

1994 No. 481

HOUSING

**Housing (Prescribed Forms) (Amendment) Regulations
(Northern Ireland) 1994**

Made 30th November 1994

Coming into operation 20th January 1995

The Department of the Environment, in exercise of the powers conferred on it by Article 162 of, and paragraphs 1, 2 and 6 of Schedule 4 to, the Housing (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Housing (Prescribed Forms) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 20th January 1995.

(2) In these regulations “the principal regulations” means the Housing (Prescribed Forms) Regulations (Northern Ireland) 1994(b).

Amendment of Schedule 2 to the principal regulations

2. For forms 9 to 14 set out in the principal regulations there shall be substituted the forms set out in the Schedule to these regulations.

Sealed with the Official Seal of the Department of the Environment on
30th November 1994.

(L.S.)

C. D. Doake

Assistant Secretary

(a) S.I. 1981/156 (N.I. 3); see Art. 2(2) for the definition of “the Department”
(b) S.R. 1994 No. 156

FORM 9

Housing (Northern Ireland) Order 1981

ARTICLE 33

CLEARANCE ORDER

Pursuant to Article 32 of the Housing (Northern Ireland) Order 1981 the Executive by a resolution passed on the 19 has declared a certain area which it had duly caused to be defined on a map to be a clearance area;

By a resolution, passed on the 19, the Executive determined that having had regard to the guidance given by the Department under Article 46A of the Order, the most satisfactory course of action is to order the demolition of the buildings referred to which are situate within the clearance area;

The Executive in pursuance of its powers under Article 33 of the Order hereby orders as follows:—

1. The buildings specified in the Schedule and delineated and coloured pink on the annexed map marked "Map referred to in the (1) Clearance Order, 19" and sealed with the Common Seal of the Executive shall be demolished;

2. For the purposes of demolition each such building shall be vacated on or before the expiration of the period specified in the sixth column of the Schedule opposite the number and description of that building in columns 1 and 2;

3. This order may be cited as the (1) Clearance Order, 19.

SCHEDULE

<i>Reference numbers on Map annexed</i>	<i>Description and situation of buildings</i>	<i>Owners or reputed owners</i>	<i>Lessees or reputed lessees</i>	<i>Occupation (except tenants for a month or less)</i>	<i>Period from the date order becomes operative within which the building is to be vacated</i>
(1)	(2)	(3)	(4)	(5)	(6)
<hr/>					

2822

Housing

No. 481

Dated this day of 19 . .

Present when the Common Seal of the
Northern Ireland Housing
Executive was affixed:

.....
Authorised Officer

.....
Officers of the Northern Ireland
Housing Executive

(1) Insert title of order

Housing (Northern Ireland) Order 1981

SCHEDULE 4 — PARAGRAPH 2(1)(a)

NOTICE TO BE PUBLISHED OF MAKING OF CLEARANCE ORDER

(1) Clearance Order, 19 .

In accordance with paragraph 2(1)(a) of Part 1 of Schedule 4 to the Housing (Northern Ireland) Order 1981 notice is given that the Executive, in pursuance of its powers under Article 33 of the Order, on the 19 , made the (1) Clearance Order, 19 , ordering the demolition of the buildings in the area described in the Schedule.

A copy of the clearance order and of the map referred to therein have been deposited at (2) and may be seen at all reasonable hours.

SCHEDULE (3)

Dated this day of 19 .

.....
Authorised Officer

- (1) Insert title of order.
- (2) Insert address of Regional and District Offices.
- (3) Describe the area.

Housing (Northern Ireland) Order 1981

SCHEDULE 4 — PARAGRAPH 2(1)(b)

NOTICE TO BE SERVED AS TO THE MAKING OF A CLEARANCE ORDER

To (1)..... of

The Executive, in pursuance of its powers under Article 33 of the Housing (Northern Ireland) Order 1981, on the 19 made the (2) Clearance Order, 19 , which is about to be submitted to the Department for confirmation, ordering the demolition of the buildings in the area described in the Schedule. A copy of the clearance order and of the map referred to therein have been deposited at (3) and may be seen at all reasonable hours.

The buildings included in the area to which the order relates in which you are interested as (4) are (5) and the order required that for the purposes of demolition these buildings shall be vacated within (6) after the order becomes operative.

Any objection to the order stating the grounds of the objection must be made in writing to the Secretary, Department of the Environment for Northern Ireland, Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB, before the (7) 19 .

SCHEDULE (8)

Dated this day of 19 .

.....
Authorised Officer

- (1) Insert name and address.
- (2) Insert title of order.
- (3) Insert address of Regional and District Offices.
- (4) Insert owner, lessee, mortgagee or occupier as the case may be.
- (5) Insert description and location of buildings.
- (6) Insert period prescribed by clearance order.
- (7) Insert date for objections (allow a period not less than 6 weeks from date of service of notice).
- (8) Describe the area.

NOTES

1. If no objection is made, or if all objections are withdrawn, the Department may, if it thinks fit, confirm the order with or without modification; but in any other case the Department is required, before confirming the order, to cause a public local

inquiry to be held and to consider any objections not withdrawn and the report of the person who held the inquiry, and may then confirm the order with or without modification.

2. If the order is confirmed by the Department it will become operative at the expiration of 6 weeks from the date on which notice of its confirmation is published.

3. If the order becomes operative the owner or owners of any building to which the order applies shall demolish that building before the expiration of 6 weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of 6 weeks from the date on which it is vacated. In either case the period of 6 weeks may be extended by the Executive.

4. Where a person residing in a house is dispossessed as a result of this order, and no suitable alternative residential accommodation on reasonable terms is available, and at the date of dispossession he was residing lawfully in the house, the Executive must secure for that person reasonable alternative accommodation.

Compensation Payments to Owners

If you are the owner of the premises and the order is confirmed by the Department you are entitled to compensation under Chapter II of Part V of the Order of 1981 as amended by Article 93 of the Housing (Northern Ireland) Order 1992. Compensation is assessed, in accordance with the Land Compensation (Northern Ireland) Order 1982, on the basis of any decrease in the compulsory purchase value of your estate in the premises which has been caused by the making of this clearance order, taken at the date on which the order is made. Generally speaking, this means that the compensation you receive should be equal to the drop, if any, in the amount that you would have received for your estate in the premises if you had sold it on the open market on the date the order was made, compared with the amount you would have received if you had sold it immediately before that date.

(Article 91)

The making of a clearance order may not always cause the value of an interest to drop and, on occasions, may even increase its value. In both these circumstances, no compensation will be paid.

(Article 91)

If you cannot reach an agreement with the Executive about the amount of compensation, if any, that you should receive, the case may be referred to the Lands Tribunal, which is an independent body appointed to deal with such disputes.

(Article 91)

If the Executive later revokes this order (and an exclusion order is made under Article 34) you may be required to pay back any compensation you received in respect of it, provided that at the time the order is brought to an end you have the same estate in the premises as you had when the compensation was paid.

(Article 92)

Compensation payable to occupiers and rehousing

Occupiers who are displaced from the premises because of this order may be entitled to a home loss payment or a disturbance payment from the Executive under the Land Acquisition and Compensation (Northern Ireland) Order 1973 as amended by the Home Loss Payments (Northern Ireland) Order 1992. They may also be entitled to be rehoused by the Executive if they cannot otherwise obtain suitable alternative accommodation on reasonable terms. Further details may be obtained from the Executive.

Advice

If you do not understand this order or wish to know more about it, or about the possibility of you being able to obtain compensation or be rehoused if the order becomes operative, you should contact the Executive. If you want independent advice about your rights and obligations, you should go to a Citizen's Advice Bureau, Belfast Law Centre, Housing Rights Service or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

Housing (Northern Ireland) Order 1981

SCHEDULE 4 — PARAGRAPH 6

**NOTICE TO BE PUBLISHED OF CLEARANCE ORDER HAVING BEEN
CONFIRMED BY THE DEPARTMENT**

(1) Clearance Order, 199 .

Notice is given that the Department, in pursuance of its powers under Part III of the Housing (Northern Ireland) Order 1981 as amended by Schedule 5 to the Housing (Northern Ireland) Order 1992, on the 19 , confirmed (2) [with modifications] the (1) Clearance Order, 19 , submitted to it by the Executive ordering the demolition of the buildings in the area described in the Schedule and their vacation within the periods respectively specified in the clearance order.

A copy of the clearance order and of the map referred to therein have been deposited at (3) and may be seen at all reasonable hours.

The order will become operative at the expiration of 6 weeks from the date of publication of this notice.

SCHEDULE (4)

Dated this day of 19 .

.....
Authorised Officer

- (1) Insert title of order.
- (2) Delete if inapplicable.
- (3) Insert address of Regional and District Offices.
- (4) Describe the area.

Housing (Northern Ireland) Order 1981

SCHEDULE 4 — PARAGRAPH 6

**NOTICE TO BE SERVED OF CLEARANCE ORDER HAVING BEEN
CONFIRMED BY THE DEPARTMENT**

[To be served on persons who gave notice of objection and appeared at the Local Inquiry]

(1) Clearance Order

To (2) of

The Department, in pursuance of its powers under Part III of the Housing (Northern Ireland) Order 1981 as amended by Schedule 5 to the Housing (Northern Ireland) Order 1992, on the 19 , confirmed (3) [with modifications] the (1) Clearance Order, 19 , submitted to it by the Executive ordering the demolition of the buildings in the area described in the Schedule and their vacation within the periods respectively specified in the order.

A copy of the clearance order and of the map referred to therein have been deposited at (4) and may be seen at all reasonable hours.

The order will become operative at the expiration of 6 weeks from the 19 , on which date a notice in like terms to this notice was published in the press.

SCHEDULE (5)

Dated this day of 19 .

.....
Authorised Officer

- (1) Insert title of order.
- (2) Insert name and address.
- (3) Delete if inapplicable.
- (4) Insert address of Regional and District Offices.
- (5) Describe the area.

Housing (Northern Ireland) Order 1981

SCHEDULE 4

NOTICE TO OCCUPIER TO QUIT BUILDING AFTER CLEARANCE ORDER HAS BECOME OPERATIVE

To (1) being the occupier of the building known as (2)

Take Notice:—

That by the (3) Clearance Order, 19 , made by the Executive in pursuance of its powers under Article 33 of The Housing (Northern Ireland) Order 1981, and confirmed by the Department on the 19 , it was ordered that the above-mentioned building be demolished and for the purposes of demolition be vacated within (4) from the date when the clearance order became operative.

And that the (3) Clearance Order, 19 , became operative on the 19 .

And that, in pursuance of Schedule 4 to the Order of 1981, you are required to quit the said building before the (5)

Dated this day of 19 .

.....
Authorised Officer

- (1) Insert name of occupier
- (2) Insert address of building.
- (3) Insert title of order.
- (4) Insert period specified in the order.
- (5) Insert date which is 28 days from service of the notice or the end of the period mentioned in the order, if later.

NOTES

1. Any person who, knowing that a clearance order is in operation in relation to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated or after the date on which the building is in fact vacated, whichever is the earlier, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £10 for every day or part of a day on which the occupation continues after conviction.

2. Where a person residing in a house is dispossessed as a result of this order, and at the date of dispossession he was residing lawfully, the Executive must secure for and offer to that person reasonable alternative accommodation.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations substitute all forms relating to clearance orders in Schedule 2 to the Housing (Prescribed Forms) Regulations (Northern Ireland) 1994. Reference to proceedings in the County Court commenced by persons desirous of questioning the validity of a clearance order are thereby removed.