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STATUTORY INSTRUMENTS

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**2003 No. 412**

**The Housing (Northern Ireland) Order 2003**

**PART III**

**GRANTS, &c. FOR RENEWAL OF PRIVATE SECTOR HOUSING**

**CHAPTER V**

**DEFERRED ACTION NOTICES. &c.**

*Deferred action notices*

**Appeals against deferred action notices**

**113.**—(1) A person aggrieved by a deferred action notice may within 21 days after the service of the notice appeal to the county court.

(2) Without prejudice to the generality of paragraph (1), it is a ground of appeal that—

- (a) making a demolition order under Article 35 of the Order of 1981 or a closing order under Article 38 of that Order, or
- (b) serving a repair notice under Article 41 of that Order,

is a more satisfactory course of action.

(3) Where the grounds on which an appeal is brought are or include that specified in paragraph (2), the court, on hearing the appeal, shall have regard to any guidance given to the Executive under Article 46A of the Order of 1981 or Article 115.

(4) On an appeal the court may make such order either confirming, quashing or varying the notice as it thinks fit.

(5) Where the appeal is allowed and the reason or one of the reasons for allowing the appeal is that—

- (a) making a demolition order under Article 35 of the Order of 1981 or a closing order under Article 38 of that Order, or
- (b) serving a repair notice under Article 41 of that Order,

is a more satisfactory course of action, the judge shall, if requested to do so by the appellant or the Executive, include in his judgment a finding to that effect.

(6) If an appeal is brought, the deferred action notice does not become operative until—

- (a) a decision on the appeal confirming the notice (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
- (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the notice (with or without variation);

and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the notice or decision appealed against.