1968. No. 241 **[C]**

HOUSING

Form of Orders and Notices

REGULATIONS, DATED 6TH NOVEMBER 1968, MADE BY THE MINISTRY OF DEVELOPMENT 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 Development 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

1. These Regulations may be cited as the Housing (Form of Orders and Notices) (Amendment) Regulations (Northern Ireland) 1968.

Forms to be used

2. The forms numbered 5, 11 and 14 set out in the 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 in the cases to which those forms are applicable.

Revocation

3. Forms 5, 11 and 14 set out in the second schedule to the Housing (Form of Orders and Notices) Regulations (Northern Ireland) 1963(**c**), are hereby revoked.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 6th day of November 1968.

(L.S.)

W. K. Fitzsimmons,
Minister of Development.

(a) 21 & 22 Geo. 5. c. 12 (N.I.).
(b) 1956. c. 10.
(c) S.R. & O. (N.I.) 1963, No. 9.

SCHEDULE

FORM NO. 5

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

THE HOUSING ACTS (NORTHERN IRELAND) 1890 TO 1967

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 Development 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 Development, Stormont, Belfast, BT4 3SS, 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 Development 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 Development 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 that effect to the Secretary, Ministry of Development, Stormont, Belfast, BT4 3SS, not later than three months after the date of confirmation of the order.

6. If at the date of making of the order a house was 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. 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 was used for business at all times during the ten years preceding the date of the making of the Order. A tenant carrying on a trade or business 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 he (or a member of his family) had bought in the period of five years beginning with 30th October 1953 where:—

(1) the house is vacated in pursuance of an order made within the period of fifteen years from the date of purchase; and

(2) the house had 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 the benefit of 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.

Discharge or modification of liabilities affecting the interest of an owner-occupier of an unfit house which is vacated in pursuance of a Clearance Order

12. Under Section 25 of the Housing Act (Northern Ireland) 1967 the county court may, on application being made to it, review any outstanding liabilities of the owner-occupier of an unfit house where these arise under a mortgage secured against his interest in the house or under an agreement to purchase the house by instalments. If either party to such mortgage or agreement is concerned about any sums which he may be due to pay or to receive he should seek legal advice about his rights under that section.