

SCHEDULES

SCHEDULE 4

CLEARANCE ORDERS

PART II

ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

12.—(1) Paragraphs 2 to 6 shall have effect in relation to exclusion orders under Article 34 subject to the modifications set out in sub-paragraphs (2) to (4).

(2) An exclusion order shall be in the prescribed form and shall describe by reference to a map—

- (a) the clearance area to which it relates,
- (b) the area affected by the clearance order to which it relates, and
- (c) the houses and other buildings to be excluded from the clearance area by it.

(3) For the purposes of sub-paragraph (1), a notice served under paragraph 2(1)(b) shall also draw attention to the provisions of paragraphs 13 to 17 which come into effect on the making of the exclusion order.

(4) For the purposes of sub-paragraph (1), paragraph 4(2) shall have effect as if at the end the following words were added—

“except that the Department may under this paragraph modify an exclusion order so as to exclude a house or other building, which has been included in a clearance order, if every owner of the building and the occupier of every part of the building, has given his consent in writing.”

13. On the date on which an exclusion order is made—

- (a) paragraph 9; and
- (b) so much of the clearance order as relates to the vacation of buildings and any notice served under paragraph 8,

shall cease to apply to the houses and other buildings comprised in the exclusion order.

14.—(1) If—

- (a) the Department notifies the Executive that it declines to confirm the exclusion order; or
- (b) the exclusion order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Department,

this paragraph shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.

(2) The Executive

- (a) shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and
- (b) may fix different dates for different buildings;

Status: Point in time view as at 01/01/2006.

Changes to legislation: Housing (Northern Ireland) Order 1981, PART II is up to date with all changes known to be in force on or before 27 May 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)

and paragraphs 9 to 11 shall apply as if that date had been fixed for those purposes by the clearance order.

(3) The Executive shall not less than 28 days before the date (or the earliest date) fixed under sub-paragraph (2) serve on the owner or owners of the houses or other buildings a notice informing them of that date and of their duty under paragraph 9 as applied by this paragraph to demolish the houses or other buildings.

15.—(1) After the making of an exclusion order the right to any payment under^{F1} Article 91] shall be suspended as respects the houses or other buildings comprised in the order, but

- (a) if the Department notifies the Executive that it declines to confirm the order, that right shall again be enforceable, and
- (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Department, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.

F1 1992 NI 15

Status:

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

Changes to legislation:

Housing (Northern Ireland) Order 1981, PART II is up to date with all changes known to be in force on or before 27 May 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.