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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Housing (Northern Ireland) Order 2003**

**PART III**

**GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING**

**CHAPTER V**

**DEFERRED ACTION NOTICES. &c.**

*Power to charge for enforcement action*

**Unfitness for human habitation, &c.: power to charge for enforcement action**

**116.**—(1) The Executive may make such reasonable charge as it considers appropriate as a means of recovering certain administrative and other expenses incurred by it in taking action of any of the following kinds—

- (a) serving a deferred action notice under Article 111 or deciding to renew such a notice under Article 114;
- (b) making a demolition order under Article 35 of the Order of 1981;
- (c) making a closing order under Article 38 of that Order;
- (d) serving a repair notice under Article 41 of that Order.

(2) The expenses are, in the case of the service of a notice under Article 111 or a notice under Article 41 of the Order of 1981, the expenses incurred in—

- (a) determining whether to serve the notice,
- (b) identifying the works to be specified in the notice, and
- (c) serving the notice.

(3) The expenses are, in the case of a decision to renew a notice under Article 114, the expenses incurred in—

- (a) deciding whether to renew the notice, and
- (b) serving notice of the Executive's decision.

(4) The expenses are, in the case of a demolition order under Article 35 of the Order of 1981 or a closing order under Article 38 of that Order, the expenses incurred in—

- (a) determining whether to make the order, and
- (b) serving notice of the order.

(5) The amount of the charge shall not exceed such amount as is specified by order of the Department.

(6) Where a court allows an appeal against the underlying notice, decision or order mentioned in paragraph (1), it may make such order as it thinks fit reducing, quashing or requiring the repayment of any charge under this Article made in respect of the notice, decision or order.