

SCHEDULES

SCHEDULE 4

Article 82.

HOUSES IN MULTIPLE OCCUPATION: MEANS OF ESCAPE FROM FIRE

F1 functions transf. by SR 1999/481
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Exercise of powers of Executive

1. Subject to Article 80, if it appears to the Executive that a house in multiple occupation is not provided with such means of escape from fire as the Executive considers necessary the Executive may exercise such of its powers under this Schedule as appear to it most appropriate; and it shall do so if the house is of such description or occupied in such manner as the Department may by order specify.

Powers available to Executive

2.—(1) The Executive may serve a notice on any person on whom a notice may be served under Article 80(3) specifying the works which in the opinion of the Executive are required to provide the necessary means of escape from fire.

(2) Paragraphs (5) and (6) of Article 80 shall apply in relation to a notice under sub-paragraph (1) in the same manner as they apply to a notice under that Article.

3. If it appears to the Executive that the means of escape from fire would be adequate if part of the house were not used for human habitation, the Executive may secure that that part is not so used.

4. The Executive may secure that part of the house is not used for human habitation and serve a notice under paragraph 2 specifying such works only as in the opinion of the Executive are required to provide the means of escape from fire which will be necessary if that part is not so used.

5. For the purpose of securing that a part of the house is not used for human habitation the Executive may, if after consultation with any person appearing to it to be an owner of the house, accept an undertaking from him that that part will not be used for human habitation without the permission of the Executive.

6. If the Executive does not accept an undertaking under paragraph 5 with respect to a part of the house, or if, in a case where it has accepted such an undertaking, that part of the house is at any time used in contravention of the undertaking, the Executive may make a closing order with respect to that part of the house.

Enforcement

7. Any person who, knowing that an undertaking has been accepted under paragraph 5, uses the part of the house to which the undertaking relates in contravention of the undertaking, or permits that part of the house to be so used, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine of one tenth of the amount corresponding to that level for every day, or part of a day, on which he so uses it or permits it to be so used, after conviction.

Consultation with [^{F1}Northern Ireland Fire and Rescue Service Board]

F1 Words in Sch. 4 para. 8 and heading substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), Sch. 3 para. 18 (with art. 62); S.R. 2006/257, art. 2(b)(d)

8. The Executive shall, before serving a notice, accepting an undertaking or making a closing order under this Schedule, consult with the [^{F2}Northern Ireland Fire and Rescue Service Board] .

F2 Words in Sch. 4 para. 8 and heading substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), Sch. 3 para. 18 (with art. 62); S.R. 2006/257, art. 2(b)(d)

Exclusion of protection under Rent (Northern Ireland) Order 1978

9. Nothing in the Rent (Northern Ireland) Order 1978 shall prevent possession being obtained of any part of a house which, in accordance with any undertaking in pursuance of this Schedule, cannot for the time being be used for human habitation.

Application of Chapter II of Part III of the Order of 1981

10. Chapter II of Part III of the Order of 1981 shall apply to a closing order made under this Schedule as it applies to a closing order under Article 38(1) of that Order, but the ground on which, under Article 39(1) of that Order, the Executive is required to determine the order shall be that it is satisfied that the means of escape from fire with which the house is provided is adequate (owing to a change of circumstances) and will remain adequate if the part of the house with respect to which the order was made is again used for human habitation.

Matters requiring to be registered in the Statutory Charges Register

11. There shall be included in the matters which are required to be registered in the Statutory Charges Register—

- (a) any notice served under paragraph 2,
- (b) any undertaking accepted under paragraph 5, and
- (c) any closing order made under paragraph 6.

Changes to legislation:

There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1992, SCHEDULE 4 .