1971. No. 275 **[C]**

HOUSING

Form of Declaration of Unfitness Order and Notice

REGULATIONS, DATED 31ST AUGUST 1971, 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) (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) 1971.

2. The Housing (Form of Declaration of Unfitness Order and Notice) Regulations (Northern Ireland) 1964(b) and the Housing (Form of Declaration of Unfitness Order and Notice) (Amendment) Regulations (Northern Ireland) 1968(c) 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 Development for Northern Ireland this 31st day of August 1971.

(L.S.)

Roy H. Bradford,
Minister of Development.

(a) 1963. c. 26 (N.I.).
(b) S.R. & O. (N.I.) 1964, No. 170.
(c) S.R. & O. (N.I.) 1968, No. 242.

SCHEDULE

FORM A

DECLARATION OF UNFITNESS ORDER

HOUSING ACTS (NORTHERN IRELAND) 1890-1971

(1) .....

(2) .....

Redevelopment Scheme/
General Improvement Area

WHEREAS the (1) [have acquired] [propose to acquire] compulsorily for the purposes of Part I of the Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (Northern Ireland) 1956 or Part II of the Housing Act (Northern Ireland) 1971, 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(s) is/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

(L.S.)

(1) Insert name of Council or Northern Ireland Housing Trust.

(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) 1890-1971

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 houses 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(s) in which you are interested [is] [are] unfit for human habitation and not capable of being rendered so fit 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) 19 .

SCHEDULE

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

Dated the day of 19

Town Clerk/Clerk.

(1) Insert name and address.
(2) Insert name of Council.
(3) Insert owner, lessee, mortgagee 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*), 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 must be determined in accordance with Section 6 of the Housing (Ireland) Act 1919. Generally this would be on the basis of site value but the owner or occupier may qualify for an additional payment as indicated in paragraph 4 below.

3. Compensation under 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; (*ca*) internal arrangement; (*d*) natural lighting; (*e*) ventilation; (*f*) water supply; (*g*) drainage and sanitary conveniences; (*h*) facilities for preparation and cooking of food and for the disposal of waste water. "Reasonable expense" is defined as being a sum not more than fourteen times the net annual value of the house.

4. Additional payments by way of compensation may be made under the Housing Acts:—
   (*a*) A payment to the owner-occupier of a house, provided that it has been owner-occupied for at least 2 years prior to the date of the vesting order, to bring the amount of compensation up to the market value of the house.
   (*b*) A payment in respect of a house which has been well maintained. Good maintenance can relate to the interior or the exterior or both. 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.
   (*c*) A payment in respect of a house used for business purposes provided that the business was carried on there at all times during the two years preceding the date of making of the Vesting Order.

5. The total compensation payable 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. 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.

7. The preceding paragraphs are intended for general guidance. Further information 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 an amended form of Declaration of Unfitness Order and of the notice to be served when such an Order has been made. The amended forms are necessary following the provisions of the Housing Act (Northern Ireland) 1971.