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## SCHEDULES

### FIFTH SCHEDULE

Section 44.

#### CLEARANCE ORDERS

- 1 A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies.
- 2 There shall be excluded from the order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area:  
  
Provided that the foregoing provisions of this paragraph shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is unfit for human habitation.
- 3 (1) Before submitting the order to the Minister the local authority shall—
  - (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
  - (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.
  - (2) A notice which under this paragraph is to be served on an owner, lessee or occupier may be served by addressing it to him by the description of " owner " or " lessee " or " occupier " of the land (describing it) to which it relates and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by fixing it, or a copy of it, to some conspicuous part of the premises.  
  
The provisions of this subsection shall be without prejudice to the service of a notice in a manner authorised by section one hundred and sixty-nine of this Act.
  - (3) For the purposes of this paragraph an occupier being a statutory tenant within the meaning of the Housing Repairs and Rents Act, 1954, shall be deemed to be a tenant for a period less than a month.
- 4 So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

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- (1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions of this Schedule, the Minister may, if he think fit, confirm the order with or without modification.
  - (2) If any objection duly made is not withdrawn, the Minister shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom an objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed for the purpose, and, after considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed as aforesaid, may, subject to the provisions of this Schedule, confirm the order with or without modification.
  - (3) Where any objection not withdrawn has been made on the ground that a building included in the clearance order is not unfit for human habitation the public local inquiry or hearing shall not be held earlier than the expiration of fourteen days after it has been shown to the satisfaction of the Minister that the local authority have served upon the objector a notice in writing stating what facts they allege as their principal grounds for being satisfied that the building is so unfit.
  - (4) A person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation and who appears at the public local inquiry or hearing in support of his objection shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.
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- (1) An order as confirmed under this Schedule shall not apply to any building to which the order would not have applied if it had been confirmed without modification.
  - (2) The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and of the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.