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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

##### CHAPTER V

##### UNOCCUPIED PREMISES

#### Interpretation

**59**<sup>F1</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
- (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 .

**F1** continued in force by [1992 NI 15](#)

#### Power to take possession of unoccupied houses

**60**<sup>F2</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,

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- (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.

**F2** continued in force by [1992 NI 15](#)

### Occupation of possessed houses

**61**<sup>F3</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.

**F3** continued in force by [1992 NI 15](#)

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

**62**<sup>F4</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 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).

**F4** continued in force by [1992 NI 15](#)

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

**63**<sup>F5</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

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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.

**F5** continued in force by [1992 NI 15](#)

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

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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](#)