1968. No. 242 **[C]**

HOUSING

Form of Unfitness Order Notice

REGULATIONS, DATED 6TH NOVEMBER 1968, MADE BY THE MINISTRY OF DEVELOPMENT UNDER THE HOUSING ACT (NORTHERN IRELAND) 1963.

The Ministry of Development, in exercise of the powers conferred upon it by sections 29 and 38 of the Housing Act (Northern Ireland) 1963(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Housing (Form of Declaration of Unfitness Order and Notice) (Amendment) Regulations (Northern Ireland) 1968.

2. The Notice contained in the Schedule shall be substituted for the Notice contained in Form B to the Schedule to the Housing (Form of Declaration of Unfitness Order and Notice) Regulations (Northern Ireland) 1964(**b**).

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) 1963. c. 26 (N.I.).

(b) S.R. & O. (N.I.) 1964, No. 170.

SCHEDULE

FORM B

Notice to be served as to the making of a Declaration of Unfitness Order
HOUSING ACTS (NORTHERN IRELAND) 1890-1967

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 Development 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 Development, Stormont, Belfast BT4 3SS 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 Development 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

(i) which he (or a member of his family) had bought in the period of five years beginning with 30th October 1953; and

(ii) which he (or a member of his family) had occupied at some time between 30th October 1958 and 31st December 1958; and

(iii) which had been compulsorily acquired within the period of fifteen years from the date of purchase of the house.

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.

Discharge or modification of liabilities affecting the interest of an owner-occupier of an unfit house which is acquired in pursuance of a vesting order

7. 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 an 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.

EXPLANATORY NOTE

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

These Regulations prescribe an amended Form of Notice to be served on persons affected by a Declaration of Unfitness Order. The amendments are necessitated by the provisions of the Housing Act (Northern Ireland) 1967.