

SCHEDULES

SCHEDULE 4

Article 56.

ORDERS UNDER ARTICLE 56

Operation and effect of demolition orders

1.—(1) A demolition order made under Article 56(3) in respect of any building or structure shall become operative upon the service of a copy thereof on the owner of the building or structure.

(2) The owner of any building in respect of which a demolition order is made shall carry out the demolition provided for by the order—

- (a) before the expiration of 6 weeks from the date on which the order becomes operative; or
- (b) if the building, or such part of the building as is required to be vacated, 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 Department deems reasonable.

(3) The owner of any structure in respect of which a demolition order is made shall carry out the demolition provided for by the order before the expiration of 6 weeks from the date on which the order becomes operative or before the expiration of such longer period as in the circumstances the Department deems reasonable.

(4) If the demolition is not carried out within the time allowed under sub-paragraph (2) or (3) the Department—

- (a) may enter and carry out the demolition; and
- (b) if it does so, shall sell the materials rendered available by the demolition.

(5) Any expenses incurred by the Department under sub-paragraph (4), after giving credit for any amount realised by the sale of materials, may be recovered by it from the owner of the building or structure, 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.

(6) An owner of a building or structure who pays to the Department the full amount of its claim may recover from any other owner of the building or structure such contribution, if any, as the court may determine to be just and equitable.

(7) Any surplus in the hands of the Department shall be paid by it to the owner of the building or structure 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.

Recovery of possession of buildings subject to demolition order

2.—(1) Where a demolition order becomes operative, the Department shall serve on the occupier of the building to which the order relates a notice—

- (a) stating the effect of the order,

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- (b) specifying the date by which the building is to be vacated, and
- (c) requiring him to quit the building before the said date or before the expiration of 28 days from the service of the notice, whichever may be the later.

(2) If, at any time after the date on which a notice under sub-paragraph (1) requires a building to be vacated, any person is in occupation of the building, the Department or any owner of the building may bring proceedings in the same manner as ejection proceedings under Part VI of the Magistrates' Courts (Northern Ireland) Order 1981 and the court shall, on proof of the service of the notice and of such occupation, order vacant possession of the building to be given to the Department or owner, but, in doing so, shall stay the issue of the decree for possession for a period of not less than 2 weeks or more than 4 weeks from the date of the order.

(3) Any person who, knowing that a demolition order is in operation in relation to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated or after the date on which the building is in fact vacated, whichever is the earlier, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £10 for every day or part of a day on which the occupation continues after conviction.

*Execution of remedial works by Department in default
of compliance with order under Article 56(4) or (5)*

3.—(1) If a person on whom an order under Article 56(4) or (5) is served fails, before the expiration of 6 weeks from the date on which the order was served, or such longer period as the Department may on his application allow, to execute the works specified in the order, the Department may enter and execute the works.

- (2) Where works for the safeguarding of a pipe-line are executed—
 - (a) in pursuance of sub-paragraph (1) in default of compliance with such an order as is therein mentioned, or
 - (b) in compliance with an order under Article 56(5),

the expenses reasonably incurred by the Department or owner of the pipe-line, as the case may be, in executing the works may be recovered from the owner of the building or structure the erection or construction of which was the cause of the making of the order 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.

(3) An owner of a building or structure who pays to the Department or owner of a pipe-line the full amount of any claim may recover from any other owner of the building or structure such contribution, if any, as the court may determine to be just and equitable.

Jurisdiction of county court under this Schedule

4.—(1) The county court within whose jurisdiction the building or structure is situated shall have jurisdiction to hear and determine any proceedings under this Schedule.

(2) In determining for the purposes of this Schedule, the shares in which any expenses shall be paid or contributed by two or more owners of any building or structure, a county court shall have regard to their respective interests in the building or structure and all the other circumstances of the case.