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## STATUTORY INSTRUMENTS

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# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART III

#### DEVELOPMENT FUNCTIONS OF THE EXECUTIVE

##### [<sup>F1</sup>CHAPTER II

##### CLEARANCE AREAS AND CLEARANCE, DEMOLITION AND CLOSING ORDERS

##### [<sup>F1</sup>Closing orders

**38.**—(1) Where the Executive is satisfied that a house is unfit for human habitation and that, in accordance with Article 46A, taking action under this paragraph is the most satisfactory course of action, the Executive shall make a closing order with respect to the house.

(2) Where the Executive is satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with Article 46A, taking action under this paragraph is the most satisfactory course of action, the Executive shall make a closing order with respect to the whole or part of the building.

(3) In deciding for the purposes of paragraph (2)—

- (a) whether to make a closing order with respect to the whole or part of the building; or
- (b) in respect of which part of the building to make a closing order;

the Executive shall have regard to such guidance as may from time to time be given by the Department under Article 46A.

(4) Where the Executive would but for this Article make a demolition order in respect of a house or building—

- (a) it may, if it considers it inexpedient to do so having regard to the effect of the demolition of that house or building upon any other building, and
- (b) it shall, if the house or building in respect of which it proposes to make the demolition order is a listed building or a building within a conservation area;

in lieu of making such an order, make a closing order prohibiting the use of the house or building for any purpose other than one approved by the Executive.

(5) In paragraph (4) “building”, “listed building” and “conservation area” have the meaning assigned to them in the [<sup>F2</sup>Planning Act (Northern Ireland) 2011].

(6) The Executive shall serve a copy of the closing order upon every person upon whom it would have to serve such a copy if the order were a demolition order.

(7) Where a closing order has been made in respect of a house or the whole or part of a building, the Executive may—

- (a) in a case where paragraph (4)(b) applies, after consultation with the Department, or
- (b) in any other case, at any time,

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**Changes to legislation:** *Housing (Northern Ireland) Order 1981, Section 38 is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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revoke that order and make a demolition order in respect of that house or as the case may be, the whole of that building.]

**F1** [1992 NI 15](#)

**F2** Words in art. 38(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\)](#), **Sch. 6 para. 33** (with s. 211); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.155 revoked by [1997 c. 32 s.46\(2\)Sch.9](#)
- art.155 revoked by [1997 c. 32 s.46\(2\)Sch.9](#)