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STATUTORY INSTRUMENTS

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**1986 No. 1301**

**The Housing (Northern Ireland) Order 1986**

**PART II**

*Housing Defects*

*Eligibility*

**Designation of defective dwellings**

4.—(1) The Department may designate as a class any buildings each of which consists of or includes one or more dwellings if it appears to the Department that—

- (a) buildings in the proposed class are defective by reason of their design or construction; and
- (b) by virtue of the circumstances mentioned in sub-paragraph (a) having become generally known, the value of some or all of the dwellings concerned has been substantially reduced.

(2) Any dwelling which a building in a class designated under this Article consists of or includes is referred to in this Part as a “defective dwelling”; and in this Part in relation to such a dwelling—

- (a) “the qualifying defect” means that which, in the opinion of the Department, is wrong with the buildings in that class; and
- (b) “the cut-off date” means the date by which, in the opinion of the Department, the circumstances mentioned in paragraph (1)(a) became generally known.

(3) A designation under this Article shall describe the qualifying defect and specify—

- (a) the date on which the designation is to come into operation;
- (b) the cut-off date (not being a date falling after the date specified under sub-paragraph (a)); and
- (c) the period within which persons may seek assistance under this Part in respect of the defective dwellings concerned.

(4) The Department may vary or revoke a designation under this Article and may by a variation of the designation extend the period referred to in paragraph (3)(c), whether or not it has expired; but

- (a) no variation or revocation shall affect the operation of the provisions of this Part in relation to any dwelling if, before the variation or revocation comes into operation, it is a defective dwelling by virtue of the designation in question and application for assistance in respect of it has been made under Article 6; and
- (b) no variation shall alter the cut-off date.

(5) Notice of a designation under this Article and of the variation or revocation of such a designation shall be published in the Belfast Gazette.

(6) Any question arising as to whether a building is or was at any time in a class designated under this Article shall be determined by the Department.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1986, Section 4. (See end of Document for details)*

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(7) No designation shall describe a designated class by reference to the area in which the buildings concerned are situated.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1986, Section 4.