1964. No. 170 **[C]**

HOUSING

Form of Declaration of Unfitness Order and Notice

REGULATIONS, DATED 15TH OCTOBER, 1964, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HOUSING ACT (NORTHERN IRELAND) 1963.

The Ministry of Health and Local Government, in exercise of the powers conferred upon it by sections 29 and 38 of the Housing Act (Northern Ireland) 1963(a) (in these Regulations referred to as "the Act") and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Housing (Form of Declaration of Unfitness Order and Notice) Regulations (Northern Ireland) 1964.

2. The Housing (Form of Declaration of Unfitness Order and Notice) Regulations (Northern Ireland) 1963(b) are hereby revoked.

Forms to be used

3. An Order made by a local authority under section 29(1) and notice of the effect of that Order served under section 29(2) of the Act shall be in the forms A and B respectively set out in the Schedule.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 15th day of October, 1964.

(L.S.) *Wm. Craig,*
Minister of Health and Local Government.

(a) 1963. c. 26 (N.I.). (b) S.R. & O. (N.I.) 1963, No. 186.

SCHEDULE

FORM A

Declaration of Unfitness Order

HOUSING ACTS (NORTHERN IRELAND) 1890-1964

(1) ..... Council

(2) ..... Improvement Scheme/ Re-development Area

Whereas the (1) Council [have acquired] [propose to acquire] compulsorily for the purposes of their functions under Part I of the Housing of the Working Classes Act 1890, or Part I of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956, land which comprises the house(s) the address and location of which are indicated on the Schedule and on the annexed map.

Now therefore the Council, being satisfied that the said [house is] [houses are] unfit for human habitation and not capable at reasonable expense of being rendered so fit, hereby declare, in pursuance of their powers under section 29 of the Housing Act (Northern Ireland) 1963, that section 6 of the Housing (Ireland) Act 1919 applies to such house(s).

SCHEDULE

Address of house	*Reference No. on map annexed*

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

.....

(Seal)

(1) Insert name of Council.

(2) Insert title of Scheme or Area.

FORM B

Notice to be served as to the making of a Declaration of Unfitness Order

HOUSING ACTS (NORTHERN IRELAND) 1890-1964

To (1) of

Take Notice that the (2) Council in pursuance of their powers under section 29 of the Housing Act (Northern Ireland) 1963, being satisfied that the house(s) described in column 1 of the Schedule in which you have an estate as (3)
[is a house] [are houses] unfit for human habitation and not capable at reasonable expense of being rendered so fit, on (4) 19 made an Order declaring that section 6 of the Housing (Ireland) Act 1919 applies to the said house(s); and that the said Order is about to be submitted to the Ministry of Health and Local Government for confirmation.

The principal grounds upon which the Council are of opinion that the [house is] [houses are] unfit for human habitation are set out in column 2 of the Schedule.

A copy of the Order and of the map annexed thereto may be seen at all reasonable hours at (5)

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 (6)

SCHEDULE

(1) *Address of house*	(2) *Matters referred to in section 40 of the Planning and Housing Act (Northern Ireland) 1931 in which the house is defective* (7)

Dated this 19 .

.....
Town Clerk/Clerk

(1) Insert name and address.
(2) Insert name of Council.
(3) Insert owner, lessee, mortgagee, etc., as the case may be.
(4) Insert date of Order.
(5) Insert address of Council offices.
(6) Insert date not less than one month from date of service.
(7) Insert (*a*), (*b*), (*c*), (*d*), etc., as appropriate. (See notes).

NOTES

1. If no objection is duly made, or if all objections are withdrawn, the Ministry may confirm the Order with or without amendment; but in any other case the Ministry is required, if either an objector or the local authority so desire, to afford an opportunity to both parties to appear before, and be heard by, a person appointed by the Ministry.

2. If the Order is confirmed any compensation payable as a result of compulsory acquisition by the local authority must be determined in accordance with section 6 of the Housing (Ireland) Act 1919. Generally this would be on the basis of site value.

3. Compensation in accordance with section 6 of the Housing (Ireland) Act 1919 is payable if the house is found to be unfit for human habitation and not capable at reasonable expense of being rendered so fit. Unfitness for human habitation is assessed by reference to one or more of the following matters:—(*a*) repair; (*b*) stability; (*c*) freedom from damp; (*d*) natural lighting; (*e*) ventilation; (*f*) water supply; (*g*) drainage and sanitary conveniences; (*h*) facilities for storage, preparation and cooking of food and for the disposal of waste water. "Reasonable expense" is defined as being a sum not more than ten times the net annual value of the house.

4. Additional payments of compensation may be made under the Housing Act (Northern Ireland) 1961—

(*a*) a payment in respect of a house which has been well-maintained. Any person may make representations to this effect to the Ministry of Health and Local Government within three months of the date of making of the vesting order for compulsory acquisition;

(*b*) a payment in respect of a house used for business purposes provided that a business was carried on there either during the period 30th October, 1958, to 31st December, 1958, or at all times during the ten years preceding the date of the making of the vesting order;

(*c*) a payment to the owner-occupier of a house purchased during the period 1st January, 1944, to 31st December, 1958,—and occupied at some time between 30th October, 1958, and 31st December, 1958, by the purchaser or a member of his family and which has been compulsorily acquired before 30th October, 1968.

5. The total compensation payable under the Housing Act (Northern Ireland) 1961 and the Housing (Miscellaneous Provisions) Act (Northern Ireland) 1964 to a person occupying a house as a private dwelling by virtue of an estate or interest therein must not be less than four times the net annual value of the house.

6. Further information as to the payments referred to above may be obtained at the offices of the Council.

EXPLANATORY NOTE

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

These Regulations prescribe the form of a Declaration of Unfitness Order which may be made by a local authority specifying houses in a re-development area in respect of which compensation in accordance with section 6 of the Housing (Ireland) Act 1919 would, if the Order be confirmed, be payable. The form of Notice to be served on interested parties is also prescribed by these Regulations.

The prescribed forms replace those prescribed by the Housing (Form of Declaration of Unfitness Order and Notice) Regulations (Northern Ireland) 1963 which are revoked by these Regulations. The new forms are necessary by reason of the terms of the Housing (Miscellaneous Provisions) Act (Northern Ireland) 1964.