

PLANNING SCHEMES.

Removal of Unsightly and Dilapidated Structures.

THE REMOVAL OF UNSIGHTLY AND DILAPIDATED STRUCTURES REGULATIONS (NORTHERN IRELAND), 1932, DATED 2ND DAY OF MARCH, 1932, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 44 OF THE PLANNING AND HOUSING ACT (NORTHERN IRELAND), 1931 (21 & 22 GEO 5, c. 12).

1932. No. 14.

The Ministry of Home Affairs, in exercise of the powers vested in it by Section 44 of the Planning and Housing Act (Northern Ireland), 1931, hereby makes the following Regulations:—

1. These Regulations may be cited as the Removal of Unsightly and Dilapidated Structures Regulations (Northern Ireland), 1932.

2. The Form of Notice set out in the Schedule hereto, or a form substantially to the like effect, shall be the form to be used in connection with the powers of a local authority under Section 13 of the Planning and Housing Act (Northern Ireland), 1931.

3. A local authority, in addition to serving a notice requiring the removal or rendering sightly of an unsightly and dilapidated structure upon the owner of the structure, shall also, where such owner is a different person from the owner or occupier of the land upon which the structure is situate, serve a copy or copies of the notice upon the latter person or persons.

4. A notice, or a copy of a notice, to be served in pursuance of Section 13 of the Planning and Housing Act (Northern Ireland), 1931, or of these Regulations, shall be served:—

- (a) by delivering it to the person on whom it is to be served, or, if such person is absent abroad or cannot be found, to his agent; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by post addressed to the usual or last known place of abode of that person; or
- (d) in the case of a notice required to be served on a corporate body or company, by delivering it to the clerk or secretary or leaving it at his office with some person employed there, or by post addressed to such clerk or secretary at his office:

Provided that if the owner of any structure or the owner or occupier of any land is not known to, and after reasonable inquiry cannot be found by, the local authority, then the notice, or copy of a notice, may be served by causing it to be put up on some

part of the structure or land, or in some conspicuous place in the immediate neighbourhood thereof.

5. The Interpretation Act, 1889 (a) as applied to Northern Ireland by the Interpretation Act, 1921, (b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

SCHEDULE.

FORM OF NOTICE REQUIRING THE REMOVAL OR RENDERING SIGHTLY OF AN UNSIGHTLY AND DILAPIDATED STRUCTURE.

To¹
the owner of the unsightly and dilapidated structure, not being an occupied dwelling house, a description of which is set forth below²

Take Notice :—

(1) that the³
(hereinafter referred to as "the Council") in pursuance of section 13 of the Planning and Housing Act (Northern Ireland), 1931, require you not later than the⁴ day of 19
(2) that, in the opinion of the Council, the execution of the following works would render the said structure sightly, namely⁵

Dated this day of

Signature of the Secretary or Clerk of the Local Authority.

DIRECTIONS FOR FILLING UP THE FORM.

¹ Name, residence, or place of business and description, where known, of the owner of the structure.

² Such a description of the structure as may be necessary for identification.

³ Description of Local Authority.

⁴ The time allowed for the removal or rendering sightly of the structure must be not less than two months. Where any building has become an unsightly and dilapidated structure as the result of a fire at least 18 months must be allowed. (Particular care should be taken that the time allowed is sufficient for the purpose).

⁵ Specification in detail of the works which would require to be executed.

NOTE.

By Section 13 of the Planning and Housing Act (Northern Ireland), 1931, it is provided :—

"13.—(1) Where any unsightly and dilapidated structure, not being an occupied dwelling-house, exists on any land (whether or not included in a planning scheme), the local authority may serve a notice, in the prescribed manner, upon the owner of the structure, and upon such other persons as may be prescribed, requiring that the structure shall be either removed or rendered sightly within the time specified in the notice, which shall not be less than two months.

(2) Any person upon whom a notice is served under this section shall be entitled to recover from the local authority by whom the notice was served any expenses reasonably incurred by him in removing the structure to which the notice relates; and, in default of compliance with the requirements contained in the notice, the local authority may enter upon the land and remove the said structure, doing no unnecessary damage.

(3) The provisions of sub-section (2) of this section shall not apply where as a result of a fire any building has become an unsightly and dilapidated structure, but in that case a local authority may serve a notice upon the owner of the structure requiring him within eighteen months after the service upon him of such notice, and at his own expense, to remove such structure or render it sightly, and in default of compliance with the requirements contained in the notice, the local authority may enter upon the land and remove the structure and sell the materials thereof.

(4) Any expenses incurred by a local authority under the last preceding sub-section, after giving credit for any amount realised by the sale of materials, may be recovered by them as a debt in the county court within the jurisdiction of which the premises are situate from the owner of the building, or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable, and any owner who pays to the local authority the full amount of their claim may in like manner recover from any other owner such contribution, if any, as the court may determine to be just and equitable.

Any surplus in the hands of the local authority shall be paid by them to the owner of the building, or, if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court, and may be paid out to the owners by order of the court in such shares as the court may determine to be just and equitable.

The court in determining for the purposes of this sub-section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) Any person aggrieved by any requirement of a local authority under this section may, within the time specified in the notice, appeal to the county court within the jurisdiction of which the premises to which the notice relates are situate, and in the case of such appeal no proceedings shall be taken by the local authority to carry out the requirement against which the appeal is brought, before the appeal has been determined or withdrawn.

The county court, on an appeal under this sub-section, may make such order confirming or quashing or varying the requirement appealed against as the court thinks fit, and such order shall be final and conclusive.

(6) Any person whose property is injuriously affected by the carrying out of the requirements of a notice or of an order of a county court under this section shall, if he makes a claim for the purpose within three months after those requirements have been carried out, be entitled to claim compensation from the local authority, and such claim shall be determined, and compensation (if any) shall be paid, in like manner as in a case where a person claims that his property is injuriously affected by the making of a planning scheme under this Part of this Act.

(7) For the purposes of this section the word 'structure' includes, in cases where by reason of dilapidation or destruction by fire no walls or parts of walls are left standing, the materials of which the said structure was built."

Section 46 of the Planning and Housing Act (Northern Ireland), 1931, refers *inter alia* to appeals against awards of arbitrators in respect of arbitrations held in pursuance of Section 13 (6) of the Act.

Given under the Seal of the Ministry of Home Affairs this
Second day of March, 1932.

(L.S.)

(Signed),

D. L. Clarke,
Assistant Secretary.