

## SCHEDULES

### SCHEDULE 4

Articles 33(2), 34(3) and (5) and 35(7).

### CLEARANCE ORDERS

#### PART I

#### MAKING AND OPERATION OF CLEARANCE ORDERS

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than 28 days from that date, within which the Executive requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2.—(1) Before submitting the order to the Department the Executive shall—

- (a) publish in one or more than one newspaper circulating within the district to which the clearance order relates a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at reasonable times; and
- (b) serve upon every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto can be made.

(2) For the purposes of sub-paragraph (1)( b), an occupier, being a tenant who retains possession by virtue of the Rent (Northern Ireland) Order 1978 and not by reason only of a contractual tenancy, shall be deemed to be a tenant for a period of less than a month.

3. So soon as may be after the required notices have been given, the Executive shall submit the order to the Department for confirmation.

4.—(1) If no objection, other than an objection which the Department is satisfied is of a frivolous or vexatious nature, is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if it thinks fit, confirm the order with or without modification; but in any other case the Department shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification.

(2) The order as confirmed by the Department shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

5. The Department may confirm an order, notwithstanding that the effect of the modifications made by the Department in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Schedule

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relating to the effect of an order when confirmed, and to the proceedings to be taken subsequent to the confirmation thereof, shall apply as if those areas formed one clearance area.

6. So soon as may be after a clearance order has been confirmed by the Department the Executive shall publish in a newspaper circulating in the district to which the order relates a notice in the prescribed form, stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of any map or plan referred to therein may be seen at all reasonable times, and shall serve a like notice on every person who, having given notice to the Department of his objection to the order, appeared at a public local inquiry in support of his objection.

7. A clearance order shall become operative at the expiration of 6 weeks from the date on which notice of its confirmation is published in accordance with the provisions of paragraph 6.

8. So soon as may be after a clearance order has become operative, the Executive shall serve a copy thereof on every person on whom a notice was served by it of its intention to submit the order to the Department for confirmation.

9. When a clearance order has become operative, the owner of any building to which the order applies shall take down and remove that building before the expiration of 6 weeks from the date on which the building is required by the order to be vacated, or, if it is not vacated until after that date, before the expiration of 6 weeks from the date on which it is vacated, or in either case, before the expiration of such longer period as in the circumstances the Executive may deem reasonable; and, if the building is not taken down and removed before the expiration of that period, the Executive shall enter and take down and remove the building and sell the materials thereof.

10. Any expenses incurred by the Executive under paragraph 9, after giving credit for any amount realised by the sale of materials, may be recovered by it as a debt in the county court from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable.

11. Any surplus in the hands of the Executive shall be paid by it to the owner of the building or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.

## PART II

### ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

12.—(1) Paragraphs 2 to 6 shall have effect in relation to exclusion orders under Article 34 subject to the modifications set out in sub-paragraphs (2) to (4).

(2) An exclusion order shall be in the prescribed form and shall describe by reference to a map—

- (a) the clearance area to which it relates,
- (b) the area affected by the clearance order to which it relates, and
- (c) the houses and other buildings to be excluded from the clearance area by it.

(3) For the purposes of sub-paragraph (1), a notice served under paragraph 2(1)(b) shall also draw attention to the provisions of paragraphs 13 to 17 which come into effect on the making of the exclusion order.

(4) For the purposes of sub-paragraph (1), paragraph 4(2) shall have effect as if at the end the following words were added—

“except that the Department may under this paragraph modify an exclusion order so as to exclude a house or other building, which has been included in a clearance order, if every owner of the building and the occupier of every part of the building, has given his consent in writing.”

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**13.** On the date on which an exclusion order is made—

- (a) paragraph 9; and
- (b) so much of the clearance order as relates to the vacation of buildings and any notice served under paragraph 8,

shall cease to apply to the houses and other buildings comprised in the exclusion order.

**14.—**(1) If—

- (a) the Department notifies the Executive that it declines to confirm the exclusion order; or
- (b) the exclusion order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Department,

this paragraph shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.

(2) The Executive

- (a) shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and
- (b) may fix different dates for different buildings;

and paragraphs 9 to 11 shall apply as if that date had been fixed for those purposes by the clearance order.

(3) The Executive shall not less than 28 days before the date (or the earliest date) fixed under sub-paragraph (2) serve on the owner or owners of the houses or other buildings a notice informing them of that date and of their duty under paragraph 9 as applied by this paragraph to demolish the houses or other buildings.

**15.—**(1) After the making of an exclusion order the right to any payment under<sup>F1</sup> Article 91] shall be suspended as respects the houses or other buildings comprised in the order, but

- (a) if the Department notifies the Executive that it declines to confirm the order, that right shall again be enforceable, and
- (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Department, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.

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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](#)
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