

---

DRAFT STATUTORY INSTRUMENTS

---

**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.

### **Recovery of charge for enforcement action**

**117.**—(1) The following provisions have effect with respect to the recovery of a charge under Article 116.

(2) The charge may be recovered by the Executive from—

- (a) in the case of a notice under Article 111 or a notice under Article 41 of the Order of 1981, any person on whom the notice is served;
- (b) in the case of a renewal of a notice under Article 114, any person on whom notice of the decision to renew the notice is served;
- (c) in the case of an order under Article 35 or 38 of the Order of 1981, any person on whom notice of the order is served as an owner of the premises.

(3) A demand for payment of the charge shall be served on the person from whom the Executive seeks to recover it.

(4) The demand becomes operative, if no appeal is brought against the underlying notice, decision or order, on the expiry of the period of 21 days from the service of the demand.

(5) The sum recoverable by the Executive is, until recovered, a charge on the premises concerned; and—

- (a) the charge takes effect when the demand becomes operative, and
- (b) the charge shall be enforceable in all respects as if it were a valid mortgage by deed created in favour of the Executive by the person on whose estate the charge has been created (with, where necessary, any authorisation or consent required by law); and
- (c) the Executive may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 (c. 41) on mortgagees by deed accordingly.

(6) A charge under paragraph (5) shall be included in the matters required to be registered in the Statutory Charges Register.