

SCHEDULES

SCHEDULE 1

Articles 5(7), 8(5), 14(2) and 28(2).

APPLICATIONS TO DISTRICT COUNCILS

1. In this Schedule “application” means an application—
 - (a) for the approval by a district council—
 - (i) under Article 5^{F1} or 8, of plans and specifications submitted for the purposes of those Articles;
 - (ii) under Article 14 of plans submitted for the purposes of that Article;
 - (b) for an exemption by a district council under Article 28.

F1 prosp. rep. by 1997 NI 18

2. Where an application is made to a district council, the council may—
 - (a) grant the application unconditionally;
 - (b) grant the application subject to such conditions as the council thinks proper to impose;
 - (c) refuse the application.
3. A district council shall give notice in writing to the person who made the application of the decision of the council under paragraph 2 and shall, where conditions are imposed or the application is refused, include in the notice the reasons for the imposition of those conditions or, as the case may be, the refusal of the application.
4. If within—
 - (a) two months after an application has been made to a district council; or
 - (b) such longer period as may be agreed upon in writing by that council and the person who made the application;

the council have not given notice under paragraph 3 that the application has been granted (whether unconditionally or subject to conditions) or, as the case may be, refused, the application shall be deemed to have been refused.

5. If an application for approval is granted (whether unconditionally or subject to conditions) by a district council, then for the purposes of the relevant Article, the plans and specifications or, as the case may be, the plans to which the application relates shall be treated as approved by the district council.

6. A person—
 - (a) by or on whose behalf an application was made to a district council;
 - (b) having any estate or interest in any building or land to which that application relates;

who is aggrieved by—

- (i) the refusal of the application;
- (ii) any condition subject to which the application was granted;

Changes to legislation: There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981. (See end of Document for details)

may, within twenty-eight days (or such longer period as the Department may allow) from the date on which notice was received of the decision of the district council or, as the case may be, from the expiration of the period referred to in paragraph 4, appeal to the Department against the refusal or condition, and in determining that appeal the Department may confirm, revoke or vary the decision of the district council.

7. Before determining any appeal under paragraph 6 the Department may, or if the person who made the application or the district council so requests, afford to that person and that council an opportunity of appearing before, and being heard by, a person appointed by the Department for that purpose.

8. A decision of the Department on any appeal under paragraph 6 shall be final and have effect as if it were a decision of the district council.

SCHEDULE 2

Article 17(5).

CONFIRMATION AND COMING INTO OPERATION OF ORDERS OF DISTRICT COUNCILS UNDER ARTICLE 17

1. In this Schedule “order” means an order made by a district council under Article 17.
2. After making an order, the district council shall cause to be published in the Belfast Gazette and once at least in each of two successive weeks in one or more than one newspaper circulating in the area to which the order relates a notice—
 - (a) stating that the order has been made and its general effect;
 - (b) specifying a place in the district of the council where a copy of the order and of any map or plan referred to in the order may be inspected by any person free of charge at all reasonable times during a period of not less than six weeks from the date of the last publication of the notice; and
 - (c) stating that within that period any person who will be affected by the order may by notice in writing to the Department object to the confirmation of the order.
3. Besides publishing the notice referred to in paragraph 2, the district council who have made an order shall post, and keep posted throughout the period mentioned in paragraph 2(b), copies of the notice in such number of conspicuous places within the area to which the order relates as appear to it necessary for the purpose of bringing the making of the order to the notice of persons who will be affected.
4. If no objection is duly made to the Department within the period mentioned in paragraph 2(b), or if every objection so made is withdrawn, the Department may, confirm the order (either with or without modifications) or refuse to confirm the order.
5. If any objection duly made to the Department is not withdrawn, the Department—
 - (a) may, if it thinks it necessary to do so, afford to the person who made the objection and to the district council an opportunity of appearing before, and being heard by, a person appointed by the Department for that purpose; and
 - (b) shall consider any objection not withdrawn and, where a hearing takes place, the report of the person appointed for that purpose;and may then confirm the order (either with or without modifications) or refuse to confirm the order.
6. On receipt of notice that the Department has confirmed an order, the district council shall take such steps as appear to it to be suitable for bringing the confirmation of the order to the notice of persons affected by the order.

7. An order when confirmed shall, subject to paragraph 8, come into operation on such date as may be specified in it, not being a date earlier than six months from the date of the confirmation.

8. If, before the date on which an order is to come into force, the district council—

- (a) pass a resolution postponing the coming into operation of the order; and
- (b) publish a notice stating the effect of the resolution once at least in each of two successive weeks in one or more than one newspaper circulating in the area to which the order relates;

the order shall, unless the coming into operation of it is again postponed under this paragraph, come into operation on the date specified in the resolution.

SCHEDULE 3

Article 44(1).

TRANSITIONAL PROVISION AND SAVING

1. Any regulations in force immediately before 1st October 1973 which were made under section 23(1) of the Clean Air Act (Northern Ireland) 1964 and deemed under subsection (2) of that section to be bye-laws made by a sanitary authority under section 41 of the Public Health (Ireland) Act 1878 shall continue to have effect in relation to—

- (a) plans which, in accordance with those bye-laws, were deposited with a local authority before 1st October 1973; and
- (b) work carried out in accordance with plans deposited before 1st October 1973, with or without departure or deviations from those plans; and
- (c) work carried out and completed before 1st October 1973;

and in this paragraph “local authority” means the council of a borough, county borough or of an urban or rural district.

2. The repeal by Article 44(3) and Schedule 6 of the Clean Air Act (Northern Ireland) 1964 and Article 24(5) of the Building Regulations (Northern Ireland) Order 1979 shall not affect any regulations such as are mentioned in paragraph 1 in force immediately before 1st October 1973 and continued by paragraph 2 of Schedule 2 to that Order of 1979 and paragraph 1.

Schedule 4, Part I restates amendments made by 1964 c.16(NI)

Schedule 4, Part II—Amendments.

Schedule 5—Repeals

Changes to legislation:

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