "Deputy Director").**]**

(3) Notwithstanding *subsection (2)*, the Director shall at all times remain accountable to the Board for the performance of functions delegated by him or her.

(4) The Director may make proposals to the Board on any matter relating to the activities of the Board.

(5) The Director shall not be a member of the Board or of any committee of the Board, but he or she may, in accordance with procedures established by the Board or a committee, as the case may be, attend meetings of the Board or the committee or both and shall be entitled to speak at and advise such meetings.

F470**[**(5A) A reference in this Act to the Director, in so far as it relates to a function to be performed by a Deputy Director under *subsection (2A)*, shall include a reference to the Deputy Director designated under that subsection to perform that function.**]**

## CHAPTER 5

*Staff of Board and superannuation matters*

Staff of Board.

**162.**—(1) In addition to the Director, the Board may, from time to time, appoint such and such number of persons to be members of the staff of the Board as it may determine with the consent of the Minister and the Minister for Finance.

(2) The grades of the staff of the Board, the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Board with the consent of the Minister and the Minister for Finance.

(3) Subject to such conditions as it thinks fit, the Board may delegate to the Director any of the functions of the Board in relation to the employment of staff and the determination of selection procedures.

(4) The staff of the Board shall—

(*a*) be paid out of moneys available to the Board,

(*b*) perform such functions as determined from time to time by the Director, and

(*c*) hold office or employment for such period and upon and subject to such terms and conditions as may be determined from time to time by the Director, with the consent of the Minister and the Minister for Finance.

(5) Every member of the staff of the Minister designated by order made by the Minister for the purposes of this section shall, on being so designated, be transferred to and become a member of the staff of the Board.

(6) The Minister may make an order for the purposes of *subsection (5)* at any time but shall not do so without first having—

(*a*) notified in writing any recognised trade union or staff association concerned of the Minister's intention to do so, and

(*b*) considered, within such time as may be specified in the notification, any representations made by such trade unions or staff associations in relation to the matter.

(7) Except in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (5)* shall not, while in the service of the Board, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service than the scale of pay to which he or she was entitled and the terms and conditions of service to which he or she was subject immediately before his or her transfer into such service.

Superannuation.

**163.**—(1) As soon as practicable after the establishment day, the Board shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Board as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by the Board under this section shall, if approved by the Minister, with the consent of the Minister for Finance, be carried out by the Board in accordance with its terms.

(5) Superannuation benefits granted under schemes under this section to persons, who immediately before their being designated by an order under *section 162*, were members of the staff of the Minister, and the terms and conditions relating to those benefits, shall not be less favourable to those persons than those to which they were entitled immediately before such designation.

(6) No superannuation benefit shall be granted by the Board nor shall any other arrangements be entered into by the Board for the provision of such a benefit to or in respect of a member of the staff of the Board otherwise than in accordance with a scheme under this section or, if the Minister, with the consent of the Minister for Finance, sanctions the granting of such a benefit, in accordance with that sanction.

(7) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(8) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

## CHAPTER 6

*Appointment or engagement of certain persons*

Mediators and adjudicators.

**164.**—(1) The Board may from time to time appoint such and so many persons who shall be known and are in this Act referred to as "mediators" to carry out the functions assigned to them by the Board in accordance with *Part 6*.

(2) The Board may from time to time appoint such and so many persons who shall be known and are in this Act referred to as "adjudicators" to carry out the functions assigned to them by the Board in accordance with *Part 6*.

(3) The Board may appoint a person as both a mediator and an adjudicator.

(4) The Board shall form 2 panels, one comprising the names of the persons who stand appointed as mediators and the other comprising the names of the persons who stand appointed as adjudicators.

(5) Mediators and adjudicators shall each be appointed for such period (not being less than 3 years) as the Board may determine and shall be paid such fees and expenses as the Board, with the consent of the Minister and of the Minister for Finance, may determine from time to time; the other terms and conditions on which each of them shall stand appointed shall be such as the Board may determine from time to time.

(6) Those other terms and conditions shall, in relation to adjudicators, include such terms and conditions as are likely, in the opinion of the Board, to secure the independence and impartiality of the adjudicators.

(7) A mediator or adjudicator may at any time resign from his or her appointment as mediator or adjudicator.

(8) Neither the Civil Service Commissioners Act 1956 (or any enactment that replaces in whole or in part that Act) nor the Civil Service Regulation Acts 1956 to 1996 shall apply to a mediator or an adjudicator.

F471[Authorised officers and decision makers

**164A.** (1) For the purposes of *Part 7A* the Board shall appoint, as it thinks fit—

(*a*) a person to be an authorised officer, and

(*b*) a person to be a decision maker.

(2) A person appointed under *subsection (1)(a)* may be a member of staff of the Board.

(3) A person shall not at the same time stand appointed as both an authorised officer and a decision maker.

(4) The Board shall form 2 panels, one comprising the names of persons who stand appointed as authorised officers and one comprising the names of persons who stand appointed as decision makers.

(5) Other than an appointment of a person referred to in *subsection (2)*, an appointment under *subsection (1*) shall be for such period and subject to such terms (including terms as to remuneration and allowances for expenses) as the Board, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, may determine.

(6) Each authorised officer or decision maker shall be given a warrant of appointment by the Board and when exercising a power conferred on him or her under *Part 7A* shall, if requested by a person affected by the exercise of the power, produce the warrant or a copy of it together with a form of personal identification.

(7) An authorised officer or decision maker may at any time resign from his or her appointment as an authorised officer or decision maker.

(8) An appointment under this section as an authorised officer or decision maker shall cease—

(*a*) if the Board revokes the appointment,

(*b*) if the appointment is for a fixed period, on the expiry of that period, or

(*c*) if the authorised officer or decision maker resigns.**]**

Removal of an adjudicator from the panel.

**165.**—(1) The Board may, in accordance with this section, remove an adjudicator from the panel formed under *section 164(4)* ("the panel").

(2) If it appears to the Board that an adjudicator has been guilty of misconduct in his or her capacity as an adjudicator, it may apply to the District Court for an order under *subsection (3)* authorising the removal of the adjudicator from the panel.

(3) On the hearing of an application under this section and having considered the evidence adduced by the Board in the matter and any evidence adduced by or on behalf of the adjudicator, the District Court shall, if it finds that the adjudicator has been guilty of misconduct in his or her capacity as an adjudicator, make an order authorising the Board to remove the adjudicator from the panel.

(4) On the making of such an order (or, if the order is appealed to the Circuit Court and the Circuit Court confirms the order, on the order being so confirmed), the Board shall remove the adjudicator from the panel.

(5) Save where the period of his or her appointment has expired or a failure (not amounting to misconduct) by him or her to comply with the terms and conditions upon which he or she was appointed occurs, an adjudicator shall not be removed from the panel otherwise than in accordance with this section or with his or her consent.

(6) In this section "misconduct" means any conduct likely to bring the procedures for determinations by adjudicators under *Part 6* into disrepute and includes—

(*a*) any demonstration by an adjudicator of bias towards the interests of a party before him or her,

(*b*) gross discourtesy by an adjudicator to one or more of the parties before him or her, and

(*c*) wilful failure by an adjudicator to attend to his or her duties as an adjudicator.

Consultants and advisers.

**166.**—(1) Subject to such conditions (if any) as may for the time being stand specified by the Minister for the purposes of this section, the Board may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Board out of moneys at its disposal.

(2) Any person who wishes to be engaged by the Board as a consultant or adviser pursuant to this section may notify the Board in writing of this fact and any notification for that purpose shall include particulars of the person's qualifications and experience.

(3) The Board shall maintain a list of the persons who notify the Board pursuant to *subsection (2)*.

(4) The Board shall, in engaging a consultant or adviser under this section, have regard to the list maintained under *subsection (3)*, but nothing in this subsection shall be construed as precluding the Board from engaging as a consultant or adviser a person whose name is not on that list.

(5) The Board shall include in its annual report under *section 180* a statement of the names of the persons (if any) engaged pursuant to this section during the year to which the report relates.

Provision of services to Board.

**167.**—(1) For the purposes of enabling the Board to perform its functions as and from the establishment day, the Minister may, for such period as he or she thinks appropriate, supply to the Board any services, including services of staff, required by the Board and the Board may avail itself of such services for which arrangements are made under this section.

(2) The supply of services of staff under *subsection (1)* may include the supply of services of a person to perform the functions of the Director under this Part and *Part 6*.

(3) For so long as the services of a person are provided for the purpose mentioned in *subsection (2)*—

(*a*) the functions mentioned in that subsection shall be performable by that person, and

(*b*) *sections 160(6)* and *161* shall apply to that person.

## CHAPTER 7

*Supplemental provisions with regard to Board's administration and management*

Indemnification of certain persons.

**168.**—(1) Where the Board is satisfied that a person to whom this section applies has discharged the functions appropriate to that person in relation to the functions of the Board in good faith, it shall indemnify that person against all actions or claims however they arise in respect of the discharge by that person of those functions.

(2) This section applies to—

(*a*) a member of the Board,

(*b*) a member of a committee of the Board,

(*c*) a member of staff of the Board,

(*d*) a mediator or adjudicator,

F472**[**(*da*) an authorised officer or decision maker appointed under *section 164A*,**]**

(*e*) an adviser or consultant to the Board engaged under *section 166*, and

(*f*) a person whose services are provided to the Board under *section 167*.

Membership of either House of the Oireachtas, etc.

**169.**—(1) Where a member of the Board or the Dispute Resolution Committee or a member of the staff of the Board—

(*a*) accepts nomination as a member of Seanad Éireann,

(*b*) is elected to either House of the Oireachtas or to the European Parliament,

(*c*) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament, or

(*d*) becomes a member of a local authority,

he or she shall thereupon—

(i) in the case of a member of the Board or the Dispute Resolution Committee, cease to be a member of the Board or that Committee,

(ii) in the case of a member of the staff of the Board, stand seconded from employment by the Board for the period specified in *subsection (2)*.

(2) A person who stands seconded under *subsection (1)(ii)* shall not be paid by, or be entitled to receive from, the Board any remuneration in respect of the period commencing on such nomination or election or his or her membership of the local authority or the date on which he or she is so regarded as having been elected, as the case may be, and ending on the date on which he or she ceases to be a member of either such House or such Parliament or such local authority.

(3) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with the Board for the purposes of any superannuation benefits.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament or a member of a local authority shall, while he or she is so entitled or is such a representative or member, be disqualified from becoming a member of the Board or the Dispute Resolution Committee or a member of the staff of the Board.

Disclosure of interests.

**170.**—(1) Where a member of the Board, a member of a committee of the Board, a member of the staff of the Board or a consultant or adviser engaged under *section 166* has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board or a committee, he or she shall comply with the following requirements:

(*a*) he or she shall disclose to the Board the fact of such interest and the nature of the interest in advance of any consideration of the matter;

(*b*) he or she shall neither influence nor seek to influence a decision in relation to the matter;

(*c*) he or she shall take no part in any consideration of the matter;

(*d*) if he or she is a member of the Board or a committee or both or a member of the staff of the Board, he or she shall withdraw from any meeting concerned for so long as the matter is being discussed or considered and shall not vote or otherwise act as such Board or committee member or member of staff in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest in, or material to, a matter referred to in that subsection if—

(*a*) the person or any member of his or her household, or any nominee of him or her or of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, such a matter,

(*b*) the person or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter,

(*c*) the person or any member of his or her household is a party to any arrangement or agreement (whether or not enforceable) concerning property to which such a matter relates, or

(*d*) any member of his or her household has a beneficial interest in, or material to, such a matter.

(3) A person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of the person or of any company or of any other body or person mentioned in *subsection (2)* which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter, or in performing any function in relation to that matter.

*Section 170*: supplemental provisions.

**171.**—(1) Where at a meeting or proceeding of the Board or a committee of the Board a question arises as to whether or not a course of conduct, if pursued by a person, would constitute a failure by the person to comply with the requirements of *section 170*, then, if the meeting or proceeding is of a committee, it shall be adjourned until the question has been referred to and determined by the Board, and if the meeting is of the Board, the question shall be determined by the Board, whose decision in all cases shall be final, and particulars of the determination shall be recorded in the minutes of the Board's meeting.

(2) Where a disclosure is made under *section 170*, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being considered or discussed by the meeting, the person by whom the disclosure is made, where he or she is a member of the Board, shall not be counted in the quorum for the meeting unless the Board otherwise determines.

(3) A person who contravenes *section 170* is guilty of an offence.

(4) In any proceedings for an offence under *subsection (3)*, it shall be a defence for the defendant to prove that at the time of the alleged offence he or she did not know and had no reason to believe that a matter in which, or in relation to which, he or she had a beneficial interest had fallen to be considered by him or her, by the Board or by a committee of the Board or that the beneficial interest to which the alleged offence relates was one in relation to which a requirement of *section 170* applied.

(5) A member of the Board, or of a committee of the Board, if convicted of an offence under *subsection (3)* shall, on such conviction, cease to be and be disqualified from being such a member.

Disclosure of information.

**172.**—(1) Save as otherwise provided by law and subject to *subsection (3)*, a person shall not, other than with the consent of the Board, disclose confidential information obtained by him or her while performing (or as a result of having performed) functions as—

(*a*) a member of the Board,

(*b*) a member of the staff of the Board,

(*c*) a member of a committee of the Board,

(*d*) an adviser or consultant to the Board engaged under *section 166*.

(2) A person who contravenes *subsection (1)* is guilty of an offence.

(3) Nothing in *subsection (1)* shall prohibit the disclosure of information by means of a report made to the Board or made by, or on behalf of, the Board to the Minister.

(4) In this section "confidential information" includes—

(*a*) information that is expressed by the Board or a committee of the Board, as the case may be, to be confidential either as regards particular information or as regards information of a particular class or description,

(*b*) proposals of a commercial nature or tenders submitted to the Board by contractors, consultants or any other person,

(*c*) information the disclosure of which is prohibited by virtue of *section 128(4)*.

(5) A member of the Board or of a committee of the Board, if convicted of an offence under *subsection (2)* shall, on such conviction, cease to be and be disqualified from being such a member.

Seal of Board.

**173.**—(1) The Board shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of—

(*a*) the chairperson of the Board or another member of the Board authorised by the Board to act in that behalf, and

(*b*) the Director or a member of the staff of the Board authorised by the Board to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the seal of the Board (purporting to be authenticated in accordance with *subsection (2)*) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

## CHAPTER 8

*Financial and accountability provisions*

Grants to Board.

**174.**—The Minister may, in each financial year, after consultation with the Board in relation to its proposed work programme and projected expenditure for that year, make to the Board a grant of such amount, as may be sanctioned by the Minister for Finance, out of moneys provided by the Oireachtas for the purposes of expenditure by the Board in the performance of its functions.

Borrowings by Board.

**175.**—(1) The Board may, for the purpose of providing for current or capital expenditure, from time to time, borrow money (whether on the security of the assets of the Board or otherwise).

(2) The exercise of this power is subject to the consent of the Minister and the Minister for Finance and to such conditions as they may specify.

Fees.

**176.**—(1) The Board may charge, receive and recover such fees as the Board may from time to time determine, subject to the consent of the Minister, in relation to the performance by the Board of its functions, the provision by it of services (other than a service consisting of the provision of information or advice to the Minister) and the carrying on by it of activities.

(2) *Subsection (1)* does not apply in respect of any fee provision for the charging for, or payment of, which is made by any other provision of this Act.

(3) Without prejudice to the generality of *subsection (1)*, the Board may charge fees in respect of all or any of the following:

(*a*) access to records of determination orders F473**[**issued under *section 121*, **]**,

(*b*) provision of a F474**[**...**]** certified copy of a determination order F473**[**issued under *section 121*, **]**,

F475**[**(*ba*) the making of an application under *section 134* which is not made in electronic form,**]**

(*c*) copies of publications produced by the Board,

(*d*) the provision of details of an aggregated nature under *section 131*.

(4) The Board may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable, any amount due and owing to it under this or any other provision of this Act.

(5) Fees received by the Board under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the F476**[**Minister for Public Expenditure and Reform**]** may direct.

(6) The Public Offices Fees Act 1879 shall not apply to any fees payable under this Act.

Accounts.

**177.**—(1) The Director shall submit estimates of income and expenditure of the Board to the Minister in such form, in respect of such periods, and at such times as may be required by the Minister and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the discharge by the Board of its functions over a period of years, as required.

(2) The Director shall consult with the Board in performing the functions under *subsection (1)* and may submit to the Minister any estimates, information, proposals or other matters under that subsection only after obtaining the Board's consent to do so.

(3) The Director, under the direction of the Board, shall cause to be kept on a continuous basis and in a legible or a machine readable form or both all proper books and records of account of all income and expenditure of the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Board; the Director shall also keep and shall account to the Board for all such special accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept.

(4) The financial year of the Board shall be the period of 12 months ending on 31 December in any year and, for the purposes of *section 174*, this section and *section 178*, the period commencing on the establishment day and ending on the following 31 December shall be deemed to be a financial year.

F478[Designated tenancy deposit account

**177A.**— ...]

F479[Withdrawal by Board of interest from designated tenancy deposit account

**177B.**— ...]

Further provisions with respect to accounts (including their audit).

**178.**—(1) The Board, the Director and any relevant member of the staff of the Board shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Board in respect of any financial year or other period and shall facilitate any such examination, and the Board shall pay such fee therefor as may be fixed by the Minister.

(2) In *subsection (1)* "relevant member of the staff of the Board" means a member of the staff of the Board to whom there has been duly assigned functions relating to the books or other records of account referred to in that subsection.

(3) The accounts of the Board for each financial year shall be prepared in such a form and manner as may be specified by the Minister and be prepared by the Director and approved by the Board as soon as practicable but not later than three months after the end of the financial year to which they relate for submission, as soon as practicable, to the Comptroller and Auditor General for audit.

(4) A copy of such of the accounts referred to in *subsection (3)* as the Minister directs and the report of the Comptroller and Auditor General thereon shall be presented to the members of the Board and to the Minister, as soon as practicable after the audit of them is completed, and the Minister shall cause a copy of those documents to be laid before each House of the Oireachtas.

Accountability of Director to Oireachtas Committees.

**179.**—(1) The Director shall, whenever he or she is so required by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any account subject to audit by the Comptroller and Auditor General which the Director or the Board is required by or under statute to prepare,

(*b*) the economy and efficiency of the Board in the use of its resources,

(*c*) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b)* or *(c)*) that is laid before Dáil Éireann.

(2) The Director shall, at the request in writing of any other Oireachtas Committee, attend before it and give evidence to it on any matter related to the functions of the Board.

(3) In *subsection (2)*, "other Oireachtas Committee" means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the committee referred to in *subsection (1)*) or a subcommittee of such a committee.

Reports and information to Minister.

**180.**—(1) The Board shall, not later than 30 June in each year subsequent to the year in which the establishment day falls, make a report to the Minister (in this section referred to as the "annual report") in such form as the Minister any approve, on the performance of its functions and activities during the preceding year and the Minister shall cause copies of each annual report to be laid before each House of the Oireachtas.

(2) Each annual report shall include information in such form and regarding such matters as the Minister may direct.

(3) The Board may, from time to time, make such other reports to the Minister relating to its functions as it thinks fit and shall, whenever so requested by the Minister, supply to the Minister such information, in addition to that provided in its annual report, regarding the performance of its functions as the Minister may from time to time require.

(4) The Board may publish such other reports on matters related to its activities and functions as it may from time to time consider relevant and appropriate.

F481**[**Reports to Minister concerning determination of complaints under *section 76A*

**180A.**— ...**]**

Reports to Board.

**181.**—(1) The Board may, on its request, be furnished with reports on any matter which, in the Board's opinion, concerns the F482**[**...**]** rented sector by the appropriate Minister of the Government or local authority who or which has responsibility for the area to which the matter pertains.

(2) The Board may make a report furnished to the Board under this section available to the Minister.

(3) In this section "F483**[**rented sector**]**" has the same meaning as it has in *section 151*.

## PART 9

### MISCELLANEOUS

Limitation on certain disputes being the subject of court proceedings.

**182.**—(1) On and from the commencement of *Part 6*, proceedings may not be instituted in any court in respect of a dispute that may be referred to the Board for resolution under that Part unless one or more of the following reliefs is being claimed in the proceedings—

(*a*) damages of an amount of more than €20,000,

(*b*) recovery of arrears of rent or other charges, or both, due under a tenancy of an amount, or an aggregate amount, of more than €60,000 or such lesser amount as would be applicable in the circumstances concerned by virtue of *section 115(3)(b)* or *(c)(ii)*.

(2) In this section "dispute" has the same meaning as it has in *Part 6*.

Guidelines to Board.

**183.**—(1) The Minister may, from time to time, issue to the Board such guidelines in relation to the performance of its functions under this Act (other than functions under *Part 6*) as he or she considers appropriate and the Board shall have regard to such guidelines in the performance of those functions.

(2) The Minister may amend or revoke guidelines issued under this section.

Voidance of provisions designed to facilitate terminations.

**184.**—(1) A provision of a lease or tenancy agreement in relation to a dwelling that imposes an obligation on a party (the "first party") to do or refrain from doing any thing is void if, from all the circumstances (including any of the matters specified in *subsection (3)*), it is a reasonable inference that the sole or main purpose for the provision being included is that mentioned in *subsection (2)*.

(2) That purpose is to allow the other party (the "second party") to serve a notice of termination in respect of the tenancy concerned (for a failure to comply with the provision) for any reason that suits the interests of that party at the particular time rather than because the failure to comply has occurred.

(3) The matters mentioned in *subsection (1)* are—

(*a*) the provision concerned cannot, in its ordinary operation, be reasonably regarded as conferring any practical benefit on the second party or in respect of his or her interest in the dwelling,

(*b*) compliance with the provision concerned by the first party is likely to be impracticable,

(*c*) the terms in which the provision concerned is framed are such that the situations in which the provision must be complied with and those in which it need not be complied with are arbitrary.

(4) Any tenancy or sub-tenancy of a dwelling (the "first-mentioned tenancy") purported to be created is void if, from all the circumstances, it is a reasonable inference that it is a transaction not of a bona fide nature effected at arm's length but effected solely or mainly for the purpose of facilitating the termination (through collusion between some or all of the parties to that transaction) of any sub-tenancy created out of the first-mentioned tenancy.

(5) If the first-mentioned tenancy in *subsection (4)* is void by reason of that subsection any sub-tenancy created out of it that is not so void shall be deemed to be a tenancy held by the person in whose favour the sub-tenancy was granted from the person who purported to create the first-mentioned tenancy (but of no greater term than the term of the sub-tenancy).

Obligation to inform prospective sub-tenant of nature of tenancy.

**185.**—(1) A tenant of a dwelling who proposes to create in favour of any person a sub-tenancy out of the tenancy shall, before he or she—

(*a*) creates the sub-tenancy, or

(*b*) if its creation is preceded by the entering into of an agreement to create (whether the word "create" or any other word is used) such a tenancy, enters into that agreement,

inform the person of the fact that it is a sub-tenancy that will be created in the person's favour.

(2) A person who fails to comply with *subsection (1)* is guilty of an offence.

(3) If, in respect of the entering into of an agreement referred to in *paragraph (b)* of *subsection (1)*, a failure to comply with that subsection occurs, the agreement shall not be enforceable by the tenant referred to in that subsection.

Tenant may terminate where consent to assignment or sub-letting withheld.

**186.**—(1) This section has effect—

(*a*) despite the fact that the tenancy concerned is one for a fixed period, and

(*b*) despite anything to the contrary in the lease or tenancy agreement concerned.

(2) If a landlord of a dwelling refuses his or her consent to an assignment or sub-letting of the tenancy concerned by the tenant, the tenant may serve a notice of termination in respect of the tenancy and terminate it accordingly.

(3) The period of notice to be given by that notice of termination is—

(*a*) that specified in *section 66*, or

(*b*) such lesser period of notice as may be agreed between the landlord and the tenant in accordance with *section 69*,

even if the lease or tenancy agreement provides for a greater period of notice to be given.

Duty of management companies in relation to certain complaints.

**187.**—(1) This section applies where a tenant of a dwelling which is one of a number of dwellings comprising an apartment complex makes a complaint of the kind referred to in *section 12(1)(h)* to the landlord of the dwelling and that complaint (the "relevant complaint") is forwarded to the management company of the complex (the "relevant company").

(2) Where this section applies the relevant company, in performing any of its functions in relation to the apartment complex concerned, shall have regard to the relevant complaint and shall furnish to the landlord mentioned in *subsection (1)* (for the purpose of its being forwarded to the tenant concerned) a statement in writing as to the steps, if any, it has taken to deal with the matter or matters to which the complaint relates.

Provision of information in relation to service charges by management companies.

**188.**—(1) A tenant of a dwelling which is one of a number of dwellings comprising an apartment complex may request the management company (if any) of the complex ("the company") to furnish to him or her particulars in writing of the service charges made by the company in respect of the dwelling in a specified period and how those charges have been calculated.

(2) Subject to *subsection (3)*, it shall be the duty of the company to comply with such a request.

(3) If the owner of the dwelling were to make a request of the company to furnish to him or her the particulars mentioned in *subsection (1)* and the company would not be obliged to furnish all of those particulars to him or her then the duty of the company under *subsection (2)* shall be read as extending only to the particulars that the company would be obliged to furnish to the owner were such a request to be made.

(4) In this section "service charges" means charges made by the company in respect of the performance of functions by it in relation to the apartment complex concerned.

Jurisdiction in aid of *Part 6* resolution procedure.

**189.**—(1) In this section "dispute" means a dispute falling within the jurisdiction of the Board under *Part 6*.

(2) The following provisions have effect if the circumstances giving rise to or involving the dispute are such that, were proceedings in the Circuit Court to be brought in relation to the dispute, it would be appropriate to apply to that court for interim or interlocutory relief in the matter.

(3) On being requested by the person (the "referrer") who has referred or is referring a dispute to it to do so, the Board may apply, on the referrer's behalf, to the Circuit Court for such interim or interlocutory relief in the matter as the Board considers appropriate.

(4) In deciding whether to accede to such a request the Board may have regard to—

(*a*) the merits, as they appear to it, of the referrer's contentions that will be dealt with by an adjudicator or the Tribunal,

(*b*) the amount of damages the Board is likely to have to pay to the respondent to the application (on foot of an undertaking required of it by the court to pay such damages) in the event such damages have to be paid, but the Board's opinion—

(i) that those contentions of the referrer are unlikely to be accepted by an adjudicator or the Tribunal, or

(ii) that the amount of those damages is likely to be substantial,

shall, in neither case, and without prejudice to *subsection (5)* be conclusive in favour of the Board's refusing to accede to the request if, in all the circumstances, the Board considers that it ought to accede to it.

(5) The fact of the Board's being of the opinion referred to in *subsection (4)(ii)* shall not be taken into account by it in deciding whether to accede to a request under *subsection (3)* if the referrer undertakes to defray in whole the amount of damages the Board may become liable to pay in the circumstances mentioned in *subsection (4)* and the Board is satisfied the referrer has the means to be able to comply with that undertaking.

(6) On application to the Circuit Court by the Board under this section, the Circuit Court may grant such interim or interlocutory relief in the matter as it thinks appropriate.

*Section 189*: supplemental provisions.

**190.**—(1) For the purpose of *section 189* there is, by virtue of this section, vested in the Circuit Court, with the modifications specified in *subsection (2)*, the jurisdiction vested in that court with respect to the grant, variation and discharge of interim or interlocutory relief in proceedings brought in that court in respect of any matter.

(2) The modifications mentioned in *subsection (1)* are that the rules of law (including those of equity) and enactments relating to the foregoing jurisdiction shall be construed and operate so as to enable the Circuit Court to—

(*a*) provide that any interlocutory relief granted by it, on foot of an application under *section 189*, may have effect until the final determination of the dispute concerned under *Part 6*,

(*b*) F484**[**...**]**

(3) Costs the subject of such an award may be taxed in the same manner as costs the subject of an award made by the Circuit Court.

Long occupation equity (ability to renounce entitlement to it).

**191.**—(1) In this section the "Act of 1980" means the Landlord and Tenant (Amendment) Act 1980.

(2) On and from the relevant date, section 17(1)(*a*) of the Act of 1980 is amended by inserting the following subparagraph after subparagraph (iii*a*) (inserted by the Landlord and Tenant (Amendment) Act 1994):

"(iii*b*) if section 13(1)(*b*) applies to the tenement (and the tenement is a dwelling to which the *Residential Tenancies Act 2004* applies), the tenant had completed and signed, whether for or without valuable consideration, a renunciation of his or her entitlement to a new tenancy in the tenement and had received independent legal advice in relation to such renunciation, or".

(3) On and from the relevant date, section 85 of the Act of 1980 is amended by substituting the following subsection for subsection (2) (inserted by the Landlord and Tenant (Amendment) Act 1994):

"(2) Subsection (1) does not apply to a renunciation referred to in—

(*a*) subparagraph (iii*a*) (inserted by section 4 of the Landlord and Tenant (Amendment) Act 1994), or

(*b*) subparagraph (iii*b*) (inserted by *section 191* of the *Residential Tenancies Act 2004*),

of section 17(1)(*a*).".

Long occupation equity (prospective abolition of entitlement to it).

**192.**—(1) In this section "Act of 1980" has the same meaning as it has in *section 191*.

(2) Subject to *subsection (3)*, on and from the fifth anniversary of the relevant date, Part II of the Act of 1980 shall not apply to a dwelling to which this Act applies.

(3) *Subsection (2)* does not have effect in relation to a dwelling in respect of which the tenant has served a notice of intention to claim relief under and in accordance with section 20 of the Act of 1980 before the fifth anniversary mentioned in that subsection.

(4) *Subsection (3)* is without prejudice to the generality of section 21 of the Interpretation Act 1937.

Non-application of certain enactments.

**193.**—None of the following enactments applies to a dwelling to which this Act applies—

(*a*) section 42 of the Landlord and Tenant Law Amendment Act Ireland 1860,

(*b*) section 14 of the Conveyancing Act 1881,

(*c*) sections 2, 3 and 4 of the Conveyancing and Law of Property Act 1892,

(*d*) sections 66, 67 and 68 of the Landlord and Tenant (Amendment) Act 1980, and

(*e*) section 16 of the Housing (Miscellaneous Provisions) Act 1992.

Deemed termination of tenancy to which *Part 4* does not apply.

**194.**—*Subsections (1)* to *(4)* of *section 37* apply to a tenancy of a dwelling in so far as its operation is not affected by *Part 4* or to which that Part does not apply as those subsections apply to a *Part 4* tenancy.

Proposed overholding under a fixed term tenancy.

**195.**—(1) In this section "relevant dwelling" means a dwelling, the subject of a tenancy that is for a fixed period of at least 6 months.

(2) The tenant of a relevant dwelling, if he or she intends to remain (on whatever basis, if any, that is open to him or her to do so) in occupation of the dwelling after the expiry of the period of the tenancy concerned, shall notify the landlord of that intention.

(3) That notification shall not be made to the landlord—

(*a*) any later than 1 month before, nor

(*b*) any sooner than 3 months before,

the expiry of the period of that tenancy.

(4) If a tenant fails to comply with *subsection (2)* and the landlord suffers loss or damage in consequence of that failure the landlord may make a complaint to the Board under *Part 6* that he or she has suffered such loss or damage.

(5) An adjudicator or the Tribunal, on the hearing of such a complaint, may make a determination, if the adjudicator or the Tribunal considers it proper to do so, that the tenant shall pay to the complainant an amount by way of damages for that loss or damage.

Equal Status Act 2000 not prejudiced.

**196.**—Nothing in this Act—

(*a*) authorises conduct prohibited by section 6 of the Equal Status Act 2000, or

(*b*) operates to prejudice the powers under Part III of that Act to award redress in the case of such conduct.

Amendment of Housing (Miscellaneous Provisions) Act 1997.

**197.**—The Housing (Miscellaneous Provisions) Act 1997 is amended—

(*a*) in section 1, by—

(i) substituting "Housing Acts 1966 to 2002 or Part V of the Planning and Development Act 2000" for "Housing Acts 1966 to 1997" in each place where those words occur, and

(ii) inserting the following definition after the definition of "housing authority":

" 'relevant purchaser' means—

(*a*) a person to whom a housing authority have sold a house under the Housing Acts 1966 to 2002, or

(*b*) a person in whom there subsequently becomes vested (whether for valuable consideration or not and including by means of inheritance) the interest of the person referred to in paragraph (*a*) of this definition in the house referred to in that paragraph;",

(*b*) by substituting the following section for section 3:

"Excluding orders.

3.—(1) A tenant or relevant purchaser may, in respect of a house—

(*a*) let to the tenant by a housing authority, or

(*b*) in respect of which he or she is such a purchaser,

apply to the District Court for an order (to be known and referred to in this Act as an 'excluding order') against a person including, in the case of an application by a tenant, a joint tenant (referred to in this Act as 'the respondent') whom the tenant or relevant purchaser making the application believes to be engaging in anti-social behaviour.

(2) A housing authority may, in respect of a house referred to in subsection (1), apply to the District Court for an order (which shall also be known and is in this Act referred to as an 'excluding order') against a person, other than the tenant or relevant purchaser of the house, (in this Act also referred to as the 'respondent') whom the authority believe to be engaging in anti-social behaviour where the authority—

(*a*) having consulted the tenant or relevant purchaser and the health board in whose functional area the house is situate, believe that the tenant or relevant purchaser—

(i) may be deterred or prevented by violence, threat or fear from pursuing an application for an excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and

(*b*) consider that, in the interest of good estate management, it is appropriate, in all the circumstances, to apply for the excluding order.

(3) Where the court, on application to it, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour it may by order—

(*a*) direct the respondent, if residing at the house in respect of which the application was made, to leave that house, and

(*b*) whether the respondent is or is not residing at the house—

(i) prohibit the respondent for the period during which the order is in force from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified area, being an area one or more of the houses in which are under the control and management of a housing authority, or

(ii) prohibit the respondent, during the said period, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.

(4) An excluding order may, if the court thinks fit, prohibit the respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant, relevant purchaser or other occupant of any house concerned.

(5) Where an excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to have it varied, and the court upon hearing the application shall make such order as it considers appropriate in the circumstances.

(6) An excluding order, whether made by the District Court or by the Circuit Court on appeal from the District Court, shall, subject to subsection (7) and section 9, expire three years after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(7) On or before the expiration of an excluding order to which subsection (6) relates, a further excluding order may be made by the District Court or by the Circuit Court on appeal from the District Court for a period of three years, or such shorter period as the court may provide for in the order, with effect from the date of expiration of the firstmentioned order.",

(*c*) in section 3A (inserted by the Housing (Traveller Accommodation) Act 1998) by—

(i) substituting in subsection (2) the following paragraph for paragraph (*a*):

"(*a*) having consulted the authorised person concerned and the health board in whose functional area the site is situate, believe that such authorised person—

(i) may be deterred or prevented by violence, threat or fear from pursuing an application for a site excluding order, or

(ii) does not intend, for whatever other reason, to make such an application,

and",

and

(ii) substituting in subsection (3) the following paragraph for paragraph (*b*):

"(*b*) whether the respondent is or is not residing at the site—

(i) prohibit the respondent for the period during which the order is in force from entering or being in the vicinity of that site or any other specified site or being on or being in or in the vicinity of any specified site, or

(ii) prohibit the respondent, during the said period, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.",

(*d*) by substituting the following sections for section 4:

"Excluding orders.

4.—(1) If, on the making of an application for an excluding order or between the making of the application and its determination, the court is of the opinion that there are reasonable grounds for believing that there is an immediate risk of significant harm to the tenant, relevant purchaser or other occupant of the house if the order is not made immediately, the court may by order (to be known and referred to in this Act as an 'interim excluding order')—

(*a*) direct the respondent, if residing at the house in respect of which the application was made, to leave that house, and

(*b*) whether the respondent is or is not residing at the house—

(i) prohibit the respondent from entering or being in the vicinity of that house or any other specified house or being in or in the vicinity of any specified area, being an area one or more of the houses in which are under the control and management of a housing authority, until further order of the court or until such other time as the court shall specify, or

(ii) prohibit the respondent, until such further order or time, from doing all or any of the things referred to in subparagraph (i) save where specified conditions are complied with.

(2) Subsections (4) and (5) of section 3 shall apply to an interim excluding order as they apply to an excluding order.

(3)(*a*) An interim excluding order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(*b*) The application for such an order shall be grounded on an affidavit or information sworn by the applicant.

(*c*) If an interim excluding order is made *ex parte*—

(i) a note of evidence given by the applicant shall be prepared forthwith—

(I) by the judge,

(II) by the applicant or the applicant's solicitor and approved by the judge, or

(III) as otherwise directed by the judge,

and

(ii) a copy of the order, affidavit or information and note shall be served on the respondent as soon as practicable.

(*d*) The order shall have effect for a period, not exceeding 8 working days, to be specified in the order, unless, on application by the applicant for the excluding order and on notice to the respondent, the interim excluding order is confirmed within that period by order of the court.

(*e*) The order shall contain a statement of the effect of paragraph (*d*).

(*f*) In paragraph (*d*) 'working days' means days other than Saturdays, Sundays or public holidays (within the meaning of the Organisation of Working Time Act 1997).

(4) An interim excluding order shall cease to have effect on the determination by the court of the application for an excluding order.

Provision for avoidance of doubt

4A.—For the avoidance of doubt—

(*a*) no order may be made under section 3 or 4 directing anything to be done, or prohibiting anything from being done, in a housing estate none of the houses in which is under the control and management of a housing authority,

(*b*) a house shall, for the purposes of those sections and paragraph (*a*), be regarded as being under the control and management of a housing authority despite the fact that the authority has, under section 9 of the Housing (Miscellaneous Provisions) Act 1992, delegated all or one or more of its functions in respect of that house to a designated body.",

(*e*) by substituting the following section for section 9:

"9.—(1) Where an excluding order or interim excluding order has been made, the tenant, the relevant purchaser or the housing authority, as appropriate, or the respondent may apply to the court that made the order to have the order discharged and thereupon the court shall discharge the order if it is of the opinion that, in all the circumstances, it is appropriate to do so.

(2) For the purposes of this section and section 3(5), an order made by a court on appeal from another court shall be treated as if it had been made by that other court.",

and

(*f*) in section 14, by inserting the following subsections after subsection (3):

"(4) Notwithstanding anything contained in the enactments specified in subsection (5), a housing authority may refuse to sell or lease a dwelling to a person where the authority considers that the person is or has been engaged in anti-social behaviour or that a sale or lease to that person would not be in the interest of good estate management.

(5) The enactments mentioned in subsection (4) are:

(*a*) section 90 of the Housing Act 1966;

(*b*) section 3 of the Housing (Miscellaneous Provisions) Act 1992;

(*c*) section 6 of the Housing (Miscellaneous Provisions) Act 2002; and

(*d*) Part V of the Planning and Development Act 2000.".

Amendment of Housing Act 1966.

**198.**—The Housing Act 1966 is amended by deleting "except tenants for a month or a less period than a month)" where those words occur in section 79(1) and article 4(*b*) of the Third Schedule.

Amendment of sections 58 and 60 of Landlord and Tenant (Amendment) Act 1980.

**199.**—(1) Section 58 of the Landlord and Tenant (Amendment) Act 1980 is amended by inserting in subsection (1)(*b*), after "section 13(1)(*a*)", "or 13(1)(*b*)".

(2) Section 60 of the Landlord and Tenant (Amendment) Act 1980 is amended—

(*a*) in subsection (1), by substituting the following definition for the definition of "obsolete area":

" 'integrated area plan' has the meaning assigned to it by section 7 of the Urban Renewal Act 1998.",

and

(*b*) in subsection (2), by substituting "area to which an integrated area plan relates" for "obsolete area".

Amendment of sections 3 and 20 of Housing (Miscellaneous Provisions) Act 1992.

**200.**—(1) Section 3(8)(*b*) of the Housing (Miscellaneous Provisions) Act 1992 is amended—

(*a*) in subparagraph (ii), by substituting "1978;" for "1978.", and

(*b*) by inserting the following subparagraph after subparagraph (ii):

"(iii) section 60 of the Landlord and Tenant (Amendment) Act 1980.".

(2) Section 20(8) of the Housing (Miscellaneous Provisions) Act 1992 is amended by substituting "by virtue of any requirement on landlords relating to the registration of tenancies" for "under this section".

Amendment of section 34 of Housing (Miscellaneous Provisions) Act 1992.

**201.**—Section 34 of the Housing (Miscellaneous Provisions) Act 1992 is amended by substituting the following subsection for subsection (1):

"(1) Any person who, by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or who contravenes a provision of, or a regulation made under, section 17, 18 or 20 shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction or contravention is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction or contravention continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €250.".

Regulations to remove difficulties.

**202.**—If in any respect any difficulty arises during the period of 3 years after the commencement of this section in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may by regulations do anything that appears to the Minister to be necessary or expedient for the purposes of bringing that provision into operation or securing or facilitating its operation.

*Section 32.*

F485[SCHEDULE 1]

PROTECTION FOR SUB-TENANCIES CREATED OUT OF *PART 4* TENANCIES

1. In this Schedule—

"head-landlord" means the landlord under the *Part 4* tenancy concerned;

"head-tenant" means the tenant under the *Part 4* tenancy concerned;

"sub-tenant" means the person in whose favour the sub-tenancy concerned has been created;

"sub-tenancy" means the sub-tenancy referred to in *paragraph 2*;

"*Part 4* tenancy" includes a further *Part 4* tenancy and references to a *Part 4* tenancy continuing in being shall be construed as including references to—

(*a*) if it occurs, the circumstance in which a further *Part 4* tenancy comes into being (in respect of the dwelling concerned) after that *Part 4* tenancy and continues in being, and

(*b*) if it occurs, the circumstance in which a further *Part 4* tenancy comes into being (in respect of that dwelling) after the further *Part 4* tenancy mentioned in *subparagraph (a)* and continues in being, and

(*c*) if it occurs, each further circumstance of the kind mentioned in *subparagraph (b)*.

2. (1) If a sub-tenancy is created out of a *Part 4* tenancy with the written consent of the landlord then the following protection applies for the benefit of the sub-tenant.

(2) Without prejudice to *paragraphs 5* and *6*, that protection is that that sub-tenancy shall (if it would not or might not do so otherwise) continue in being for so long as the *Part 4* tenancy continues in being unless it is sooner terminated under the provisions of *Part 4* as adapted by this Schedule.

3. *Paragraph (a)* of, and the Table to, *section 34* and *sections 35* to *39* apply in relation to the sub-tenancy as they apply in relation to a *Part 4* tenancy with the following modifications—

(*a*) for references in them to a *Part 4* tenancy or a tenancy there shall be substituted references to the sub-tenancy,

(*b*) for references in them to the landlord there shall be substituted references to the head-tenant,

(*c*) for references in them to the tenant there shall be substituted references to the sub-tenant, and

(*d*) in *paragraph (a)* of *section 34* for "on one or more of the grounds specified in the Table to this section" there shall be substituted "on one or more of the grounds specified in *paragraphs 1, 2* and *4* of the Table to this section".

4. (1) For so long as the sub-tenancy continues in being the following obligations of the head-landlord shall be owed to the sub-tenant, namely the obligations under *paragraphs (a)* and *(b)* of *section 12(1)* and, for the purpose of this paragraph—

(*a*) the reference in that *paragraph (a)* to the tenant shall, for so long as the sub-tenancy continues in being, be construed as a reference to the sub-tenant, and

(*b*) a dispute between the head-landlord and the sub-tenant with respect to compliance by the head-landlord with either or both of those obligations may be referred under *Part 6* to the Board for resolution.

(2) For so long as the sub-tenancy continues in being the following obligations of the sub-tenant shall be owed to the head-landlord, namely the obligations under *paragraphs (f)* and *(g)* of *section 16* and, for the purpose of this paragraph—

(*a*) references in those paragraphs to the tenancy shall, for so long as the sub-tenancy continues in being, be construed as references to the sub-tenancy,

(*b*) references in those paragraphs to the landlord shall, for so long as the sub-tenancy continues in being, be construed as references to the head-landlord, and

(*c*) a dispute between the sub-tenant and the head-landlord with respect to compliance by the sub-tenant with either or both of those obligations may be referred under *Part 6* to the Board for resolution.

(3) Save to the extent provided by the foregoing subparagraphs, nothing in this paragraph affects the obligations owed—

(*a*) by the head-landlord to the head-tenant (or the head-tenant to the head-landlord), or

(*b*) by the head-tenant to the sub-tenant (or the sub-tenant to the head-tenant),

under the *Part 4* tenancy or the sub-tenancy, as appropriate.

5. In addition to the protection provided by *paragraph 2*, where the head-landlord serves a notice of termination in respect of the *Part 4* tenancy out of which the sub-tenancy has been created and does not include in that notice of termination a requirement to terminate the sub-tenancy, then — if the notice of termination is effective to terminate the *Part 4* tenancy — on that termination—

(*a*) the sub-tenant shall become the tenant of that landlord and the sub-tenancy under which he or she held the dwelling concerned shall be deemed to be converted into that *Part 4* tenancy (without prejudice to the notice's effect as against the former head-tenant),

(*b*) the terms of that *Part 4* tenancy under which he or she holds the dwelling concerned shall be those on which he or she held it under the sub-tenancy (subject to their not being inconsistent with this Act) unless he or she and that landlord agree to a variation of them,

(*c*) the period of that *Part 4* tenancy's duration shall, subject to *Chapter 3* of *Part 4*, be the same as that which would have been its period of duration if the notice of termination mentioned in this paragraph had not been served.

6. *Subparagraphs (a), (b)* and *(c)* of *paragraph 5* also apply if the *Part 4* tenancy is validly terminated by the head-tenant and, for this purpose, the relevant references in that paragraph which precede those subparagraphs shall be read accordingly.

7. *Paragraphs 5* and *6* do not affect the liabilities (if any) of the sub-tenant to the head-tenant (or of the head-tenant to the sub-tenant) that have arisen by virtue of the sub-tenancy.

8. (1) This paragraph applies where—

(*a*) the sub-tenant has vacated possession of the dwelling concerned on foot of a notice of termination served under *section 34(a)* (as adapted by this Schedule),

(*b*) that notice of termination cited as the reason for the termination the ground specified in *paragraph 4* of the Table to *section 34* (as so adapted), and

(*c*) the occupation by the person concerned mentioned in that paragraph does not take place within a reasonable time after the service of the notice or, in circumstances where such a requirement arises, the head-tenant does

not comply with the requirement to make the offer referred to in that paragraph.

(2) Where this paragraph applies, the sub-tenant may make a complaint to the Board under *Part 6* that, by reason of the matters mentioned in *subparagraph (1)*, he or she has been unjustly deprived of possession of the dwelling concerned by the head-tenant.

(3) An adjudicator or the Tribunal, on the hearing of such a complaint, may make a determination, if the adjudicator or the Tribunal considers it proper to do so, that the head-tenant shall pay to the complainant an amount by way of damages for that deprivation of possession.

(4) For the avoidance of doubt—

(*a*) this paragraph applies even though the sub-tenant vacated possession of the dwelling only after a dispute in relation to the validity of the notice of termination was finally determined under *Part 6* (but in such a case *subparagraph (1)* has effect as if the clause set out in the Table to this paragraph were substituted for *clause (c)* of that subparagraph), and

(*b*) this paragraph is without prejudice to the sub-tenant's right to put in issue, in a dispute in relation to the validity of the notice of termination referred to the Board under *Part 6*, the bona fides of the intention of the head-tenant to do or, as appropriate, permit to be done the thing mentioned in the notice.

TABLE

(*c*) the occupation by the person concerned mentioned in that paragraph does not take place within a reasonable time after the dispute in relation to the validity of the notice is finally determined under *Part 6* or, in circumstances where such a requirement arises, the head-tenant does not comply with the requirement to make the offer referred to in that paragraph.

F486**[**SCHEDULE 2

*Section 148R*

Improper conduct in relation to a landlord means—

(*a*) the commission by the landlord of a contravention of F487**[***subsection (1)(i)* or *(6)* of *section 12*,**]** F488**[***subsection (4)* or *(5B)* of *section 19***]**, *subsection (1)* of *section 134* or *subsection (1)* of *section 139*,

F489**[**(*aa*) the setting of a rent pursuant to a review of the rent under a tenancy by serving notice of the rent on the tenant other than in accordance with the condition specified in *subsection (2)* of *section 22*.**]**

(*b*) the seeking by the landlord to rely on *subsection (5)* of *section 19* in respect of a dwelling that does not comply with the requirements of that subsection,

F490**[**(*ba*) F491**[**the seeking or requiring by the landlord (within the meaning of *section 19B*) of**]** a payment to him or her of an amount or amounts in contravention of *section 19B*.**]**

F492**[**(*bb*) the requesting or requiring by the landlord (within the meaning of *section 19C*) of a person to enter into a lease or tenancy agreement in relation to a dwelling referred to in *subsection (1A)* of *section 3* the duration of which is a period of more than 41 weeks in contravention of *section 19C*,**]**

(*c*) the citing by a landlord in a notice of termination of a reason for the termination of the tenancy concerned that is, and that he or she knows to be, false or misleading in a material respect,

(*d*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 3* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *paragraph (aa)* of *subsection (8)* of *section 35* in circumstances where the conditions referred to in the said *paragraph (aa)* are satisfied,

(*e*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 4* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied,

(*f*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 5* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied, or

(*g*) the failure by a landlord, who has served a notice of termination that cites the ground specified in *paragraph 6* of the Table to *section 34* as a reason for the termination of the tenancy concerned, to make an offer referred to in *subparagraph (b)* of that paragraph in circumstances where the conditions referred to in that subparagraph are satisfied.**]**

F493**[**SCHEDULE 3

PROVISIONS APPLICABLE TO ORAL HEARINGS CONDUCTED PURSUANT TO *SECTION 148S* OR *148X*

*Section 148S or 148X***]**

F494**[**PART 1

ORAL HEARING CONDUCTED BY AUTHORISED OFFICER PURSUANT TO *SECTION 148S(15)*

1. The authorised officer conducting the oral hearing for the purposes of an investigation may take evidence on oath, and the administration of such an oath by the authorised officer is hereby authorised.

2. The authorised officer may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the investigation or to produce any relevant documents within his or her possession or control or within his or her procurement.

3. Subject to *paragraph 4*, a person required to attend under *paragraph 2* may be examined and cross-examined at the oral hearing.

4. A person required to attend under *paragraph 2* shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under *paragraph 2* does not comply or fully comply with a requirement referred to in that paragraph, the authorised officer may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may

make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in *paragraph 5* may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

F495**[**7. The oral hearing shall be conducted in public unless the authorised officer determines, in accordance with rules made under *section 148AF*, that due to the existence of special circumstances it, or part of it, should be conducted otherwise than in public.**]**

F496**[**7A. Where an oral hearing or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the oral hearing.

7B. A person who contravenes *paragraph 7A* shall be guilty of an offence.

7C. Criminal proceedings for an offence referred to in *paragraph 7B* shall not lie against a member of the staff of the Board or an authorised officer in respect of anything done in good faith by the member of the staff or authorised officer in the course of the performance or purported performance of a function under this Act.**]**

8. The authorised officer may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under *paragraph 2* in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.**]**

F497**[**PART 2

ORAL HEARING CONDUCTED BY DECISION MAKER PURSUANT TO *SECTION 148X(6)* OR *(7)*

1. The decision maker, in conducting the oral hearing for the purposes of assisting him or her to make a decision under *section 148X(4)* or *148X(5)* or for the purposes of observing fair procedures, may take evidence on oath, and the administration of such an oath by the decision maker is hereby authorised.

2. The decision maker may by notice in writing require any person to attend the oral hearing at such time and place as is specified in the notice to give evidence in respect of any matter in issue in the making of the decision under *section 148X(4)* or *148X(5)* or to produce any relevant documents within the possession or control of the person summoned or within his or her procurement.

3. Subject to *paragraph 4*, a person required to attend under *paragraph 2* may be examined and cross-examined at the oral hearing.

4. A person referred to in *paragraph 2* shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.

5. Where a person required to attend under *paragraph 2* does not comply or fully comply with a requirement referred to in that paragraph, the Board may apply in a summary manner to the District Court on notice to that person, for an order requiring the person to comply or fully comply, as the case may be, with the requirement within a period to be specified by the Court, and the Court may make the order sought or such other order as it thinks fit or refuse to make any order.

6. The jurisdiction of the District Court in respect of an application referred to in *paragraph 5* may be exercised by a judge of the District Court for the time being assigned to the District Court district where the person required to attend the oral hearing ordinarily resides or carries on any profession, business or occupation.

F498**[**7. The oral hearing shall be conducted in public unless the decision maker determines, in accordance with rules made under *section 148AF*, that due to the existence of special circumstances it, or part of it, should be conducted otherwise than in public.**]**

F499**[**7A. Where an oral hearing or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the oral hearing.

7B. A person who contravenes *paragraph 7A* shall be guilty of an offence.

7C. Criminal proceedings for an offence referred to in *paragraph 7B* shall not lie against a member of the staff of the Board or the decision maker in respect of anything done in good faith by the member of the staff or decision maker in the course of the performance or purported performance of a function under this Act.**]**

8. The decision maker may, with the consent of the Board and out of moneys at its disposal, direct that the whole or part of the reasonable travelling and subsistence expenses that will be or have been incurred by a person required to attend under *paragraph 2* in so attending, shall, as the authorised officer thinks appropriate, be paid to the person required to attend whether prior to attending or by way of reimbursement.**]**

*Number* 27 *of* 2004

# RESIDENTIAL TENANCIES ACT 2004

**REVISED**

**Updated to 25 September 2026**

## About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

## Related legislation

***Residential Tenancies Acts 2004 to 2026***: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Housing and Residential Tenancies (Miscellaneous Provisions) Act 2026* (33/2026), s. 1(3)). The Acts in this group are:

- *Residential Tenancies Act 2004* (27/2004)
- *Residential Tenancies (Amendment) Act 2009* (2/2009)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 100
- *Residential Tenancies (Amendment) Act 2015* (42/2015), other than s. 1(3) and ss. 15, 85, 87
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 1(2)(b), Part 3 (ss. 30-50) and sch.
- *Residential Tenancies (Amendment) Act 2019* (14/2019), other than s. 38
- *Local Government Rates and other Matters Act 2019* (24/2019), ss. 25, 26
- *Residential Tenancies and Valuation Act 2020* (7/2020), other than s. 14
- *Residential Tenancies Act 2020* (17/2020)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020), Part 3 (ss. 9-16)
- *Residential Tenancies Act 2021* (5/2021)
- *Residential Tenancies (No. 2) Act 2021* (17/2021)
- *Residential Tenancies (Amendment) Act 2021* (39/2021)
- *Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022* (15/2022), Part 11 (ss. 91-99)
- *Residential Tenancies (Deferment of Termination Dates of Certain Tenancies) Act 2022* (34/2022)
- *Residential Tenancies (Amendment) Act 2024* (22/2024)
- *Planning and Development Act 2024* (34/2024), Part 25 (ss. 634, 635)
- *Residential Tenancies (Amendment) Act 2025* (5/2025)
- *Residential Tenancies (Miscellaneous Provisions) Act 2026* (3/2026), Part 2 (ss. 3-24)
- *Housing and Residential Tenancies (Miscellaneous Provisions) Act 2026* (33/2026), Part 5 (ss. 16-61)

## Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-

textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

**Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.