
STATUTORY INSTRUMENTS

1990 No. 1510

**The Planning and Building Regulations
(Amendment) (Northern Ireland) Order 1990**

PART III

BUILDING REGULATIONS

Contravention notices in respect of work contravening building regulations

33. For Article 18 of the principal Order there shall be substituted the following Article—

“Contravention notices in respect of work contravening building regulations

18.—(1) If any work to which building regulations apply contravenes any of those regulations, the district council of the district in which that work is being or has been done may by notice served on the owner require him—

- (a) to pull down or remove the work; or
- (b) if he so elects and the council so agrees, to effect such alterations or additions therein as may be necessary to make the work comply with the requirements of building regulations.

(2) A notice under this Article is in this Order referred to as “a contravention notice”.

(3) Where a district council has power to serve a contravention notice on the owner of any work, it may in addition or instead serve such a notice on one or more of the following persons, namely—

- (a) the occupier;
- (b) the person executing the work;
- (c) the person causing the work to be executed;
- (d) any other person appearing to the council to have control over the work.

(4) If any person on whom a contravention notice is served fails to comply with the notice before the expiration of 28 days from the date on which the notice is served, the district council may pull down or remove the work in question or effect such alterations or additions therein as it deems necessary to make the work conform with building regulations and the council may recover from that person the expenses reasonably incurred by the council in so doing.

(5) A contravention notice shall not be served after the expiration of 18 months from the date of completion of the work in question.

(6) Where—

- (a) plans of any proposed work have, in accordance with building regulations, been deposited with, and passed by, a district council; and

- (b) work has been executed in accordance with the plans and any requirement made by the district council as a condition of passing the plans,

it shall not be open to the district council to serve a contravention notice on the ground that that work contravenes any building regulations; but nothing in this paragraph shall be taken to prevent such a notice from being served (before the expiration of 18 months from the completion of the work) in respect of anything of which particulars were not required to be shown in the plans.

(7) A district council may at any time withdraw a contravention notice without prejudice to its power to serve another; and if a council withdraws a contravention notice—

- (a) it shall forthwith give notice of the withdrawal to the person on whom the contravention notice was served; and
- (b) the council shall not after the withdrawal be entitled to proceed under paragraph (4) by virtue of the contravention notice.

(8) This Article does not affect the right of a district council, the Attorney General or any other person to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any building regulations but if—

- (a) the work is one in respect of which plans were deposited;
- (b) the plans were passed by the district council; and
- (c) the work has been executed in accordance with the plans,

the court on granting an injunction has power to order the district council to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall in accordance with rules of court cause the council, if not a party to the proceedings, to be joined as a party to them.”.