
STATUTORY INSTRUMENTS

1981 No. 158

Clean Air (Northern Ireland) Order 1981

Miscellaneous

Power of county court to authorise works and order payments

32.—(1) If works are reasonably necessary in or in connection with a building in order to enable the building to be used without contravention of any of the provisions of this Order, the occupier of the building—

- (a) may, if by reason of a restriction affecting his interest in the building he is unable to carry out the works without the consent of the owner of the building or some other person having an estate or interest in the building and is unable to obtain that consent, apply to the county court for an order to enable the works to be carried out by him; and
- (b) may, if he considers that the whole or any part of the cost of carrying out the works should be borne by the owner of the building or some other person having an estate or interest in the building, apply to the county court for an order directing the owner or other person to indemnify him, either wholly or in part, in respect of the cost of carrying out the works;

and on an application under either sub-paragraph (*a*) or sub-paragraph (*b*) the court may make such order as may appear to the court to be just.

(2) In considering for the purposes of this Article whether any and, if so, what works are reasonably necessary, regard shall be had to any difficulty there may be in obtaining, or in obtaining otherwise than at a high price, any fuels which would have to be used but for the execution of the works.

Changes to legislation:

There are currently no known outstanding effects for the Clean Air (Northern Ireland) Order 1981, Section 32.