1973. No. 305 **[C]**

HOUSING

Schemes for the Erection of Houses for Owner Occupation

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 10 OF THE HOUSING (No. 2) ACT (NORTHERN IRELAND) 1946.

The Ministry of Development (in these Regulations referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by section 10 of the Housing (No. 2) Act (Northern Ireland) 1946(a) (in these Regulations referred to as "the Act") and of every other power enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Housing (Owner Occupation) Regulations (Northern Ireland) 1973, and shall come into operation on the 1st October 1973.

(2) In these Regulations—

(*a*) the expression "appropriate district council" means the district council for the area in which the housing accommodation is to be provided;

(*b*) the word "house" shall be taken to include "flat" and "maisonette", except where otherwise stated;

(*c*) where abbreviations and symbols are used, these shall have the meaning assigned to them by regulation A2(8) of the Building Regulations (Northern Ireland) 1973(b).

2. The following Regulations are hereby revoked:—

Housing (Owner Occupation) Regulations (Northern Ireland) 1956(c);

Housing (Owner Occupation) (Amendment) Regulations (Northern Ireland) 1961(d).

3. A person desirous of providing himself with housing accommodation, or a person who wishes to erect houses for sale to persons desirous of providing themselves with such accommodation, under the provisions of the Act, shall submit proposals to the appropriate district council in accordance with the provisions of Schedule 1.

4. It shall be a condition of approval to any proposals submitted to a district council under section 6 of the Act that the standards which are specified in Schedule 2 (in these Regulations referred to as "the prescribed standards") and the method of measuring the superficial area which is specified in Schedule 3 are observed. The payment of grants under the Act towards the cost of the provision of any accommodation provided thereunder shall be subject to compliance with the prescribed standards.

5. The prescribed standards shall be without prejudice to the application of any building regulation made in pursuance of the Building Regulations (Northern Ireland) Order 1972(e) or of any other enactment or bye-law.

(a) 1946. c. 20.
(b) S.R. & O. (N.I.) 1973, No. 105.
(c) S.R. & O. (N.I.) 1956, No. 95.
(d) S.R. & O. (N.I.) 1961, No. 107.
(e) S.I. 1972, No. 1996 (N.I. 19).

6. The Ministry may assent to the modification of or departure from the provisions of these Regulations.

7. Any house in respect of which a grant is payable or has been paid under Part III of the Act shall during erection and for a period of 5 years next after the date of payment of the grant be open to inspection by any duly authorised officer of the appropriate district council or of the Ministry.

8. The district council in whose area houses are proposed to be built may, if they so desire, require the applicant to give an undertaking, in writing, to pay to them, in respect of any expenses incurred by them in the examination of plans and any other work involved in connection with the application, a fee not exceeding £1·05 (one pound five pence) in respect of each house: provided, however, that where less than 3 houses are to be erected in accordance with any one house type plan, the minimum fee chargeable in respect of those houses shall be £3·15 (three pounds fifteen pence).

The fees shall be payable to the district council prior to the issue of Certificates "O/OA", or "O/OD", as the case may be.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 31st day of August 1973.

(L.S.)

W. P. McIlmoyle,
Assistant Secretary.

SCHEDULE 1

PART 1

Erection of houses for owner occupation

General procedure

Procedure in the case where a person wishes to erect a house for his own occupation

1. A person who desires to erect a house for his own occupation under the provisions of the Act shall as a first step give notice, in writing, to the appropriate district council; this notice shall be accompanied by location plan, *in triplicate,* to a scale of 1:2,500, to show the proposed site in a clear relation to existing development in the area; the plan must be such that the site can easily be identified therefrom.

2. On receipt of written intimation from the district council that the council is prepared to consider proposals, when submitted in the manner hereinafter prescribed, there shall be forwarded to the council the under-mentioned documents *in triplicate*:—

House plans

Complete house plans (with sections and elevations) of the house proposed to be erected, to a scale of 1:50.

These plans to be fully dimensioned, and shall show, drawn on, (to indicate compliance with the prescribed standards), the following:—

(*a*) 300mm × 300mm planning grid;

(*b*) the minimum furniture provisions;

(*c*) other mandatory fittings.

Full details of construction, plumbing and drainage and, generally, the nature of the different materials, must be described thereon.

Specification

A complete and detailed specification of all the works proposed.

3. Subject to the proposals complying with the requirements of these Regulations, the district council shall issue, to the person who has submitted the proposals, a Certificate (Certificate "O/OA") in the form appended to this Schedule and return one set of the plans and specification with the approval of the district council duly endorsed thereon. A copy of Certificate "O/OA" shall be sent by the district council to the Ministry, together with one copy of the location plan and of the house plan.

4. The erection of a house under the Act shall not be commenced until a Certificate "O/OA" has been received from the district council (accompanied by the approved plans and specification). If work has not commenced on a house within 2 years of the date of issue of this Certificate then such Certificate shall become invalid in relation to that house.

5. Before the foundations of a house are laid notification shall be sent to the district council in the form provided on Certificate "O/OA" intimating that it is proposed to lay the foundations, and specifying the date on which it is intended to lay them. The district council in turn shall forward the notification to the Ministry.

6. From time to time during the course of construction, the district council shall cause the house to be inspected by a duly authorized officer.

7. When the erection of a house has been completed, the person who submitted the proposals shall forthwith notify, in writing, the district council and at the same time shall state whether any alterations have taken place in the original siting, in which event an amended location plan to a scale of 1:2,500 must accompany the notification. If the council is satisfied that the erection of the house has been completed in a proper and workmanlike manner, and in accordance with the prescribed standards and conditions, it shall issue a Certificate "O/OB" (which shall be in the form appended to this Schedule).

8. The grant for which a person who has erected a house under approved proposals is eligible shall be payable by the district council as soon as practicable following the receipt of the form of claim forming part of the Certificate "O/OB" in respect of that house.

9. The district council shall forward to the Ministry after the payment of a grant in respect of a house a Certificate (Certificate "O/OC") and claim (which shall be in the form appended to this Schedule) for the recoupment to the council of the appropriate sum, payable by the Ministry under the provisions of the Act, which sum shall (subject to the provisions of paragraph 10) be paid to the district council as soon as reasonably practicable after receipt of Certificate "O/OC", provided that the Ministry is satisfied that the statutory and prescribed conditions have been complied with in respect of that house.

10. Certificate "O/OC" shall be subject to certification by the Local Government Auditor after payment has been made by the Ministry.

PART II

Procedure in the case where a person erects houses for sale to persons requiring the accommodation for their own occupation

11. A person who desires to erect a house, or houses, for sale under the provisions of the Act (hereinafter referred to as "the owner") shall, as a first step, give notice, in writing, to the appropriate district council stating the number of houses proposed to be built; this notice shall be accompanied by location plans, *in triplicate*, to a scale of 1:2,500, to show the proposed site, or sites, in a clear relation to existing development in the area: the plan must be such that the site, or sites, can easily be identified therefrom.

12. On receipt of written intimation from the district council that the council is prepared to consider a scheme, when submitted in the manner hereinafter prescribed, the owner shall forward to the council the under-mentioned documents *in triplicate*:—

Layout plan and sections for roads and services

A plan, to a scale of 1:500 (together with the necessary cross and longitudinal sections to a convenient scale) clearly showing the proposed roads and public footpaths, sewers and drains, water and gas mains, electrical transmission lines and cables, all related to contours and other ground levels, and also to existing roads and services.

This layout plan may not be required if all the information concerning roads and services is included in the general layout plan referred to next.

General layout plan

A plan, to a scale of 1:500, clearly showing:—

(*a*) the proposed house (suitably identified by type and number of each type) and other buildings, roads and footpaths;

(*b*) the site number allocated to each house;

(*c*) the boundaries of the site;

(*d*) the different features of the layout, eg, house blocks, roads and footpaths, open spaces, etc;

(*e*) existing buildings which adjoin the site, or are to remain on the site;

(*f*) existing natural features, such as trees, hedges and streams;

(*g*) contours and necessary spot levels;

(*h*) all dimensions necessary to indicate compliance with the prescribed standards, eg, distances between house blocks, etc;

(*i*) widths of carriageways and footpaths.

In circumstances where it would not be practicable to show the full general layout to 1:500 scale on one drawing, the layout may be broken into sections, to a scale of 1:500, with, if necessary, a key plan to a convenient scale.

House plans

Complete house plans (with sections and elevations) of each of the types of houses proposed to be erected, to a scale of 1:50.

These plans are to be fully dimensioned, and shall show, drawn on, (to indicate compliance with the prescribed standards), the following:—

(*a*) 300mm × 300mm planning grid;

(*b*) the minimum furniture provisions;

(*c*) other mandatory fittings.

Full details of construction, plumbing and drainage and, generally, the nature of the different materials, must be described thereon. In cases where it is proposed to arrange houses of different types in blocks it will generally be necessary to submit additional drawings to a convenient scale showing plans and elevations of the proposed arrangement.

Specification

A complete and detailed specification for:—

(*a*) roads and services; and

(*b*) houses and other immediate site works, including approach paths and fencing, gates, etc.

13. Subject to the scheme complying with the requirements of these Regulations the district council shall issue to the owner a Certificate (Certificate "O/OD") in the form appended to this Schedule, and return one set of the plans and specification with the approval of the district council duly endorsed thereon. A copy of Certificate "O/OD" shall be sent by the district council to the Ministry, together with one copy of the location plan, the general layout plan and the house plans.

14. The erection of houses under the Act shall not be commenced until a Certificate "O/OD" has been received from the district council (accompanied by the approved plans and specifications). If work has not commenced on a house within 2 years of the date of issue of this Certificate then such Certificate shall become invalid in relation to that house.

15. Before the foundations of a house are laid the owner shall send a notification to the district council in the form provided on Certificate "O/OD" intimating that it is proposed to lay the foundations, and specifying the date on which it is intended to lay them. The district council in turn shall forward the notification to the Ministry.