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## STATUTORY INSTRUMENTS

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# 1981 No. 156

## Housing (Northern Ireland) Order 1981

### PART III

#### DEVELOPMENT FUNCTIONS OF THE EXECUTIVE

##### CHAPTER III

##### RE-DEVELOPMENT AREAS

#### Re-development areas

47.—(1) Where the Executive is satisfied that—

- (a) at least one-half of the land in an area, other than land used for streets, carriageways, highways, roadways or footpaths to which the public has access, is used for housing purposes;
- (b) at least one-third of the houses in the area are—
  - (i) unfit for human habitation; or
  - (ii) by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area; and

[<sup>F1</sup>(c) having regard to Article 46A, the most satisfactory course of action is to re-developed as a whole;]

the Executive shall define that area by reference to a map and declare that area to be a proposed re-development area and shall send a copy of the declaration to the district council for the local government district in which the proposed re-development area lies.

[<sup>F2</sup>(1A) In relation to paragraph (1)(a) land is used for housing purposes if there is on the land a building constructed or adapted for housing purposes, whether or not the building is for the time being used or capable of being used for those purposes.]

(2) Where the Executive is of the opinion that an area should cease to be a proposed re-development area, it may with the consent of the Department make a declaration to that effect and the area shall cease to be a proposed re-development area from the date of that declaration.

(3) The Executive shall publish notice of a declaration under paragraph (2) in one or more than one newspaper circulating in the former proposed re-development area.

F1 1992 NI 15

F2 1988 NI 23

#### Re-development schemes and applications for vesting orders

48.—(1) Where the Executive declares an area to be a proposed re-development area, it shall prepare and submit to the Department a re-development scheme, indicating—

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Housing (Northern Ireland) Order 1981, CHAPTER III is up to date with all changes known to be in force on or before 29 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the houses in that area which are considered to be unfit for human habitation or, by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, to be dangerous or injurious to the health of the inhabitants of the area;
- (b) in general terms the manner in which it is intended that the area should be laid out and the land therein used,

and shall apply to the Department for an order vesting that land in the Executive.

(2) When a re-development scheme is submitted, and application for a vesting order made to the Department, the Executive shall thereupon—

- (a) publish in one or more than one newspaper circulating in the proposed re-development area a notice—
  - (i) describing the proposed re-development area and referring to the submission of the re-development scheme;
  - (ii) specifying the place at which copies of the scheme may be seen at reasonable times;
  - (iii) stating that an application has been made to the Department for an order vesting in the Executive the lands included in the re-development scheme;
  - (iv) stating the time (not being less than one month from the last of the publications of the notice) during which objections to the scheme, or to the making of the order, or to both the scheme and the making of the order, may be sent to the Department;
- (b) serve on every person appearing to the Executive to have an estate in any land within the proposed re-development area a notice containing the particulars referred to in subparagraph (a).

(3) The Executive shall submit to the Department such further particulars in relation to a re-development scheme as the Department may require.

#### **Approval and amendment of re-development schemes and making of vesting orders**

**49.—(1)** If—

- (a) no objections are made to a re-development scheme or to the making of the vesting order; or
- (b) all objections to a re-development scheme and to the making of the vesting order are withdrawn;

the Department may approve the scheme with or without amendment and may make an order under Article 87 vesting in the Executive the land within the re-development area or so much thereof as the Department thinks proper.

(2) If objections made to a re-development scheme or to the making of the vesting order are not withdrawn the Department, unless it is satisfied that the objections are of a frivolous or vexatious nature, shall—

- (a) cause a public local inquiry to be held; and
- (b) consider any objections not withdrawn and the report of the person who held the inquiry;

and may thereafter approve the scheme with or without amendment and make an order under Article 87 vesting in the Executive the land within the re-development area or so much thereof as the Department thinks proper.

(3) On receipt of notice that the Department has approved a re-development scheme and made a vesting order, the Executive shall publish in one or more than one newspaper circulating in the area specified in the approved scheme as the re-development area (in this Chapter referred to as “the re-development area”) a notice—

- (a) referring to the approval of the re-development scheme and describing the re-development area;
  - (b) stating that a vesting order has been made;
  - (c) specifying the place at which copies of the approved scheme and the vesting order may be inspected at reasonable times.
- (4) On receipt of notice that the Department has refused to approve a re-development scheme or to make a vesting order, the Executive shall publish in one or more than one newspaper circulating in the proposed re-development area a notice referring to that refusal.
- (5) On receipt of notice that the Department has approved or refused to approve a re-development scheme or has made or refused to make a vesting order, the Executive shall serve a notice containing the particulars referred to in paragraph (3) or, as the case may be, paragraph (4), on every person on whom a notice was served under Article 48(2)( b).
- (6) Subject to paragraph (7), the Executive may at any time, and if so directed by the Department shall, prepare and submit to the Department proposals—
- (a) for amending an approved re-development scheme; or
  - (b) for amplifying or modifying an approved re-development scheme in so far as it relates to the manner in which the re-development area is to be laid out and the land therein used;
- and the Department may—
- (i) approve such proposals with or without amendment, and
  - (ii) amend or, as the case may be, amplify or modify the approved re-development scheme accordingly.
- (7) Article 48(2) and (3) and paragraphs (1) to (5) shall apply in relation to the making of proposals under paragraph (6)(a) in the same manner as those provisions apply to the submission of a re-development scheme under Article 48.
- (8) References in this Chapter to an approved re-development scheme shall include references to any scheme altered in accordance with this Article.

### **Disposal of land and powers of the Executive in re-development areas**

**50.**—(1) The Executive may, in accordance with Article 88, dispose of any land acquired under a re-development scheme subject to the condition that the land shall be developed in accordance with that scheme.

(2) Where any land is disposed of under the power conferred by paragraph (1), the conveyance or lease shall include all such covenants and conditions as may be necessary to secure compliance by all persons deriving title thereunder with the condition imposed by that paragraph.

(3) For the purpose of carrying out an approved re-development scheme the Executive may exercise any of its powers under this Order and, without prejudice to the generality of the foregoing, may—

- (a) maintain and manage any buildings acquired by the Executive in a re-development area;
- (b) carry out any works specified in an approved re-development scheme.

*Art. 51 rep by 1992 NI 15*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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