

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order prescribes 6 per centum per annum as the rate of interest on compensation moneys payable in respect of land which has been compulsorily acquired under the enactments mentioned in the Order.

1963. No. 9

[C]

HOUSING

Form of Orders and Notices

REGULATIONS, DATED 12TH FEBRUARY, 1963, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE PLANNING AND HOUSING ACT (NORTHERN IRELAND), 1931, AND THE HOUSING (MISCELLANEOUS PROVISIONS) AND RENT RESTRICTION LAW (AMENDMENT) ACT (NORTHERN IRELAND), 1956.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by section 44 of the Planning and Housing Act (Northern Ireland), 1931(a), and section 62 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland), 1956(b), and of every other power it thereunto enabling, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Housing (Form of Orders and Notices) Regulations (Northern Ireland), 1963, and shall come into operation on the 1st day of March, 1963.

Forms to be used

2. The forms set out in the second schedule (of which a list is set out in the first schedule) shall be the forms to be used by local authorities in the exercise of their functions under Part II of the Planning and Housing Act (Northern Ireland), 1931, and Section 2 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland), 1956.

Revocation

3. The Housing (Form of Orders and Notices) Regulations (Northern Ireland), 1931(c), are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 12th day of February, nineteen hundred and sixty-three.

(L.S.)

Wm. J. Morgan,
Minister of Health and Local Government.

(a) 21 & 22 Geo. 5. c. 12 (N.I.).
(b) 1956. c. 10.

(c) S.R. & O. (N.I.) 1931, No. 125.

FIRST SCHEDULE

List of Forms

Form No.

1. Notice requiring execution of works.
2. Order declaring expenses of execution of works to be payable by instalments.
3. Clearance Order.
4. Notice to be published of making of Clearance Order.
5. Notice to be served as to the making of a Clearance Order.
6. Notice to be published of Clearance Order having been confirmed by Ministry.
7. Notice to be served of Clearance Order having been confirmed by Ministry.
8. Notice to Occupier to Quit Building after Clearance Order has become operative.
9. Notice of Time and Place for consideration of condition of house liable to be made subject to Demolition or Closing Order.
10. Order for Demolition of a House.
11. Notice to be served of making a Demolition Order.
12. Notice to Occupier to Quit House after Demolition Order has become operative.
13. Closing Order made in lieu of Demolition Order.
14. Notice to be served of making a Closing Order in lieu of a Demolition Order.
15. Notice of Time and Place for consideration of matters relating to the making of a Closing Order for part of a building.
16. Closing Order for part of a building.
17. Notice to be served of making a Closing Order for part of a building.
18. Order determining Closing Order for part of a building.

SECOND SCHEDULE

FORM No. 1

Section 30

Notice requiring Execution of Works

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....:Council

To(2) of ,
(3)being the person having control of the house known as

Take Notice that the(1) Council are satisfied that the above-mentioned house is unfit for human habitation but are not satisfied that it is not capable of being rendered fit at a reasonable expense; and that in pursuance of section 30(1) of the Planning and Housing Act (Northern Ireland), 1931, the Council require you within a period of(4) days ending on the 19 , to execute the following works, which will in the opinion of the Council render the house fit for human habitation, namely,(5)

Dated this day of , 19 .

.....
Town Clerk/Clerk

- (1) Insert name of Council.
- (2) Insert name and address.
- (3) The Council may also serve any other person having an interest in the house.
- (4) At least 21 days.
- (5) Insert details of the works.

NOTES

1. The local authority may, if they think fit, accept from the person on whom this Notice has been served an undertaking that the house shall not be used for human habitation until they are satisfied that every part of the house has been rendered fit for that purpose.

2. A person aggrieved by this notice may appeal against it to the County Court within 21 days after the service of the notice. If the notice is not complied with, and an undertaking that the house shall not be used for human habitation has not been accepted, then after the expiration of the time specified in the notice, or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

3. Any expenses incurred by the local authority, together with interest, at a rate not exceeding five pounds per cent. per annum, from the date when a demand for the expenses is served until payment, may be recovered by them as a debt from the person having control of the dwelling-house, or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person:

Provided that if the person having control of the dwelling-house proves that he is receiving the rent merely as agent or trustee for some other person and has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority, his liability shall be limited to the total amount of the money which he has or has had, in his hands as aforesaid. An appeal against this demand may be made to the county court within 21 days after the date of the service of the demand.

4. The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at a rate not exceeding five pounds per cent. per annum, from the date of the service of the demand until the whole amount is paid. Any such instalments and interest, or any part thereof, may be recovered as a debt from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house. An appeal against such an order may be made to the county court within 21 days after the date of service of the order.

FORM NO. 2

Order declaring Expenses of Execution of Works to be payable by instalments

Section 31(5)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

To⁽²⁾ of being the⁽³⁾ of the house known as

Whereas by a notice dated the 19, the⁽¹⁾ Council in pursuance of section 30 of the Planning and Housing Act (Northern Ireland), 1931, have required the person having control of the above-mentioned house to execute within the time specified in the notice certain specified works which in the Council's opinion would render the house fit for human habitation;

And Whereas the said notice has not been complied with and the Council in pursuance of section 31 of the said Act have done the work required to be done and in so doing have incurred expenses amounting to the sum of £ ;

Now Therefore the Council hereby declare that the said expenses amounting to the sum of £ shall be payable by⁽⁴⁾ instalments of £ within a period of⁽⁵⁾ years with interest at the rate of £⁽⁶⁾ per cent. per annum, until the whole amount is paid.

Scaled with the Common Seal of the Council this day of 19

(Seal)

- (1) Insert name of Council.
- (2) Insert name and address.
- (3) Insert owner or occupier as the case may be.
- (4) Insert weekly or monthly, etc.
- (5) Not exceeding 30.
- (6) Not exceeding 5.

NOTES

- 1. Any sum due under this order may be recovered as a debt and, if recovered from an occupier, may be deducted by him from the rent of the house.
- 2. A person aggrieved by the order may appeal against it to the county court within 21 days after the date of service of the order.

FORM NO. 3

Clearance Order

Section 23

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

Whereas, pursuant to Section 22 of the Planning and Housing Act (Northern Ireland), 1931, the⁽¹⁾ Council by a resolution passed on the 19 , have declared a certain area which they had duly caused to be defined on a map to be a clearance area;

And Whereas by a resolution passed on the 19 , the Council determined to order the demolition of the buildings hereinafter referred to which are situate within the said clearance area;

Now Therefore the Council in pursuance of their powers under Section 23 of the Planning and Housing Act (Northern Ireland), 1931, hereby order as follows:—

- 1. The buildings specified in the Schedule and delineated and coloured pink on the annexed map marked "Map referred to in the⁽²⁾ Clearance Order, 19 " , and sealed with the Common Seal of the Council 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⁽²⁾ 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>Occupiers (except tenants for a month or less)</i>	<i>Period from the date when the Order becomes operative within which the building is to be vacated</i>
(1)	(2)	(3)	(4)	(5)	(6)

Sealed with the Common Seal of the Council this day of 19

(Seal)

(1) Insert name of Council.
(2) Insert title of order.

FORM NO. 4

Notice to be published of making of Clearance Order

5th Schedule—2(a)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1)..... Council

(2)..... Clearance Order, 19

Notice is hereby given that the(1) Council in pursuance of their powers under Section 23 of the Planning and Housing Act (Northern Ireland), 1931, on the 19, made the(2) Clearance Order, 19, which is about to be submitted to the Ministry of Health and Local Government for confirmation 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 said Order and of the Map referred to therein have been deposited at(3) and may be seen at all reasonable hours.

SCHEDULE(4)

Dated this day of , 19

.....

Town Clerk/Clerk

- (1) Insert name of Council.
(2) Insert title of order.
(3) Insert address of Council offices.
(4) Describe the Area.

FORM NO. 5

Notice to be served as to the making of a Clearance Order

5th Schedule—2(b)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

To⁽¹⁾.....of.....

Take Notice that the⁽²⁾ Council in pursuance of their powers under Section 23 of the Planning and Housing Act (Northern Ireland), 1931, on the 19, made the⁽³⁾ Clearance Order, 19, which is about to be submitted to the Ministry of Health and Local Government for confirmation, ordering the demolition of the buildings in the area described in the Schedule. Copies of the Order and of the Map referred to therein have been deposited at⁽⁴⁾ 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⁽⁵⁾ are⁽⁶⁾ and the Order requires that for the purpose of demolition these buildings shall be vacated within⁽⁷⁾ after the Order becomes operative.

Any objection to the Order stating the grounds of the objection must be made in writing to the Secretary, Ministry of Health and Local Government, Stormont, Belfast, 4, before the 19.

SCHEDULE⁽⁸⁾

Dated this day of , 19
.....
Town Clerk/Clerk

- (1) Insert name and address.
- (2) Insert name of Council.
- (3) Insert title of order.
- (4) Insert address of Council offices.
- (5) Insert owner, lessee, mortgagee or occupier as the case may be.
- (6) Insert description and location of buildings.
- (7) Insert period prescribed by clearance order.
- (8) Describe the Area.

NOTES

1. If no objection is duly made, or if all objections are withdrawn, the Ministry may, if it thinks fit, confirm the order with or without modification; but in any other case the Ministry 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 Ministry of Health and Local Government it will become operative at the expiration of six weeks from the date on which notice of its confirmation is published, but if proceedings in the Supreme Court are commenced within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

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 six 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 six weeks from the date on which it is vacated. In either case the period of six weeks may be extended by the local authority.

4. Where a person residing in a house is dispossessed as a result of this order, and at the date of dispossession he has resided in the house for not less than six months, the local authority must secure for and offer to that person reasonable alternative accommodation.

Payments which may be made to owners or occupiers under the Housing Act (Northern Ireland), 1961.

5. If the order is confirmed the Ministry of Health and Local Government may direct the local authority to make a payment in respect of any house if it is satisfied that that house has been well maintained. Any person who thinks that a house is well maintained may make a representation to the Secretary, Ministry of Health and Local Government, Stormont, Belfast, 4, not later than three months after the date of confirmation of the order.

6. If a house has, at the date of making of the order, been occupied for business purposes and the person entitled to the receipts of the business was also the owner or leaseholder of the house, a payment may be made. A condition is that the house at some time between 30th October, 1958, and 31st December, 1958, must have been used for business purposes. Alternatively, the owner or leaseholder would qualify if the house were used for business at all times during the ten years preceding the date of the making of the order. A tenant carrying on trade or business and who is displaced from a house as a result of the order may be entitled to a payment in respect of loss of goodwill.

7. An owner-occupier may become eligible for a payment in respect of a house which is vacated in pursuance of the order before the 30th October, 1968, provided that the house has been bought between 1st January, 1944, and 31st December, 1958, and has been occupied at some time between 30th October, 1958, and 31st December, 1958, by the purchaser or a member of his family.

8. The payment to be made to a business owner or an owner-occupier would be the amount by which the market value of his interest exceeds the site value but a person who is entitled to such a payment cannot also receive a payment for good maintenance.

9. Any person on whom this notice is served who thinks that if the order becomes operative he may be eligible for a payment should notify the clerk of the local authority in writing of the facts on which he relies. Such a payment cannot be made until after the house is vacated but it is important to establish the facts relating to ownership or occupation as soon as possible.

10. A person dispossessed by the clearance order of a house in which he has been resident for at least six months immediately prior to the date of vacation may be entitled to a resettlement grant of £60.

11. The preceding paragraphs merely outline the circumstances in which a payment may be made. Further information may be obtained at the offices of the Council.

FORM No. 6

Notice to be published of Clearance Order having been confirmed by the Ministry of Health and Local Government

Section 45(2)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Clearance Order, 19 .

Notice is hereby given that the Ministry of Health and Local Government in pursuance of its powers under Part II of the Planning and Housing Act (Northern Ireland), 1931, on the 19 , confirmed (2)[with modifications] the(1) Clearance Order, 19 , submitted to it by the(3) Council 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 above-mentioned 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 six weeks from the date of publication of this notice, but if proceedings in the Supreme Court are instituted within that period by an aggrieved person desirous of questioning the validity of the Order, the Court may, if satisfied that the Order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the Order either generally or in so far as it affects any property of the applicant.

The Housing Act (Northern Ireland), 1961, provides that any person may represent that a house included in a confirmed Clearance Order has been well maintained. Any such representation must be made to the Ministry of Health and Local Government, Stormont, Belfast, 4, within three months of the date of confirmation of the Order.

Payments to owner-occupiers, to business owners and to business tenants may in certain circumstances be made and further information on these matters may be obtained at the offices of the Council.

SCHEDULE(5)

Dated this day of , 19 .

.....
Town Clerk/Clerk

- (1) Insert title of order.
- (2) Delete if inapplicable.
- (3) Insert name of Council.
- (4) Insert address of Council offices.
- (5) Describe the Area.

FORM No. 7

Notice to be served of Clearance Order having been confirmed by the Ministry of Health and Local Government

Section 45(2)

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

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Clearance Order

To(2).....of.....

Take notice that the Ministry of Health and Local Government in pursuance of its powers under Part II of the Planning and Housing Act (Northern Ireland), 1931, on the 19, confirmed (3)[with modifications] the(1) Clearance Order, 19, submitted to it by the(4) Council ordering the demolition of the buildings in the area described in the Schedule and their vacation within the periods respectively described in the Order.

A copy of the said Order and of the Map referred to therein may be seen at all reasonable hours at(5)

The Order will become operative at the expiration of six weeks from the 19, on which date a notice in like terms to this notice was published in the press, but if proceedings in the Supreme Court are commenced within that period by an aggrieved person desirous of questioning the validity of the Order, the Court may, if satisfied that the Order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the Order either generally or in so far as it affects any property of the applicant.

Under the terms of section 2 of the Housing Act (Northern Ireland), 1961, any person may represent that a house included in a confirmed Clearance Order is well maintained. Any such representation must be made to the Secretary, Ministry of Health and Local Government, Stormont, Belfast, 4, within three months of the date of confirmation of the Order.

SCHEDULE(6)

Dated this day of , 19

..... Town Clerk/Clerk

- (1) Insert title of order.
(2) Insert name and address.
(3) Delete if inapplicable.
(4) Insert name of Council.
(5) Insert address of Council offices.
(6) Describe the Area.

FORM NO. 8

Notice to Occupier to Quit Building after Clearance Order has become operative

Section 35

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

To⁽²⁾ being the occupier of the building known as⁽³⁾

Take Notice:—

That by the⁽⁴⁾ Clearance Order, 19 .., made by the⁽¹⁾ Council, in pursuance of their powers under section 23 of the Planning and Housing Act (Northern Ireland), 1931, and confirmed by the Ministry of Health and Local Government on the 19 .., it was ordered that the above-mentioned building be demolished and for the purposes of demolition be vacated within⁽⁵⁾ from the date when the Order became operative.

And that the⁽⁴⁾ Clearance Order, 19 .., became operative on the 19 ..

And that in pursuance of section 35 of the Planning and Housing Act (Northern Ireland), 1931, you are required to quit the said building before the⁽⁶⁾ 19 ..

Dated this day of .., 19 ..

.....
Town Clerk/Clerk

- (1) Insert name of Council.
- (2) Insert name of occupier.
- (3) Insert address of building.
- (4) Insert title of order.
- (5) Insert period specified in the order.
- (6) 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 has become operative and applies to any building, enters into occupation of that building or 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 liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 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 has resided in the house for not less than six months, the local authority must secure for and offer to that person reasonable alternative accommodation.

FORM No. 9

Notice of Time and Place for consideration of condition of House liable to be made subject to a Demolition Order or Closing Order

Section 29(2)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

To(2) of being the person having control of the house known as and to(2) of being the owner of the said house and to(2) of being the mortgagee of the said house.

Whereas the(1) Council are satisfied that the above-mentioned house is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit.

Take Notice that the condition of the above-mentioned house and any offer with regard to the carrying out of works or the future use of the house will be considered by the Council at(3) on the(4) 19, at o'clock when any of the persons to whom this notice is addressed will be entitled to be heard.

Dated this day of , 19

..... Town Clerk/Clerk

- (1) Insert name of Council.
(2) Insert name and address.
(3) Insert address at which meeting to be held.
(4) At least 21 days notice must be given.

NOTES

The local authority may, if they think fit, accept an undertaking either that the house will be made fit for human habitation within a specified period or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking. If no undertaking is accepted by the local authority, or, in a case where it is accepted, the house is not made fit within a reasonable time or is used in contravention of its terms, the local authority must forthwith proceed to make a demolition order or, where it is inexpedient to do so, a closing order.

FORM NO: 10

Order for Demolition of a House

Section 29

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

Whereas the⁽¹⁾ Council, having complied with the requirements of section 29 of the Planning and Housing Act (Northern Ireland), 1931, are satisfied that the house known as is unfit for human habitation and is not capable, at a reasonable expense, of being rendered so fit;

(2)[And Whereas the Council have not accepted an undertaking such as is referred to in the said section;]

(2)[And Whereas the Council accepted an undertaking such as is referred to in the said section but the terms of the undertaking have not been complied with;]

Now Therefore the Council in pursuance of section 29(6) of the Planning and Housing Act (Northern Ireland), 1931, hereby order that the house shall be vacated within⁽³⁾ days from the date on which this order becomes operative and that the house shall be taken down and removed within six⁽⁴⁾ weeks after the expiration of the last-mentioned period, or if it is not vacated before the expiration of that period within six weeks from the date on which it is vacated.

Sealed with the Common Seal of the Council this day of 19

(Seal)

- (1) Insert name of Council.
- (2) Delete if inapplicable.
- (3) This period must not be less than 28 days.
- (4) A longer period may be allowed.

FORM NO. 11

Notice to be served of making a Demolition Order

Section 29(6)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

To⁽¹⁾ of
 being the person having control of the house known as
 and to⁽¹⁾ of being the owner of the
 said house and to⁽¹⁾ of being the mortgagee
 of the said house.

Take Notice that the⁽²⁾ Council on
 the 19, made a Demolition Order (copy attached) in
 respect of the above-mentioned house.

The Order will become operative 21 days after service on you unless an
 appeal has been brought against it within that period. If an appeal is brought
 the Order will not become operative until the appeal is finally determined or
 withdrawn.

Dated this day of , 19

.....
 Town Clerk/Clerk

- (1) Insert name and address.
 (2) Insert name of Council.

NOTES

1. A person aggrieved by this order may appeal against it to the county court but an appeal cannot be brought by a person who is in occupation of a house under a lease or agreement of which the unexpired term does not exceed three years.

2. A person who, knowing that the order has become operative, enters into occupation of the building or any part thereof after the date by which the order requires the 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 is liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 for every day or part of a day on which occupation continues after conviction.

3. Where a person residing in a house is dispossessed as a result of this order, and at the date of dispossession he has resided in the house for not less than six months, the local authority must secure for and offer to that person reasonable alternative accommodation.

4. The Housing Act of 1961 provides for the making of payments in respect of houses which have been well maintained. Any person may represent to the local authority that the house is well maintained but this must be done within 3 months from the date of service of the copy of the demolition order. The representation should be addressed to the Clerk of the local authority at the Council offices.

5. The Housing Act of 1961 also provides that where a house has been occupied for business purposes and the person entitled to the receipts of the business was also the owner of the house, a payment may be made. A condition is that the house at some time between 30th October, 1958, and 31st December, 1958, must have been used for business purposes. Alternatively, the owner would qualify if the house were used for business purposes at all times during the 10 years preceding the date of the making of the order. A tenant carrying on a trade or business and who is displaced from a house as a result of the order may be entitled to a payment in respect of loss of goodwill.

6. An owner-occupier may become eligible for a payment in respect of a house which is vacated in pursuance of a demolition order before the 30th October, 1968, provided that the house has been bought between 1st January, 1944, and 31st December, 1958, and has been occupied at some time between 30th October, 1958, and 31st December, 1958, by the purchaser or a member of his family.

7. The payment to be made to a business owner or an owner-occupier would be the amount by which the market value of his interest exceeds the site value but a person who is entitled to such a payment cannot also receive a payment for good maintenance.

8. Any person on whom this notice is served who thinks he may be eligible for a payment should notify the clerk of the local authority in writing of the facts on which he relies. Such a payment cannot be made until after the house is vacated but it is important to establish the facts relating to ownership or occupation as soon as possible. If, however, the house was earlier the subject of a closing order and a payment was made in respect of the closing order, a further payment may not be made.

9. A person dispossessed by the demolition order of a house in which he has been resident for at least six months immediately prior to the date of vacation may be entitled to a resettlement grant of £60.

10. The preceding paragraphs merely outline the circumstances in which a payment may be made. Further information may be obtained at the offices of the Council.

FORM NO. 12

Notice to Occupier to Quit House after Demolition Order has become operative

Section 35

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

To , the occupier of the house known as

Take Notice that on the 19, the(1) Council duly made a Demolition Order which

requires:—

- (a) that the above-mentioned house be vacated within(2) days from the date on which the Order became operative;
- (b) that the said house be taken down and removed within(3) weeks from the date on which it is vacated;

And that the Order became operative on the 19 ;

And that in pursuance of section 35 of the Planning and Housing Act (Northern Ireland), 1931, you are hereby required to quit the said house before the 19

Dated this day of , 19

..... Town Clerk/Clerk

- (1) Insert name of Council.
- (2) Insert number of days as specified in the order.
- (3) Insert period as specified in the order.
- (4) 28 days from service of this notice or end of period specified in order, if later.

NOTES

1. If at any time after the date on which this notice requires the house to be vacated any person is in occupation of the house, or any part thereof, the local authority or any owner of the house may make complaint to a court of summary jurisdiction and the court is required to order vacant possession to be given to the person making the complaint.

2. Any person who, knowing that a demolition order has become operative, enters into occupation of the house to which it applies, or any part thereof, after the date by which the order requires the house to be vacated or after the date on which it is in fact vacated, whichever is the earlier, or permits any other person to enter into such occupation after that date, is liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 for every day, or part of a day, on which the occupation continues after conviction.

3. The Housing Act of 1961 provides for the making of payments in respect of houses which have been well maintained. Any person may represent to the local authority that the house is well maintained but this must be done within 3 months from the date of service of the copy of the demolition order. The representation should be addressed to the Clerk of the local authority at the Council offices.

4. A tenant carrying on a trade or business who is displaced from the house as a result of the order may be entitled to a payment in respect of loss of goodwill.

5. A person dispossessed by the demolition order of a house in which he has been resident for at least six months immediately prior to the date of vacation may be entitled to a resettlement grant of £60.

6. Where a person residing in a house is dispossessed as a result of this order, and at the date of dispossession he has resided in the house for not less than six months, the local authority must secure for and offer to that person reasonable alternative accommodation.

FORM No. 13

Closing Order made in lieu of Demolition Order Section 2/1956

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1).....Council

Whereas the⁽¹⁾ Council having complied with the requirements of section 29 of the Planning and Housing Act (Northern Ireland), 1931, are satisfied that the house known as is unfit for human habitation and is not capable, at a reasonable expense, of being rendered so fit;

(2)[And Whereas the Council have not accepted an undertaking such as is referred to in the said section;]

(2)[And Whereas the Council accepted an undertaking such as is referred to in the said section but the terms of the undertaking have not been complied with;]

And Whereas under the said section 29 the Council would be required to make a demolition order in respect of the house, but they consider it inexpedient to make such an order having regard to the effect of the demolition of the house upon any other building;

Now Therefore the Council, in pursuance of section 2 of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland), 1956, Hereby Prohibit the use of the said house for any purpose other than⁽³⁾

Sealed with the Common Seal of the Council this day
of 19

(Seal)

- (1) Insert name of Council.
- (2) Delete if inapplicable.
- (3) Insert any purpose approved by the Council.

FORM NO. 14

Notice to be served of making a Closing Order in lieu of a Demolition Order

Section 29(6)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

To⁽¹⁾ of
being the person having control of the house known as
and to⁽¹⁾ of
being the owner of the said house and to⁽¹⁾ of
being the mortgagee of the said house.

Take Notice that the⁽²⁾ Council on
the 19, made a Closing Order (copy attached) in respect
of the above-mentioned house.

The Order will become operative 21 days after service on you unless an
appeal has been brought against it within that period. If an appeal is brought
the Order will not become operative until the appeal is finally determined or
withdrawn.

Dated this day of , 19
Town Clerk/Clerk

- (1) Insert name and address.
(2) Insert name of Council.

NOTES

- 1. A person aggrieved by this order may appeal against it to the county court but
an appeal cannot be brought by a person who is in occupation of a house under a lease
or agreement of which the unexpired term does not exceed three years.
2. A person who, knowing that the order has become operative, enters into occupation
of the building or any part thereof after the date by which the order requires the 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 occupation after that day is
liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5
for every day or part of a day on which occupation continues after conviction.
3. Where a person residing in a house is dispossessed as a result of this order, and
at the date of dispossession he has resided in the house for not less than six months,
the local authority must secure for and offer to that person reasonable alternative
accommodation.
4. The Housing Act of 1961 provides for the making of payments in respect of
houses which have been well maintained. Any person may represent to the local
authority that the house is well maintained but this must be done within three months
from the date of service of the copy of the closing order. The representation should
be addressed to the Clerk of the local authority at the Council offices.
5. An owner-occupier may become eligible for a payment in respect of a house
which is vacated in pursuance of a closing order before the 30th October, 1968, provided
that the house has been bought between 1st January, 1944, and 31st December, 1958,
and has been occupied at some time between 30th October, 1958, and 31st December,
1958, by the purchaser or a member of his family.
6. A tenant carrying on a trade or business and who is displaced from a house as a
result of the order may be entitled to a payment in respect of loss of goodwill.
7. The payment to be made to an owner-occupier would be the amount by which
the market value of his interest exceeds the site value but a person who is entitled to
such a payment cannot also receive a payment for good maintenance.
8. Any person on whom this notice is served who thinks he may be eligible for a
payment should notify the clerk of the local authority in writing of the facts on which
he relies. Such a payment cannot be made until after the house is vacated but it is
important to establish the facts relating to ownership or occupation as soon as possible.
9. A person dispossessed by the closing order of a house in which he has been
resident for at least six months immediately prior to the date of vacation may be
entitled to a resettlement grant of £60.
10. The preceding paragraphs merely outline the circumstances in which a payment
may be made. Further information may be obtained at the offices of the Council.

FORM No. 15

Notice of Time and Place for consideration of matters relating to the making of a Closing Order for part of a building Section 29(2)

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1) Council

To⁽²⁾ of
being the person having control of part of the building known as
which comprises⁽³⁾ and
to⁽²⁾ of being the owner of the
said premises and to⁽²⁾ of
being the mortgagee of the said premises.

Whereas the⁽¹⁾ Council are satisfied that the above-mentioned part of the said building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit.

Take Notice that the condition of the above-mentioned part of the said building and any offer with respect of the carrying out of works or the future user of the said part of the said building will be considered by the Council at on the⁽⁴⁾ 19 .., at o'clock, when any of the persons to whom this notice is addressed will be entitled to be heard.

Dated this day of .., 19 ..

.....
Town Clerk/Clerk

- (1) Insert name of Council.
- (2) Insert name and address.
- (3) Insert description.
- (4) At least 21 days notice must be given.

NOTES

The local authority may, if they think fit, accept from any person on whom this notice has been served an undertaking that he will within a specified period carry out such works as will in the opinion of the local authority render the part of the building fit for habitation, or that it shall not be used for human habitation until the local authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking. If no undertaking is accepted by the local authority, or, in a case where it is accepted, the part of the building is not made fit within a reasonable time or is used in contravention of its terms, the local authority must forthwith proceed to make a closing order.

FORM NO. 16.

Closing Order for part of a building

Section 32

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

(1) Council

Whereas the⁽¹⁾ Council, having complied with the requirements of section 29 of the Planning and Housing Act (Northern Ireland), 1931, are satisfied that a part of the building known as comprising⁽²⁾ let as a separate tenement is unfit for human habitation and is not capable of being made fit at reasonable expense;

⁽³⁾[And Whereas the Council have not accepted an undertaking such as is referred to in the said section;]

⁽³⁾[And Whereas the Council accepted an undertaking such as is referred to in the said section but the terms of the undertaking have not been complied with;]

Now Therefore the Council in pursuance of section 32 of the Planning and Housing Act (Northern Ireland), 1931, hereby prohibit the use of the said part of the said building for human habitation.

Sealed with the Common Seal of the Council
this day of 19

(Seal)

- (1) Insert name of Council.
- (2) Insert description.
- (3) Delete if inapplicable.

FORM-NO. 17

Notice to be served of making a Closing Order for part of a building

Sections 29(6) and 32

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

To⁽¹⁾ _____ of _____
 being the person having control of part of a building known as _____
 and comprising⁽²⁾ _____
 and to⁽¹⁾ _____ of _____ being the owner of the said
 premises and to⁽¹⁾ _____ of _____ being the mortgagee
 of the said premises.

Take Notice that the⁽³⁾ _____ Council on
 the _____ 19 _____, made a Closing Order (copy attached) in
 respect of the above-mentioned part of a building.

The Order will become operative 21 days after service on you unless an
 appeal has been brought against it within that period. If an appeal is brought
 the Order will not become operative until the appeal is finally determined or
 withdrawn.

Dated this _____ day of _____, 19 _____

.....
 Town Clerk/Clerk

- (1) Insert name and address.
- (2) Insert description.
- (3) Insert name of Council.

NOTES

1. A person aggrieved by this order may appeal against it to the county court but an appeal cannot be brought by a person who is in occupation of a house under a lease or agreement of which the unexpired term does not exceed three years.
2. A person who, knowing that the order has become operative, uses those premises in contravention of the terms of the order, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding £20 and to a further penalty of £5 for every day or part of a day on which he so uses them, or permits them to be so used, after conviction.
3. A local authority shall determine a closing order on being satisfied that the part of a building to which it relates has been rendered fit for human habitation.
4. The Housing Act of 1961 provides that a tenant carrying on a trade or business and who is displaced from a house as a result of the order may be entitled to a payment in respect of loss of goodwill.
5. Any person who thinks he may be eligible for a payment should notify the clerk of the local authority in writing of the facts on which he relies. Such a payment cannot be made until after the house is vacated but it is important to establish the facts as soon as possible.
6. A person dispossessed by a closing order of a part of a building in which he has been resident for at least six months immediately prior to the date of vacation may be entitled to a resettlement grant of £60.
7. Where a person residing in a house is dispossessed as a result of this order, and at the date of dispossession he has resided in the house for not less than six months, the local authority must secure for and offer to that person reasonable alternative accommodation.

FORM No. 18

Order determining Closing Order for part of a building

Section 32

THE HOUSING ACTS (NORTHERN IRELAND), 1890 TO 1961

To⁽¹⁾ _____ of _____
 being the person having control of the part of the building known as _____
 and comprising⁽²⁾ _____
 and to⁽¹⁾ _____ of _____ being the owner of the
 said premises and to⁽¹⁾ _____ of _____
 being the mortgagee of the premises.

WHEREAS on the _____ 19 _____, in pursuance of section 32
 of the Planning and Housing Act (Northern Ireland), 1931, a Closing Order was
 made by the⁽³⁾ _____ Council in respect of the above-
 mentioned part of the said building prohibiting the use of that part of the said
 building for human habitation.

AND WHEREAS the said Council are satisfied that the said part of the said
 building has been rendered fit for human habitation.

NOW THEREFORE the said Council hereby determine the Closing Order afore-
 said.

Sealed with the Common Seal of the Council this _____ day
 of _____ 19 _____

(Seal)

- (1) Insert name and address.
- (2) Insert description.
- (3) Insert name of Council.

EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to
 indicate their general purport.)*

These Regulations prescribe revised forms of orders and notices to be
 used by local authorities when dealing with unfit houses. Forms prescribed
 in 1931 are revoked.