

---

## STATUTORY INSTRUMENTS

---

# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART III

#### DEVELOPMENT FUNCTIONS OF THE EXECUTIVE

##### CHAPTER I

##### PROVISION OF HOUSING ACCOMMODATION

#### **Provision of housing accommodation**

27. The Executive may provide housing accommodation by—
- (a) constructing houses on any land acquired by it,
  - (b) converting buildings into houses,
  - (c) acquiring houses,
  - (d) altering, enlarging, repairing or improving any houses or buildings which have been acquired by it,
  - (e) constructing, acquiring, altering, enlarging, improving or repairing any temporary building which may be, or may be made, suitable for residential purposes.

#### **Supplementary powers**

- 28.—(1) The Executive may—
- (a) provide fixtures and fittings in houses, hostels or other buildings acquired by it or under its control, provide furniture in hostels acquired by it or under its control and sell, let, lend or hire such fixtures, fittings or furniture on such terms and conditions as to payment or otherwise as it may consider fit;
  - (b) manage any houses provided by it or otherwise under its control and promote the welfare and comfort of the tenants or occupiers thereof;
  - (c) demolish houses or buildings owned by it;
  - (d) develop land, lay out streets, roads and open spaces and hand over to the Department any streets or roads when completed;
  - (e) undertake and execute any lawful trust which has for its object the furtherance of the provision of housing accommodation in Northern Ireland, or any other subject similar or incidental to any purposes of the Executive;
  - (f) accept gifts and donations;
  - (g) support, or aid in the support of, charitable or benevolent associations or institutions connected with the provision of housing accommodation, or with objects ancillary to such provision;

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

(h) do all such other matters and things as are reasonably necessary for the exercise and performance of all or any of the powers and duties of the Executive under this Order and perform any other function which is incidental or conducive to the attainment or furtherance of the purposes of the Executive or any of them.

(2) The Executive may, with the consent of the Department, provide and maintain alone or jointly with any other person, in connection with any housing accommodation provided by it, any building adapted for use as a shop, any recreation grounds, or other buildings or land.

(3) The Department may give its consent under paragraph (2) subject to such conditions as it thinks fit.

(4) In paragraph (2) the power to provide buildings or land in connection with housing accommodation includes power to let or grant licences to use such buildings or land.

### **[<sup>F1</sup>Provision of caravan sites for members of the Irish Traveller community**

**28A.**—(1) The Executive—

(a) shall provide such caravan sites as appear to it to be appropriate for the accommodation of caravans of members of the Irish Traveller community, and

(b) may manage those sites or lease them to some other person.

(2) For the purposes of paragraph (1), the Executive may, under Article 87, acquire land—

(a) on which to construct caravan sites,

(b) which is in use as a caravan site, or

(c) which has been laid out as a caravan site.

(3) The Executive may make such provision as appears to it desirable in connection with caravan sites provided under this Article and, in particular, may provide for the use of those occupying such sites, any services or facilities for their health or convenience that appear to it to be appropriate.

(4) In exercising their powers under this Article, the Executive shall have regard to any model conditions specified by the Department of the Environment under section 5(7) of the Caravans Act (Northern Ireland) 1963 (c. 17).

(5) The Executive shall make in respect of the use of caravan sites provided by it, and of any services or facilities made available under this Article, such reasonable charges as it may determine.

(6) The Executive shall not have power under this Article to provide caravans.

(7) In this Article—

(a) “caravan” and “caravan site” have the same meaning as in the Caravans Act (Northern Ireland) 1963; and

(b) any reference to the Irish Traveller community shall be construed in accordance with Article 5(2)(a) of the Race Relations (Northern Ireland) Order 1997 (NI 6).]

**F1** 2003 NI 2

### **Production and supply of heat**

**29.**—(1) The Executive may—

(a) establish and operate, or cause to be operated, for the production of heat such plant as it thinks fit;

(b) buy or acquire heat; and

(c) sell or otherwise dispose of heat to the occupiers of—

- (i) housing accommodation provided by the Executive,
  - (ii) buildings provided by the Executive in connection with the provision of such housing accommodation, and
  - (iii) any other house or building.
- (2) In paragraph (1) “heat” includes hot air, hot water and steam.

### **Submission of schemes by the Executive**

**30.**—(1) The Executive shall prepare and submit to the Department for approval such schemes as the Department may require, showing the nature of the works to be executed or other steps to be taken by the Executive for the provision of housing accommodation or for the furtherance of any other purpose of the Executive.

(2) Schemes under paragraph (1) shall be in such form and contain such particulars as the Department may require.

(3) The Department may approve a scheme or part of a scheme submitted under paragraph (1) without modification or subject to such modifications as it may think fit.

### **[<sup>F2</sup>Housing development]**

**31.**—[<sup>F2</sup>(1) The Executive may construct houses for sale.

(1A) The Executive may, under Article 87, acquire land for the purpose of—

- (a) paragraph (1); or
- (b) disposing of the land to a person who intends—
  - (i) to construct houses on it,
  - (ii) to provide housing accommodation by the conversion, improvement, rehabilitation or repair of buildings on it, or
  - (iii) to use it for purposes which, in the opinion of the Executive are necessary or desirable for, or incidental to, the development of the land for housing purposes.]

(2) Where, in accordance with Article 88, the Executive sells or leases any houses constructed by it or disposes of any land for the purposes specified in [<sup>F2</sup> paragraph (1A)( b)], it may impose such covenants and conditions in relation to the houses or land as it thinks fit.

(3) The power of the Executive to sell or lease houses under Article 88 shall include, and be deemed always to have included, power to grant an equity-sharing lease.

(4) Upon a sale or grant of a lease of a house under Article 88, the Executive may agree to the price or any premium being paid by way of instalments or to payment being secured by a mortgage of the premises.

(5) Where the Executive disposes of any land for the purposes of [<sup>F2</sup> paragraph (1A)( b)], it may contribute or agree to contribute, towards the cost of developing the land.

(6) In this Article—

- (a) “equity-sharing lease” means a lease of land, the general effect of which is to provide—
  - (i) that, in consideration for the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and
  - (ii) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor’s reversion in the premises demised;

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

*Sub#para. (b) rep by 1997 NI 8*

**F2** 1992 NI 15

### [<sup>F3</sup>Acquisition and development of land for resettlement of certain undertakings

**31A.**—(1) The Executive's power to acquire land under Article 87 shall be exercisable for the purpose of resettling a relevant undertaking.

(2) The Executive shall not acquire compulsorily for the purpose mentioned in paragraph (1) any land of an undertaking which is in use for the purposes of the undertaking, if the undertaking provides employment which is significant having regard to the extent of the land and the nature of the undertaking.

(3) The Executive may, for the purpose mentioned in paragraph (1)—

- (a) appropriate any land vested in it;
- (b) develop any land to which this sub-paragraph applies, whether by the erection or extension of buildings, the carrying out of works, the provision or facilitation of the provision of means of access, services or other facilities, or otherwise;
- (c) enter into an agreement with any person for the development in any manner described in sub-paragraph (b) of any land to which this sub-paragraph applies.

(4) Sub-paragraphs (b) and (c) of paragraph (3) apply to—

- (a) any land appropriated by the Executive under sub-paragraph (a) of that paragraph; and
- (b) any land acquired by the Executive for the purpose mentioned in paragraph (1).

(5) For the purpose of enabling a person carrying on a relevant undertaking to purchase or take on lease any land or to erect any buildings, the Executive may advance money by way of mortgage to that person.

(6) In this Article—

“relevant undertaking” means an undertaking which is being carried on on land which is being or has been acquired by the Executive under Article 87;

“undertaking” means any trade or business or other activity providing employment.]

**F3** 1992 NI 15

### [<sup>F4</sup>Acquisition of land by the Executive for amenity purposes

**31B.**—(1) The Executive's power to acquire land under Article 87 shall be exercisable for the purposes of effecting or assisting the improvement of the amenities of any area consisting mainly of housing accommodation.

(2) The Executive may, for the purposes mentioned in paragraph (1), carry out works on any land acquired by the Executive for those purposes.]

**F4** 2003 NI 2

## [<sup>F5</sup>CHAPTER II

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

**F5** 1992 NI 15

#### **Declaration of clearance areas**

**32.**—(1) Where the Executive is satisfied as respects any area—

- (a) that the houses in that area are unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings (if any) in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and
- (b) that, having regard to Article 46A, the most satisfactory course of action is the demolition of all the buildings in the area;

the Executive shall define that area on a map so as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and shall declare the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of this Chapter.

(2) The Executive shall send notification of any declaration under this Article to—

- (a) the Department; and
- (b) the district council for the local government district in which the clearance area lies;

together with a statement of the number of persons who, on a day to be specified in the statement, occupied the buildings comprised in the clearance area.

(3) So soon as may be after the Executive declares an area to be a clearance area, it shall proceed to secure the clearance thereof by ordering the demolition of the buildings in the area.

(4) Where the Executive is of the opinion that an area should cease to be a clearance area, it may, with the consent of the Department, make a declaration to that effect and the area shall cease to be a clearance area from the date of that declaration.

#### **Clearance orders**

**33.**—(1) Where, as respects any clearance area, the Executive determines to order any buildings to be demolished, it shall make and submit to the Department, for confirmation by it, a clearance order ordering the demolition of each of those buildings.

(2) Part I of Schedule 4 shall have effect with respect to clearance orders.

#### **Exclusion orders**

**34.**—(1) Where the Executive is satisfied that a house comprised in a clearance order, which has been confirmed by the Department—

- (a) has been made fit for human habitation, or
- (b) will be made fit for human habitation if excluded from the clearance area,

the Executive may make and submit for confirmation by the Department an exclusion order excluding the house from the clearance area and modifying or revoking the clearance order accordingly.

(2) If it appears to the Executive that any house or other building, which has not been included in a clearance order, would not have been included in the clearance area but for the inclusion in the

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

clearance area of the house to be excluded under paragraph (1), the exclusion order shall provide that that building shall also be excluded from the clearance area.

(3) An exclusion order may be made notwithstanding that the effect of the order in excluding any building from the clearance area is to sever that area into 2 or more separate and distinct areas, and in any such case Part I of Schedule 4 shall apply as if those areas formed one clearance area.

(4) For the purposes of this Article the Executive may accept an undertaking from an owner of the building, or any other person who has or will have an estate in the building and in particular undertakings concerning—

- (a) the works to be carried out to make the building fit for human habitation, and the time within which the works are to be carried out, and
  - (b) the repayment of any sums paid by the Executive under—
    - (i) Chapter II of Part V,
    - (ii) section 36 or 37 of the Housing Act (Northern Ireland) 1971, or
    - (iii) section 2 of the Housing Act (Northern Ireland) 1961
- (5) Part II of Schedule 4 shall have effect in relation to exclusion orders.

### **Demolition orders**

**35.**—(1) Where the Executive is satisfied that a house, which is not a flat, 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 demolition order with respect to the house concerned.

(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 demolition order with respect to the building.

- (3) Where the Executive has made a demolition order, it shall serve a copy of the order on—
- (a) any owner of the premises, and
  - (b) so far as it is reasonably practicable to ascertain such persons, every mortgagee of the premises.

(4) Where the premises in respect of which a demolition order is made are a building containing flats, any reference in sub-paragraph (a) or (b) of paragraph (3) to “the premises” includes a reference to the flats in the building concerned.

- (5) Subject to Article 43, where the Executive makes a demolition order the order shall require—
- (a) that the premises be vacated within a period, not being less than 28 days from the date on which the order becomes operative, and
  - (b) that the premises be taken down and removed—
    - (i) within 6 weeks after the expiration of the period specified in sub-paragraph (a), or
    - (ii) if the premises are not vacated within that period, within 6 weeks after the date on which it is vacated, or
    - (iii) within such longer period as the Executive may specify in the circumstances.

(6) Where, in accordance with Article 44, a demolition order becomes operative, the owner of the premises to which it applies shall take down and remove the premises within the time specified in the order; and, if the premises are not taken down and removed within that time, the Executive shall enter and take down and remove the premises and sell the materials thereof.

(7) Paragraphs 10 and 11 of Schedule 4 shall apply to any expenses incurred by the Executive under paragraph (6) and to any surplus remaining in the hands of the Executive.

### **Recovery of possession of buildings subject to clearance or demolition order**

**36.**—(1) Where, in accordance with paragraph 7 of Schedule 4 or, as the case may be, Article 44, a clearance order or demolition order becomes operative, the Executive shall serve upon the occupier of any building to which the order relates a notice—

- (a) stating the effect of the order,
- (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 paragraph (1) requires a building to be vacated, any person is in occupation of the building, the Executive 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 Executive 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 clearance or 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.

### **Determination of demolition orders**

**37.**—(1) Where—

- (a) the Executive has made a demolition order in respect of premises and the premises have not yet been taken down and removed;
- (b) the owner of the premises, or any other person who in the opinion of the Executive is, or will be, in a position to put his proposals into effect, submits proposals to the Executive for the reconstruction, enlargement or improvement of the premises; and
- (c) the Executive is satisfied that the result of the work will be the provision of one or more houses fit for human habitation,

the Executive may, in order that the proposed works may be carried out, by notice served on the owner or occupier extend for such period as it may specify the time within which the premises are required by the demolition order to be taken down and removed and such time may be further extended by the Executive as occasion may require.

(2) Where the Executive is satisfied that premises in respect of which a demolition order has been made have been rendered fit for human habitation or have been replaced, the Executive may make an order determining the demolition order.

(3) Where the Executive—

- (a) extends or further extends the time mentioned in paragraph (1), or
- (b) makes an order under paragraph (2),

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

it shall serve a copy of the notice or order upon every person upon whom it was required to serve a copy of the demolition order.

(4) Where the Executive makes an order under paragraph (2), any payments made under Chapter II of Part V or under Part I of the Housing Act (Northern Ireland) 1961 by the Executive shall, unless the Department otherwise directs, be repayable to the Executive and shall be recoverable as a civil debt due to it.

### **Demolition orders: substitution of closing orders to permit use otherwise than for human occupation**

**37A.**—(1) If an owner of any premises in respect of which a demolition order has become operative or any other person who has an interest in the premises, submits proposals to the Executive for the use of the premises for a purpose other than human habitation, the Executive may if it thinks fit to do so determine the demolition order and make a closing order in respect of the premises.

(2) The Executive shall serve notice that the demolition order has been determined, and a copy of the closing order, on every person upon whom it would be required by paragraph (3) of Article 35 to serve notice of a demolition order.

### **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 Planning (Northern Ireland) Order 1991.

(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,



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

### **Determination of closing orders**

**39.**—(1) Where the Executive is satisfied that a house or the whole or part of a building in respect of which a closing order has been made, has been rendered fit for human habitation or replaced, the Executive may make an order determining the closing order.

(2) Where an order is made under paragraph (1), the Executive shall serve a copy of that order upon every person upon whom it was required to serve a copy of the closing order.

(3) Article 37(4) shall have effect in relation to the determination of a closing order in the same manner as it applies where a demolition order is determined.

### **Use of premises in contravention of closing order**

**40.** Any person who, knowing that a closing order has become operative and applies to any premises, uses those premises in contravention of that order or permits them to be so used, 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 on which he so uses them, or permits them to be so used, after conviction.

### **Repair notices**

**41.**—(1) Subject to paragraph (2), where the Executive is satisfied that, having regard to Article 46A, any house or part of a house is unfit for human habitation and that serving a notice under this paragraph is the most satisfactory course of action, it shall serve upon the owner of the house a notice requiring him, within such reasonable time, not being less than 21 days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the Executive, those works will render the house or, as the case may be, that part thereof, fit for human habitation.

(2) Where the Executive is satisfied that, having regard to Article 46A, a house which is a flat is unfit for human habitation by reason of the defective condition of a part of the building outside the flat, it shall serve a repair notice upon the owner of the building, if it is satisfied that serving such a notice is the most satisfactory course of action.

(3) In addition to serving a notice on the owner of the house, the Executive may also serve a copy of the notice upon any other person having an estate in the house.

(4) In this Article “house” includes a house in multiple occupation, and in the case of such a house a repair notice may be served upon the person managing the house instead of upon the owner.

### **Effect on Article 41 of proposal to include premises in group repair scheme**

**41A.**—(1) The Executive shall not be under a duty to serve a repair notice under paragraph (1) or, as the case may be, paragraph (2) of Article 41, if, at the same time as it satisfies itself as mentioned in the paragraph in question, it determines—

- (a) that the premises concerned form part of a building which would be a qualifying building in relation to a group repair scheme; and
- (b) that, within the period of 12 months beginning at that time, it expects to prepare a group repair scheme in respect of the qualifying building (in this Article referred to as a “relevant scheme”);

but where, having so determined, the Executive does serve such a notice, it may do so with respect only to those works which, in its opinion, will not be carried out to the premises concerned in pursuance of the relevant scheme.

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)

(2) Subject to paragraph (3), paragraph (1) shall apply in relation to the premises concerned from the time referred to in paragraph (1) until the date on which the works specified in a relevant scheme are completed to the Executive's satisfaction (as certified under<sup>[F6]</sup> Article 96(1) of the Housing (Northern Ireland) Order 2003].

(3) Paragraph (1) shall cease to have effect in relation to the premises concerned on the day when the first of the following events occurs, that is to say,—

- (a) the Executive determines not to submit a relevant scheme to the Department for approval; or
- (b) the expiry of the period referred to in paragraph (1)(b) without either the approval of a relevant scheme within that period or the submission of a relevant scheme to the Department within that period; or
- (c) the Department notifies the Executive that it does not approve a relevant scheme; or
- (d) the Executive ascertains that a relevant scheme, as submitted or approved, will not, for whatever reason, involve the carrying out of any works to the premises concerned.

(4) In any case where, in accordance with paragraph (1), the Executive serves a repair notice under paragraph (1) or, as the case may be, paragraph (2) of Article 41 with respect only to certain of the works which would otherwise be specified in the notice, paragraph (1) of that Article shall have effect with respect to the notice as if after the word “notice” there were inserted the words “when taken together with works proposed to be carried out under a group repair scheme”.

(5) In this Article “group repair scheme” and “qualifying building” have the same meaning as in<sup>[F6]</sup> Chapter III of Part III of the Housing (Northern Ireland) Order 2003].

**F6** 2003 NI 2

### **Offence of failing to comply with a repair notice**

**41B.**—(1) Where the person upon whom a repair notice in respect of a house has been served intentionally fails to comply with the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) The obligation to execute the works specified in the notice continues notwithstanding that the period for completion of the works has expired.

(3) Article 42(1) shall have effect to determine whether a person has failed to comply with a notice and what is the period for completion of the works.

(4) The provisions of this Article are without prejudice to the exercise by the Executive of the powers conferred by Article 42.

### **Enforcement of repair notices**

**42.**—(1) If a notice under Article 41 is not complied with, then, after the expiration of the time specified in the notice, or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of 21 days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the Executive may itself do the work required to be done by the notice or, as the case may be, by the notice as varied by the court.

(2) Where the Executive is about to enter a house under paragraph (1) for the purpose of doing any work it shall give to the owner and to the occupier of the house notice in writing of its intention to do so.

(3) Subject to paragraph (4), any expenses incurred by the Executive under this Article, together with interest at the prescribed rate from the date when a demand for the expenses is served until payment, may be recovered by the Executive summarily as a civil debt from the owner of the house.

(4) Where the Executive claims to recover any expenses from a person as being the owner of the house and that person proves that he—

- (a) is receiving the rent merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the Executive;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands.

(5) Any expenses and interest due to the Executive under this Article shall, until recovered, be deemed to be charged on and payable out of the estate in the land, in relation to which they have been incurred, of the owner of the land and of any person deriving title from him.

(6) The charge created by paragraph (5) shall be enforceable in all respects as if it were a valid mortgage by deed created in favour of the Executive by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and the Executive may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgages by deed accordingly.

#### **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 subparagraph (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.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

(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.

### **Operative date of demolition orders, closing orders and repair notices**

**44.**—(1) Any notice or order against which an appeal may be brought under Article 43 shall, if no such appeal is brought, become operative on the expiration of the period of 21 days mentioned in Article 43(1) and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice or order against which such an appeal is brought shall, if and so far as it is confirmed by the county court or the Court of Appeal, become operative as from the date of the final determination of the appeal.

(2) For the purposes of Article 43 and this Article, the abandonment of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, order or decision appealed against, and an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or, in a case where an appeal from the county court is not brought to the Court of Appeal, upon the expiration of the period within which such an appeal might have been brought.

### **Effect of Rent (Northern Ireland) Order 1978**

**45.** Nothing in the Rent (Northern Ireland) Order 1978 shall be deemed to affect the provisions of this Chapter relating to obtaining possession of a house with respect to which a clearance or demolition order has been made, or to prevent possession being obtained of any house which is required for the purpose of enabling the Executive to exercise its powers under this Chapter.

### **Standard of fitness for human habitation**

**46.**—(1) Subject to paragraph (2), a house is fit for human habitation for the purposes of this Order unless, in the opinion of the Executive, it fails to meet one or more of the requirements in sub-paragraphs (a) to (i) and, by reason of that failure, is not reasonably suitable for occupation—

- (a) it is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness prejudicial to the health of the occupants (if any);
- (d) it has adequate provision for lighting, heating and ventilation;
- (e) it has an adequate piped supply of wholesome water;
- (f) there are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (g) it has a suitably located water-closet for the exclusive use of the occupants (if any);
- (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- (i) it has an effective system for the draining of foul, waste and surface water;

and any reference to a house being unfit for human habitation shall be construed accordingly.

(2) Whether or not a house which is a flat satisfies the requirements in paragraph (1), it is unfit for human habitation for the purposes of this Order if, in the opinion of the Executive, the building or a part of the building outside the flat fails to meet one or more of the requirements in sub-paragraphs (a) to (e) and, by reason of that failure, the flat is not reasonably suitable for occupation—

- (a) the building or part is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness;
- (d) it has adequate provision for ventilation; and
- (e) it has an effective system for the draining of foul, waste and surface water.

(3) The Department may by order amend the provisions of paragraph (1) or paragraph (2) in such manner and to such extent as it considers appropriate; and any such order—

- (a) may contain such transitional and supplementary provisions as the Department considers expedient; and
- (b) shall be made subject to negative resolution.

**Modifications etc. (not altering text)**

**C1** Art. 46 applied (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), 17; S.R. 2006/428, art. 3

**Executive to consider guidance given by Department in deciding whether to take action under Article 32, 35, 38, 41 or 47**

**46A.**—(1) In deciding for the purposes of Articles 32, 35, 38, 41 or 47 whether the most satisfactory course of action, in respect of any house or building, is, if applicable—

- (a) serving notice under paragraph (1) of Article 41; or
- (b) serving notice under paragraph (2) of that Article; or
- (c) making a closing order under paragraph (1) of Article 38; or
- (d) making a closing order under paragraph (2) of that Article with respect to the whole or a part of the building concerned; or
- (e) making a demolition order under paragraph (1) of Article 35; or
- (f) making a demolition order under paragraph (2) of that Article; or
- (g) declaring the area in which the house or building is situated to be a clearance area in accordance with Article 32; or
- (h) declaring the area in which the house or building is situated to be a re-development area in accordance with Article 47;

the Executive shall have regard to such guidance as may be given by the Department.

(2) Without prejudice to the matters in respect of which the Department may give guidance generally, it may, in particular, give guidance in respect of financial and social considerations to be taken into account by the Executive.

(3) Where the Department proposes to give guidance under paragraph (1), or to revise guidance already given, it shall lay a draft of the proposed guidance or alterations before the Northern Ireland Assembly and—

- (a) the Department shall not give the guidance or revise the guidance until after the expiration of the statutory period; and
- (b) if within that period the Assembly resolves that the guidance or alterations be withdrawn the Department shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).]

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

## CHAPTER III RE-DEVELOPMENT AREAS

### Re-development areas

47.—(1) Where the Executive is satisfied that—

- (a) at least one-half of the land in an area, other than land used for streets, carriageways, highways, roadways or footpaths to which the public has access, is used for housing purposes;
- (b) at least one-third of the houses in the area are—
  - (i) unfit for human habitation; or
  - (ii) by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area; and

[<sup>F7</sup>(c) having regard to Article 46A, the most satisfactory course of action is to re-developed as a whole;]

the Executive shall define that area by reference to a map and declare that area to be a proposed re-development area and shall send a copy of the declaration to the district council for the local government district in which the proposed re-development area lies.

[<sup>F8</sup>(1A) In relation to paragraph (1)(a) land is used for housing purposes if there is on the land a building constructed or adapted for housing purposes, whether or not the building is for the time being used or capable of being used for those purposes.]

(2) Where the Executive is of the opinion that an area should cease to be a proposed re-development area, it may with the consent of the Department make a declaration to that effect and the area shall cease to be a proposed re-development area from the date of that declaration.

(3) The Executive shall publish notice of a declaration under paragraph (2) in one or more than one newspaper circulating in the former proposed re-development area.

<p><b>F7</b>    1992 NI 15</p> <p><b>F8</b>    1988 NI 23</p>
---

### Re-development schemes and applications for vesting orders

48.—(1) Where the Executive declares an area to be a proposed re-development area, it shall prepare and submit to the Department a re-development scheme, indicating—

- (a) the houses in that area which are considered to be unfit for human habitation or, by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, to be dangerous or injurious to the health of the inhabitants of the area;
- (b) in general terms the manner in which it is intended that the area should be laid out and the land therein used,

and shall apply to the Department for an order vesting that land in the Executive.

(2) When a re-development scheme is submitted, and application for a vesting order made to the Department, the Executive shall thereupon—

- (a) publish in one or more than one newspaper circulating in the proposed re-development area a notice—
  - (i) describing the proposed re-development area and referring to the submission of the re-development scheme;
  - (ii) specifying the place at which copies of the scheme may be seen at reasonable times;

- (iii) stating that an application has been made to the Department for an order vesting in the Executive the lands included in the re-development scheme;
  - (iv) stating the time (not being less than one month from the last of the publications of the notice) during which objections to the scheme, or to the making of the order, or to both the scheme and the making of the order, may be sent to the Department;
  - (b) serve on every person appearing to the Executive to have an estate in any land within the proposed re-development area a notice containing the particulars referred to in subparagraph ( a ).
- (3) The Executive shall submit to the Department such further particulars in relation to a re-development scheme as the Department may require.

### **Approval and amendment of re-development schemes and making of vesting orders**

#### **49.—(1) If—**

- (a) no objections are made to a re-development scheme or to the making of the vesting order; or
- (b) all objections to a re-development scheme and to the making of the vesting order are withdrawn;

the Department may approve the scheme with or without amendment and may make an order under Article 87 vesting in the Executive the land within the re-development area or so much thereof as the Department thinks proper.

(2) If objections made to a re-development scheme or to the making of the vesting order are not withdrawn the Department, unless it is satisfied that the objections are of a frivolous or vexatious nature, shall—

- (a) cause a public local inquiry to be held; and
- (b) consider any objections not withdrawn and the report of the person who held the inquiry;

and may thereafter approve the scheme with or without amendment and make an order under Article 87 vesting in the Executive the land within the re-development area or so much thereof as the Department thinks proper.

(3) On receipt of notice that the Department has approved a re-development scheme and made a vesting order, the Executive shall publish in one or more than one newspaper circulating in the area specified in the approved scheme as the re-development area (in this Chapter referred to as “the re-development area”) a notice—

- (a) referring to the approval of the re-development scheme and describing the re-development area;
- (b) stating that a vesting order has been made;
- (c) specifying the place at which copies of the approved scheme and the vesting order may be inspected at reasonable times.

(4) On receipt of notice that the Department has refused to approve a re-development scheme or to make a vesting order, the Executive shall publish in one or more than one newspaper circulating in the proposed re-development area a notice referring to that refusal.

(5) On receipt of notice that the Department has approved or refused to approve a re-development scheme or has made or refused to make a vesting order, the Executive shall serve a notice containing the particulars referred to in paragraph (3) or, as the case may be, paragraph (4), on every person on whom a notice was served under Article 48(2)( b ).

(6) Subject to paragraph (7), the Executive may at any time, and if so directed by the Department shall, prepare and submit to the Department proposals—

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

(a) for amending an approved re-development scheme; or  
 (b) for amplifying or modifying an approved re-development scheme in so far as it relates to the manner in which the re-development area is to be laid out and the land therein used;  
 and the Department may—

- (i) approve such proposals with or without amendment, and
- (ii) amend or, as the case may be, amplify or modify the approved re-development scheme accordingly.

(7) Article 48(2) and (3) and paragraphs (1) to (5) shall apply in relation to the making of proposals under paragraph (6)(a) in the same manner as those provisions apply to the submission of a re-development scheme under Article 48.

(8) References in this Chapter to an approved re-development scheme shall include references to any scheme altered in accordance with this Article.

### **Disposal of land and powers of the Executive in re-development areas**

**50.**—(1) The Executive may, in accordance with Article 88, dispose of any land acquired under a re-development scheme subject to the condition that the land shall be developed in accordance with that scheme.

(2) Where any land is disposed of under the power conferred by paragraph (1), the conveyance or lease shall include all such covenants and conditions as may be necessary to secure compliance by all persons deriving title thereunder with the condition imposed by that paragraph.

(3) For the purpose of carrying out an approved re-development scheme the Executive may exercise any of its powers under this Order and, without prejudice to the generality of the foregoing, may—

- (a) maintain and manage any buildings acquired by the Executive in a re-development area;
- (b) carry out any works specified in an approved re-development scheme.

*Art. 51 rep by 1992 NI 15*

## CHAPTER IV

### HOUSING ACTION AREAS

#### **Declaration of housing action areas**

**52.**—(1) Where a report with respect to an area (consisting mainly of housing accommodation is submitted to the Executive by a person or persons appearing to the Executive to be suitably qualified (whether or not that person is or those persons include an officer of the Executive) and, upon consideration of the report and of any other information in its possession, the Executive is satisfied that, having regard to—

- (a) the physical state of the housing accommodation in the area as a whole, and
- (b) social conditions in the area,

the requirement in paragraph (2) is fulfilled with respect to the area, the Executive may define the area by reference to a map and, with the consent of the Department, declare it to be a housing action area.

(2) The requirement referred to in paragraph (1) is that the living conditions in the area are unsatisfactory and can most effectively be dealt with within a period of 5 years so as to secure—

- (a) the improvement of the housing accommodation in the area as a whole, and
- (b) the well-being of the persons for the time being residing in the area, and



(c) the proper and effective management and use of that accommodation,  
by declaring the area to be a housing action area.

(3) In considering whether to take action under paragraph (1) the Executive shall have regard to such guidance as may be given by the Department with regard to the identification of areas suitable to be declared as housing action areas.

(4) As soon as may be after declaring an area to be a housing action area, the Executive shall—

- (a) publish in one or more than one newspaper circulating in the locality a notice identifying the area and naming a place where a copy of the declaration, a map on which the area is defined and any report concerning the housing action area may be seen at reasonable times;
- (b) take such further steps as may appear to it best designed to secure that the declaration is brought to the attention of persons residing or owning property in the area and that those persons are informed of the address to which any inquiries and representations should be made concerning any action to be taken with respect to the area; and
- (c) send a copy of the declaration to the district council for the local government district in which the housing action area lies.

#### **Duration of housing action areas**

**53.**—(1) Where the Executive has declared an area to be a housing action area, then, subject to this Article, the area shall be a housing action area throughout the period of 5 years from the date of the declaration.

(2) If, not less than 3 months before the date on which, apart from any extension or further extension under this paragraph, a housing action area would cease to exist as such an area, the Executive, with the consent of the Department, so declares, the duration of the housing action area shall be extended, subject to paragraph (3), by the addition of a further period of 2 years.

(3) Notwithstanding anything in paragraphs (1) and (2) if the Executive, with the consent of the Department, so declares, an area which it has previously declared to be a housing action area shall cease to be such an area on the date on which the declaration under this paragraph is made.

(4) As soon as may be after making a declaration under paragraph (2) or (3) the Executive shall—

- (a) publish in one or more than one newspaper circulating in the locality a notice of the declaration naming a place where a copy of the declaration may be inspected at all reasonable times;
- (b) take such further steps as may appear to the Executive best designed to secure that the declaration is brought to the attention of persons residing or owning property in the housing action area concerned; and
- (c) send a copy of the declaration to the district council for the local government district in which the housing action area lies.

#### **Reduction of housing action areas**

**54.**—(1) The Executive may at any time, with the consent of the Department, exclude from a housing action area any land for the time being included therein.

(2) As soon as may be after making an exclusion under paragraph (1), the Executive shall—

- (a) publish in one or more than one newspaper circulating in the locality a notice of the exclusion, identifying the housing action area concerned and the land excluded from it;
- (b) take such further steps as may appear to the Executive best designed to secure that the exclusion is brought to the attention of persons residing or owning property in the housing action area; and

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

- (c) send notice of the exclusion to the district council for the local government district in which the housing action area lies.

### **Duty to publish information**

**55.** Where the Executive has declared a housing action area, the Executive shall bring to the attention of persons residing or owning property in the area—

- (a) the action which it proposes to take in relation to the housing action area, and
- (b) the assistance available for the improvement of the housing accommodation in the area,

by publishing, in such manner as appears to it appropriate, such information as is in its opinion best designed to further the purpose for which the area was declared a housing action area.

### **Acquisition of land in housing action areas**

**56.—**(1) Where the Executive has declared a housing action area, it may, in accordance with Article 87, acquire by agreement or compulsorily any land in the area for the purpose of securing or assisting in securing all or any of the objectives specified in Article 52.

(2) If at any time after—

- (a) the Executive has entered into a contract for the acquisition of land falling within paragraph (1), or
- (b) an order vesting any such land has been made,

the housing action area concerned ceases to be such an area or the land concerned is excluded from the area, this Article shall continue to apply as if the land continued to be in a housing action area.

### **Provision, improvement, etc., of housing accommodation by the Executive**

**57.—**(1) The Executive may, for the purpose of securing, or assisting in securing, all or any of the objectives specified in Article 52 undertake on any land vested in it, which is situated in a housing action area, all or any of the following activities—

- (a) the provision of housing accommodation, by the construction, conversion or improvement of buildings or otherwise;
- (b) the carrying out of works required for the improvement or repair of housing accommodation, including work to the exterior, or on land within the curtilage of buildings containing housing accommodation;
- (c) the demolition of existing buildings;
- (d) the management of housing accommodation; and
- (e) the provision of furniture, fittings or services in or in relation to housing accommodation;

and Article 28 shall apply to the powers exercisable by the Executive under this Article, in connection with the provision of housing accommodation.

(2) The Executive may, with the approval of the Department, make and carry into effect an agreement with any housing association<sup>F9</sup> registered under Part II of the Housing (Northern Ireland) Order 1992 or other person whereby the association or that person] may act as agent for the Executive in undertaking any of the activities mentioned in paragraph (1).

**F9** 1992 NI 15

## Assistance for carrying out environmental works

**58.**—(1) For the purpose of effecting or assisting the improvement of living conditions in a housing action area, the Executive may, in accordance with this Article, give assistance towards the carrying out of works (in this Article referred to as “environmental works”)—

- (a) to the exterior, or on land within the curtilage, of buildings containing housing accommodation,<sup>F10</sup> . . . ; or
- (b) on land not falling within sub-paragraph ( a) for the purpose of improving the amenities of the area.

(2) Subject to<sup>F10</sup> paragraphs (2A) and (3)], assistance under paragraph (1) may be given to any person having an estate in the building or land concerned and shall consist of all or any of the following, namely—

- (a) a grant in respect of expenditure which appears to the Executive to have been properly incurred in the carrying out of environmental works;
- (b) the provision of materials for the carrying out of environmental works; and
- (c) by agreement with the person concerned, the execution of environmental works at his expense, at the expense of the Executive, or partly at his expense and partly at the expense of the Executive.

<sup>F10</sup>(2A) No assistance under paragraph (1) shall be given towards works in respect of which an application for renovation grant or common parts grant under Chapter II of Part III of the Housing (Northern Ireland) Order 2003 has been approved.]

(3) No assistance may be given under paragraph (1) in respect of a building or land in which the Executive has such an estate as would enable the Executive itself to carry out environmental works in relation thereto.

<sup>F11</sup>(3A) The Executive may, with the approval of the Department, make and carry into effect an agreement with any housing association registered under Part II of the Housing (Northern Ireland) Order 1992 or other person whereby the association or that person may act as agent for the Executive in giving assistance towards the carrying out of environmental works under paragraph (1).]

(4) A grant under paragraph (2)( a) may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works; and where part of any such grant is paid in instalments the aggregate of the instalments paid shall not at any time before the completion of the works exceed one-half of the aggregate cost of the works executed up to that time.

(5) The value of any assistance given by the Executive under paragraph (1) shall not exceed such amount as the Department may, with the consent of the Department of Finance, determine.

<b>F10</b> 2003 NI 2
<b>F11</b> 1992 NI 15

## CHAPTER V

### UNOCCUPIED PREMISES

#### Interpretation

**59** <sup>F12</sup>. In this Chapter—

“house” includes—

- (a) any building or part of a building which may be, or may be made, suitable for residential purposes; and

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

(b) any yard, garden, outhouse and appurtenance belonging thereto or usually enjoyed therewith;

“the owner” of a possessed house or of unoccupied premises means the person appearing to the Executive to be the owner thereof;

“possessed house” means a house of which the Executive has taken possession under Article 60(1); and

“unoccupied”, in relation to a house or premises, means unoccupied for the purposes of the Rates (Northern Ireland) Order 1977 .

**F12** continued in force by [1992 NI 15](#)

### **Power to take possession of unoccupied houses**

**60**<sup>F13</sup>.—(1) Subject to this Article, where the Executive is satisfied—

- (a) that a house is unoccupied,
- (b) that the owner of the house is unable or unwilling to occupy or to let the house, and
- (c) that the house is suitable to be used for housing purposes or is reasonably capable of being so rendered,

the Executive may enter and take possession of the house for the purpose of providing housing accommodation and may carry out such works of repair and improvement as it may consider necessary or desirable to render the house suitable for housing purposes.

(2) Immediately after exercising its powers under paragraph (1) the Executive shall serve upon the owner of the possessed house a notice stating—

- (a) that it has taken possession of the house,
- (b) the date upon which such possession was taken, and
- (c) the name and address of an officer of the Executive to whom any inquiries and representations concerning the action taken in exercise of the Executive's functions under this Article may be made,

and, without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 , the Executive shall affix a copy of the notice to the possessed house.

(3) The Executive, unless—

- (a) it determines not to continue in possession of the house, or
- (b) the owner agrees to dispose of the house to it,

shall, in exercise of its powers under Article 87, apply to the Department within a period of one month from the date of service of a notice under paragraph (2) for an order vesting the house in the Executive.

(4) Where the Executive applies to the Department under paragraph (3), it shall include in the notice of application for a vesting order the information specified in paragraph (2).

(5) Where the Department refuses to make a vesting order the Executive shall forthwith serve upon the owner a notice stating the date, being not less than 14 days from the date of service of the notice, upon which it will give up possession of the house.

(6) Where the Executive is satisfied that the owner, or a person with the agreement of the owner, intends within a reasonable period from the date of service of a notice under paragraph (2) to occupy the house or to commence works of repair or improvement upon it, the Executive shall withdraw

forthwith any application for an order vesting the house in it and shall serve upon the owner a notice stating a date within that period upon which it will give up possession of the house.

**F13** continued in force by [1992 NI 15](#)

### Occupation of possessed houses

**61**<sup>F14</sup>.—(1) Subject to this Article, the Executive may allocate a possessed house to any person who appears to it to require housing accommodation and in so doing shall have regard to the provisions of a scheme approved by the Department under Article 22.

(2) A person to whom a possessed house is allocated—

- (a) shall occupy it on such terms, and subject to such conditions, as the Executive may determine; and
- (b) shall pay to the Executive in respect of it such sums as the Executive may, with the approval of the Department, determine.

(3) Any sums due to the Executive by a person to whom a house is allocated under this Article may, without prejudice to any other method of recovery, be recovered by the Executive summarily as a civil debt.

**F14** continued in force by [1992 NI 15](#)

### Compensation to be paid in respect of possessed houses

**62**<sup>F15</sup>.—(1) In every case where the Executive takes possession of a house under Article 60, it shall pay compensation in accordance with this Article.

(2) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(3) The compensation payable in respect of the taking possession of a house under Article 60 shall be a sum equal to the rent, excluding rates, which might reasonably be expected to have been paid by a tenant in occupation of the house during the period for which possession of the house was retained by the Executive under Article 60 disregarding the value of any improvements carried out by the Executive during that period.

(4) Subject to paragraph (5), where the Executive acquires a possessed house, whether by agreement or otherwise, the purchase price or, as the case may be, the amount of compensation, to be paid by the Executive in respect of that house shall be assessed by reference to the value of the house at the date upon which the Executive took possession under Article 60.

(5) Notwithstanding anything contained in paragraph (4), where the Executive acquires in pursuance of a vesting order a house—

- (a) which is situated in a proposed re-development area or a housing action area, and
- (b) which, at the date on which the Executive took possession of it under Article 60, was unfit for human habitation and was not capable at reasonable expense, of being rendered fit for human habitation,

then, for the purpose of Article 91, the house shall be treated as if it were included in a re-development scheme approved under Chapter III or a housing action area under Chapter IV.

(6) Where (for whatever reason) the Executive does not acquire a possessed house, the compensation payable under paragraph (3) shall include a sum equal to the cost of making good any

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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)*

damage to the house which may have occurred during the period specified in that paragraph, (except in so far as the damage has been made good during that period by the Executive).

**F15** continued in force by [1992 NI 15](#)

### **Power to secure or demolish unoccupied premises**

**63**<sup>F16</sup>.—(1) Where the Executive is satisfied that action is necessary to prevent damage to, or otherwise to protect, housing accommodation, it may serve upon the owner of any unoccupied premises (in this Article referred to as “the owner”) a notice requiring him within such time, not being less than 7 days, as the Executive may specify in the notice—

- (a) to execute such works to the unoccupied premises including works to secure those premises, or
- (b) to take such steps for demolishing the unoccupied premises, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition,

as the Executive may consider necessary.

(2) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954, the Executive shall affix to the premises a copy of the notice served under paragraph (1).

(3) Where the Executive—

- (a) is unable to establish the identity or whereabouts of the owner of unoccupied premises, and
- (b) has affixed a notice to the premises requiring the owner to take steps in accordance with paragraph (1)( b),

the Executive shall publish a copy of the notice in one or more than one newspaper circulating in the locality.

(4) Where a notice under paragraph (1) requires the owner of unoccupied premises to demolish those premises, or any part thereof, the owner may, within the period specified in the notice, make representations to the Department, and the Department shall notify the Executive or, where paragraph (10) applies, the district council which is acting as the agent of the Executive, that the notice shall not have effect while the Department is considering those representations.

(5) The Department, after considering the representations which have been made to it, shall inform the owner—

- (a) that the notice served under paragraph (1) shall have effect from a date specified by the Department, or
- (b) that the notice shall not have effect,

and the Department shall inform the Executive of its decision accordingly.

(6) Where an owner so requests in writing, the Executive may carry out on his behalf the works specified in a notice under paragraph (1) and may charge upon the owner the costs thereof, and such costs may be recovered summarily as a civil debt.

(7) A notice under paragraph (1) served upon an owner of unoccupied premises shall not have effect where the owner undertakes in writing within the time specified in the notice, to carry out within a period acceptable to the Executive such works as are necessary to render the unoccupied premises suitable for use and to prevent damage to, or to otherwise protect housing accommodation.

(8) Where an owner of unoccupied premises—

- (a) fails to act within the time specified in accordance with a notice under paragraph (1), or
- (b) defaults upon an undertaking given under paragraph (7),

the Executive may carry out the works specified in the notice and such works shall be deemed to have been carried out in response to a request by the owner under paragraph (6).

(9) Where it appears to the Executive that there is an urgent necessity to do so, it may, with the consent of the Department, carry out upon unoccupied premises such works as might be specified in a notice under paragraph (1) without service of such a notice upon the owner, but shall immediately inform the owner (if known) of the works which it has carried out upon the premises.

(10) The Executive may make and carry into effect an agreement with any district council whereby the council may act as agent for the Executive in the exercise of the functions conferred upon the Executive by this Article and the Executive shall send a copy of any such agreement to the Department.

**F16** continued in force by [1992 NI 15](#)

**Art. 64 rep by 1992 NI 15**

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

Housing (Northern Ireland) Order 1981, PART III is up to date with all changes known to be in force on or before 19 July 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.