
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

PART IV

HOUSES IN MULTIPLE OCCUPATION

Power to require work to make good neglect of proper standards of management

79.—(1) If, in the opinion of the Executive, the condition of a house to which regulations under Article 78 apply is defective in consequence of failure to comply with the requirements imposed by the regulations, the Executive may serve a notice specifying the works which, in the opinion of the Executive, are required to make good the neglect, and requiring the person on whom the notice is served to execute those works.

(2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house, the notice under this Article may be served by addressing it to him by the description of “manager of the house” (naming the house to which it relates) and by delivering it to some person on the premises.

(3) A notice under this Article shall require the person on whom it is served to execute the works specified in the notice as follows, namely—

- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
- (b) to complete those works within such reasonable period as is so specified.

(4) Where the Executive serves a notice on any person under this Article, it shall inform any other person who appears to it to be an owner, lessee or mortgagee of the house of the fact that such a notice has been served.

(5) A person on whom a notice is served under this Article or any other person who is an owner, lessee or mortgagee of the house to which the notice relates may, within 21 days from the service of the notice or within such longer period as the Executive may in writing allow, appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances—

- (a) that the condition of the house did not justify the Executive in requiring the execution of the works specified in the notice;
- (b) that there has been some informality, defect or error in, or in connection with, the notice;
- (c) that the Executive has refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the date specified for beginning the works is not reasonable;
- (e) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (f) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will, as the holder of an estate in the

premises, derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(6) Where an appeal under this Article is based solely on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(7) Where the grounds on which an appeal is brought under this Article include the ground specified in paragraph (5)(f), the appellant shall serve a copy of his notice of appeal on each other person referred to, and, on the hearing of the appeal any such other person may appear and be heard and, the court may make such order as it considers just with respect to the payment to be made by any such other person to the appellant or, where the work is executed by the Executive, to the Executive.

(8) Paragraph (2) of Article 76 shall apply in relation to the service of a notice under this Article as it applies to the service of a notice under that Article.