
STATUTORY INSTRUMENTS

1981 No. 156

Housing (Northern Ireland) Order 1981

PART III

DEVELOPMENT FUNCTIONS OF THE EXECUTIVE

[^{F1}CHAPTER II

CLEARANCE AREAS AND CLEARANCE, DEMOLITION AND CLOSING ORDERS

[^{F1}Appeals against demolition orders, closing orders, etc.

43.—(1) Any person aggrieved by—

- (a) a demolition order or refusal to determine such an order;
- (b) a notice or refusal to issue a notice under Article 37(1) extending or further extending the time within which premises are to be taken down or removed;
- (c) a closing order or refusal to determine such an order; or
- (d) a repair notice;

may, within 21 days from the date of the service of the notice or copy of the order or, as the case may be, from the service of notification of the refusal, appeal to the county court; and no steps shall be taken by the Executive to enforce any notice or order against which an appeal is brought before the appeal has been finally determined.

(2) An appeal shall not lie under paragraph (1)(a) or (c) at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed one year.

(3) Without prejudice to the generality of paragraph (1), it shall be a ground of appeal—

- (a) in the case of a demolition order, that making a closing order or serving a repair notice is the most satisfactory course of action;
- (b) in the case of a closing order, that making a demolition order or serving a repair notice is the most satisfactory course of action;
- (c) in the case of a repair notice, that making a demolition order or closing order is the most satisfactory course of action;

and, where the grounds on which an appeal is brought are or include that specified in sub-paragraph (a), (b) or (c), the court, on hearing the appeal, shall have regard to any guidance given to the Executive under Article 46A.

(4) On an appeal under this Article, the county court may confirm or quash or vary the notice, order or decision appealed against as the court considers fit.

(5) Where an appeal is allowed against a demolition order, a closing order or repair notice and the reason or one of the reasons for allowing the appeal is that specified in sub-paragraph (a), (b) or as the case may be, (c) of paragraph (3), the judge shall, if requested to do so by the appellant or the Executive, include in his judgment a finding to that effect.]

Changes to legislation: *Housing (Northern Ireland) Order 1981, Section 43 is up to date with all changes known to be in force on or before 27 May 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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[View outstanding changes](#)

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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