



Northern Ireland
Assembly

Committee for Agriculture, Environment and Rural Affairs

Report on the Dilapidation Bill

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Report: NIA 170/22-27 Committee for Agriculture, Environment and Rural Affairs

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Powers and Membership

Powers

The Committee for Agriculture, Environment and Rural Affairs is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development, and consultation role with respect to the Department for Agriculture, Environment and Rural Affairs and has a role in the initiation of legislation. The Committee has power to:

- Consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- Approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- Call for persons and papers;
- Initiate enquiries and make reports; and
- Consider and advise on matters brought to the Committee by the Minister of Agriculture, Environment and Rural Affairs.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee during the Committee Stage of the Bill was as follows:

- Mr Robbie Butler MLA (Chairperson)
- Mr Declan McAleer MLA (Deputy Chairperson)
- Mr John Blair MLA
- Mr Tom Buchanan MLA
- Miss Aoife Finnegan MLA
- Mr Gareth Wilson MLA¹

¹ From 5 January 2026 Mr Gareth Wilson replaced Mr William Irwin as a member of the Committee

- Miss Michelle McIlveen MLA
- Mr Daniel McCrossan MLA²
- Miss Áine Murphy MLA

² From 8 September 2025 Mr Daniel McCrossan replaced Mr Patsy McGlone as a member of the Committee

List of Abbreviations and Acronyms used in this Report

BCNI	Building Control Northern Ireland
DAERA	Department of Agriculture, Environment and Rural Affairs
DfC	Department for Communities
DfI	Department for Infrastructure
EFM	Explanatory and Financial Memorandum
FPN	Fixed Penalty Notice
HED	Historic Environment Division
NILGA	Northern Ireland Local Government Association
OLC	Office of Legislative Council
RaISe	Research and Information Services
RNIA	Rural Needs Impact Assessment
Solace	The Society of Local Authority Chief Executives and Senior Managers
UAH	Ulster Architectural Heritage

Executive Summary

1. This report sets out the consideration of the Dilapidation Bill by the Committee for Agriculture, Environment and Rural Affairs.
2. Minister Muir introduced the Dilapidation Bill to the Northern Ireland Assembly on 23 June 2025, and it was referred to the Committee for consideration on 1 July 2025, following completion of its Second Stage.
3. The Dilapidation Bill as introduced consists of thirty-one Clauses and two schedules. The primary aim of the Bill is to provide all District Councils ('Councils') with a modern, fit-for-purpose Northern Ireland-wide enforcement regime to deal with the negative impact of dilapidated / dangerous buildings and neglected sites. Councils currently have limited powers in this area, but the Bill seeks to modernise these powers and provide Councils with additional power to take steps requiring buildings / land to be cleaned up when their condition adversely affects the amenity of the area.
4. To allow time for full consideration of the Bill, the Committee sought a lengthy extension to the Committee Stage. While it was the Committee's intention to complete its work earlier, if possible, regrettably that has not been the case due to the receipt of considerable evidence and proposed amendments from NILGA and Building Control late in the Committee Stage. The Committee's extensive consideration of the Bill is demonstrated through its consideration of the Bill at 22 meetings and in the discussions during 14 oral evidence sessions.
5. The Committee undertook its deliberations in both public and closed sessions commencing on 5 February 2026, at which Members had the opportunity to raise any issues or concerns with Officials and consider evidence and proposed amendments from the Department and stakeholders. At its meeting on 7 May 2026 the Committee then had further deliberations over a new Clause, a Review Clause, it had requested, with drafts from the Officials and the Assembly Bill Office to be considered, before agreeing to undertake its

formal Clause by Clause consideration (outlined in the formal Clause by Clause agreement section of this report).

6. The Committee carefully scrutinised the Dilapidation Bill through detailed consideration of written submissions, oral evidence, and ongoing engagement with Departmental officials. The Committee's deliberations were informed by a wide range of stakeholder perspectives, including local government, professional bodies, heritage interests, and individual respondents.
7. The Committee received legal advice from the Examiner of Statutory Rules (ESR) and overall, the ESR was satisfied that the exercise of legislative power provided for in the Bill was not inappropriate and is subject to an appropriate level of Assembly scrutiny.
8. In addition, Legal Services also provided the Committee with a Convention Rights Memorandum, which identified that Article 6 (right to a fair trial), Article 8 (right to respect for private and family life) and Article 1 of Protocol 1 (protection of property) are engaged by the Bill.
9. The Research and Information Services of the Assembly prepared and presented a Bill Research Paper and a separate Costings paper – both of which served to highlight issues for Committee consideration.
10. The Committee also held an online session with members of the Youth Assembly and also issued an informal survey, supported by the Assembly Public Engagement Team, to complement the formal call for evidence.
11. Throughout its consideration of the Bill, the Committee sought clarification on the intent, application, and proportionality of the proposed powers, and explored how issues raised during the call for evidence might be addressed through the Bill itself, proposed amendments, and the supporting Statutory Guidance.
12. Overall, there was broad support for the Bill's objective of equipping Councils with modernised and consolidated powers to address dilapidated, dangerous,

and neglected buildings in the interest of amenity, public safety, and community wellbeing. Stakeholders widely recognised the detrimental impact that poorly maintained and derelict buildings can have on local environments, particularly where such properties pose risks to public safety or undermine regeneration efforts.

13. However, the evidence also highlighted consistent concerns regarding Councils' capacity and financial sustainability, the need for clarity around definitions and thresholds, and the importance of ensuring that powers are applied proportionately and consistently across Council areas.
14. The Committee noted broad support for early intervention powers to address both minor and more serious dilapidation. However, evidence highlighted the need for clearer Statutory Guidance on subjective terms, alongside concerns regarding the discretionary nature of the powers, appeal timeframes, and enforcement arrangements.
15. While calls were made for stronger penalties and measures to address repeat offending, the Committee also noted Departmental advice that overly punitive approaches could result in disproportionate outcomes, particularly in lower-level cases. In this context, the Committee emphasised the importance of balancing effective enforcement with fairness, including ensuring that appeal mechanisms are clear, accessible, and efficient, and do not delay necessary remedial action or place undue financial pressure on Councils.
16. The Committee recognised the importance of enabling Councils to act swiftly where there is an immediate risk to health or safety, including through emergency action and dangerous structures provisions. While the overall intent of these powers was supported, concerns were raised regarding the definition of "dangerous," the potential prioritisation of demolition over restoration, and the management of complex ownership cases. The Committee considered how these issues could be mitigated through clearer guidance, appropriate legislative safeguards, and assurances on the proportionate application of these powers.

17. A recurring theme throughout the Committee's scrutiny was cost recovery and financial risk. While there was support for the principle that costs should rest with property owners, concerns were raised about Councils meeting upfront expenses, the treatment of inherited or insolvent properties, and the practicalities of cost recovery in complex cases. The Committee therefore examined the strengthened cost-recovery provisions within the Bill, including statutory charging powers and the use of fixed penalty receipts, and sought reassurance that these mechanisms would operate effectively without creating unintended financial burdens for Councils. The Committee's overall position is that cost-recovery provisions must be robust and workable in practice, ensuring Councils are not exposed to undue financial risk while maintaining fairness to property owners.
18. The Committee welcomed the Department's constructive engagement and its responsiveness to issues raised through stakeholder evidence, including commitments to amend provisions, enhance the Explanatory and Financial Memorandum and Statutory guidance and continue working closely with local government.
19. The Committee sought to engage proactively with stakeholder concerns throughout its scrutiny of the Bill, as reflected in its request for round-table discussions between Departmental Officials and NILGA, and the subsequent novel engagement between Assembly Officials and Building Control representatives.
20. While the Committee was broadly content that the Bill addresses the need to update and consolidate existing powers, it highlighted that effective implementation would rely on clear guidance, consistent application across Councils, adequate resourcing, and robust post-implementation review. Despite supporting the overall rationale of the Bill, the Committee expressed reservations that the discretionary nature of the powers, together with the absence of dedicated funding for Councils, may constrain their effectiveness in practice.

21. The Committee made a number of recommendations based on issues highlighted in its evidence, which can be found starting at page 68 of this report.
22. The Committee agreed to bring forward an amendment to insert a new Clause to provide for a review and reporting provision within the Bill. This was taken forward by the Department, and the Committee has agreed it is content with the text of the planned amendment as drafted.
23. After considering all its evidence, querying many issues, deliberating on the matters raised, taking advice from the Assembly Bill Office and seeking clarifications with Departmental Officials, the Committee undertook its formal Clause-by-Clause scrutiny of the Bill at its meeting on 7 May. **The Committee agreed to following Clauses as drafted:** Clause 1, Clause 3, Clause 5, Clause 6, Clauses 8 to 10, Clauses 13 to 15, Clause 20, Clauses 22 to 24, Clauses 26 to 31, and Schedule 2.

The Committee agreed the following Clauses as amended: Clause 2, Clause 4, Clause 7, Clause 11, Clause 12, Clauses 16 to 19, Clause 21, Clause 25, and Schedule 1.

The Committee also agreed that a new Review Clause (28A) be inserted after Clause 28, as drafted by the Department, following consideration of two options, including a draft prepared by the Assembly Bill Office.

Introduction

Pre-Committee Stage

24. The Dilapidation Bill (NIA Bill 170/22-27) was introduced to the Assembly on 23 June 2025. At introduction, the Minister for Agriculture, Environment and Rural Affairs made the following statement under Section 9 of the Northern Ireland Act 1998:

“In my view the Dilapidation Bill would be within the legislative competence of the Northern Ireland Assembly.”

25. The Bill passed its Second Stage on 1 July 2025 and was referred to the Committee in accordance with accordance with **Standing Order 33(1)**.

26. The stated purpose of the Bill is to allow DAERA to confer functions on district Councils in connection with the dilapidation of buildings and other land. The Department’s aim is to have a modern and effective enforcement regime to enable local government to maintain and improve their districts for the benefit of citizens, tourists, and businesses. The Bill contains 31 Clauses and 2 Schedules.

27. The main objectives of the Clauses in the Bill are to:

- Consolidate and enhance provisions within much of the previous dilapidation legislation, which dates to the mid-19th Century; and
- Address the legislative deficit in Northern Ireland compared to other jurisdictions.

The Bill gives Councils the power to serve one of a series of notices on the owner / occupier / interested person, requiring that the situation be remedied (the type of notice will depend on the severity of the dilapidation). The Bill provides for a hierarchical approach in terms of severity – with low level cases being the least severe, dilapidated structures being moderately severe and

dangerous structures and those requiring emergency action being the most severe.

28. The Bill's EFM asserts that it is not anticipated that the Bill will have any financial effects on the Department, that the Bill is compliant with the European Convention on Human Rights, and that the policy proposals have been successfully screened for equality impact, data protection impact, regulatory impact, and rural needs impact.
29. The Regulatory Impact Assessment, informed by data sourced by Ulster University in its March 2018 report identifies a series of benefits to Northern Ireland resulting from increased remediation activity and reduced rates of dilapidation, including economic regeneration, investment, tourism, employment and reduced anti-social behaviour.

Committee Approach

30. During the period covered by this report the Committee considered the Bill and related issues at 22 meetings. The relevant Minutes of Proceedings for these meetings are included at Appendix 1.
31. At its meeting on 19 June 2025, prior to the introduction of the Bill, the Committee received a pre-legislative briefing from DAERA Officials on the outcome of its public consultation on the Bill proposals, which ran from March to June 2016. The consultation was placed on the Department's website and on Citizen Space, and its launch was highlighted via the Department's social media.
32. The Committee heard that, by the closing date of 30 June 2016, the Department had received 24 substantive responses and that there was overwhelming support for the introduction of a modern, fit-for-purpose enforcement framework. Respondents supported granting Councils new statutory enforcement powers, provided this was accompanied by adequate central government funding and robust cost-recovery provisions, including charges on land with appropriate priority.

33. Issues highlighted included the need to ensure compatibility with other legislation, protect heritage buildings, strengthen penalties and sanctions, provide Statutory Guidance developed with Councils, and recognise the roles of communities and environmental considerations.
34. At its meeting on 11 September 2025, the Committee agreed a motion to extend the Committee Stage of the Bill to 15 May 2026. In doing so, the Committee recognised that much of the existing legislation is dated and that the Department's consultation on the Bill took place almost a decade ago, in 2016. Given the time that has elapsed, the Committee considered it essential to allow sufficient time for comprehensive scrutiny of the Bill to ensure it addresses current issues affecting buildings and sites and is deliverable by Councils within the constraints of the current financial climate. The motion to extend the Committee stage was subsequently supported by the Assembly on 23 September 2025.
35. The Committee had before it the Dilapidation Bill (NIA 21/22-27) and the accompanying Explanatory and Financial Memorandum. On 7 July 2025, the Committee issued a formal public Call for Evidence on Citizen Space that ran until 10 October 2025. A total of 30 individuals and organisations responded to the formal consultation. Responses are included at **Appendix 4**.
36. The Committee also wrote to key stakeholders, and inserted public notices in the Belfast Telegraph, Irish News, and Newsletter seeking written evidence on the Bill by 10 October 2025. A total of 11 written submissions were received from stakeholder groups. These are included at **Appendix 5**.
37. At its meeting on 25 September 2025 the Committee received an oral briefing from the Northern Ireland Assembly Research and Information Service (RaISe) on its Bill Paper, produced for all Assembly Members, to provide research on the content and implications of the Bill. This paper is included at **Appendix 6**. The paper explored the provisions of the Bill (as introduced); provided comparisons with similar legislation and policy in Great Britain and

the Republic of Ireland; and identified issues for the Committee's further consideration.

38. An additional research paper was provided by RaISe titled Scrutinising Key "Public Purse" Implications of the Dilapidation Bill in March 2026 and this was presented during the oral evidence session on 16 April 2026 (**Appendix 6**).
39. The Committee wrote to the Department on 7 October 2025 and again on 20 March 2026, seeking responses to the key issues raised in both RaISe papers. The Department's responses were subsequently received on 21 October 2025 and 31 March 2026 respectively and are set out at Appendix 3.
40. DAERA Officials provided the Committee with its first Committee Stage briefing on 2 October 2025. As the initial Bill briefing had been provided on 19 June 2025, this session served as a refresher, during which Members received an outline of the main Clauses of the Bill, an update on a potential Ministerial amendment to Clause 11, and an overview of the draft Guidance.
41. The Committee was given legal advice by the Examiner of Statutory Rules (ESR) on the delegated powers within the Bill at its meeting on 9 October 2025. Overall, the ESR was satisfied that the exercise of legislative power provided for in the Bill was not inappropriate and is subject to an appropriate level of Assembly scrutiny.
42. Legal Services also provided the Committee with a Convention Rights Memorandum in February 2026. They identified that Article 6 (right to a fair trial), Article 8 (right to respect for private and family life) and Article 1 of Protocol 1 (protection of property) are engaged. During deliberations, the Chair highlighted, on a Clause-by-Clause basis, where these rights were engaged. Legal Services confirmed that, regarding Convention Rights, there were no Clauses or Schedules within the Bill that require particular scrutiny by the Committee, and that no provision falls within the scope of Article 2(1) of the Windsor Framework (**See Appendix 7**).

43. The Committee held an engaging session with members of the Youth Assembly, during an online meeting on 14 October 2025. Members raised insightful questions and highlighted a range of important issues. The Youth Assembly Secretariat subsequently provided the Committee with a report setting out its views on 10 November (**See Appendix 4**).
44. At its meeting of 6 November, the Committee agreed to also issue an informal survey to complement the formal call for evidence. This was taken forward by the Assembly Public Engagement Team and issued to organisations not included in the formal Call for Evidence stakeholder list. It provided a separate opportunity for the Committee to reach out to ensure comments on the Bill were received from a wide range of stakeholders. The informal survey ran from 12 November 2025 until 4 December 2025, and a total of 96 responses were received (**See Appendix 2**).
45. During the Committee Stage of the Bill, the committee arranged to take oral evidence on the Bill from relevant stakeholders (14 oral sessions were held). **The Committee issued two invitations to NILGA/Solace to provide oral evidence, recognising them as the primary stakeholders representing Councils responsible for the practical implementation of the Bill.** An initial oral briefing was finally provided on 22 January and raised significant issues, with a further briefing taking place on 16 April 2026. The Committee was pleased to consider detailed evidence and proposed amendments from the organisations; however, this did contribute the Committee needing to use its full extension and not completing Committee Stage at an earlier date.
46. The Committee took evidence from the following organisations on the dates listed below:

Date	Stakeholder
19 June	DAERA Officials Pre-Introductory Briefing

25 September	RaISe Research Paper
2 October	DAERA Officials recap briefing
9 October	Ulster Architectural Heritage (UAH)
9 October	Historic Environment Division (HED)
9 October	Legal Services
16 October	Propertymark
6 November	Retail NI
6 November	Institute of Historic Building Conservation (IoHBC)
20 November	Landlords Association NI (LANI)
20 November	Royal Society of Ulster Architects (RSUA)
11 December	Development Trusts NI (DTNI)
22 January	NILGA / BCNI
16 April	NILGA / BCNI

47. The Committee explored the issues raised in the written and oral evidence with DAERA Officials. The Committee considered the Bill at 22 Committee meetings.

48. The Committee deliberated on the Bill at 10 of its meetings between 5 February and 7 May (5, 12, 19, 26 February, 12 and 19 March, 16, 23, 30 April and 7 May).
49. Following a further briefing from NILGA/BCNI on 16 April, held at the request of the Committee, the Committee also sought that Building Control Officials engage further with Assembly Officials to ensure that it had taken all reasonable steps to facilitate full and effective scrutiny of the issues raised, to ensure those concerns were clearly conveyed to the Department, and to consider whether any Committee amendments were required.
50. The Committee undertook its full informal Clause by Clause run through at its meetings of 30 April and 7 May 2026, at which Members had an opportunity to raise any outstanding issues. The **formal Clause by Clause** consideration took place at its meeting on **7 May 2026** (outlined in the formal Clause by Clause Agreement Section of this report).
51. The Committee considered its draft report at an extra meeting on 12 May 2026. The Committee agreed its report on the Bill and ordered that it should be printed.
52. The Committee enjoyed a productive working relationship throughout the Committee Stage with the Minister, DAERA Officials, the Assembly's Bill Office, and Assembly Secretariat.

Consideration of the Bill

53. The Committee's consideration of the Clauses of the Bill was informed by the research, written and oral evidence it received. The Committee had ongoing engagement with Departmental Officials throughout its consideration of the Bill and explored the issues raised in evidence during departmental oral evidence sessions and by correspondence.

54. **A summary of the main evidence points raised/ issues considered by the Committee are set out below.**

Clause 1 Maintenance Notice

55. This Clause allows Councils to serve a maintenance notice to require owners, occupiers, and others with a relevant interest to take appropriate remedial action to deal with low level dilapidation and neglect within a specified period.
56. There was broad support for the intention of this Clause, particularly around improving community safety and accountability but there were concerns about Councils being able to act without financial support and public expectation, despite the discretionary nature of the powers.
57. Issues raised in response to the Committee's call for evidence on Clause 1 included:
- The need for 'terms' used on the face of the Bill, such as "amenity" and "detriment," to be clearly defined, with a number of respondents suggesting that these definitions should be supported by categorised lists of examples of "detrimental conditions" and "serious detrimental conditions;"
 - Queries as to why the Bill refers only to District Councils, given the existence of both Borough and District Councils; and
 - Concerns regarding the use of "may" rather than "must," and its comparability with the wording used in the High Hedges legislation.

Clause 2 – Appeals against Maintenance notice

58. This Clause provides for appeals to a Magistrates' Court against a notice issued under Clause 1, stipulating the grounds for appeal and providing that the timeframe for bringing an appeal will be 28 days from the date the notice becomes live.

59. Some stakeholder submissions suggested that consideration might be to shorten the 28-day window for appeals relating to maintenance notices to encourage owners to engage with the process faster and allow Councils to enforce compliance quicker.

Clause 3 - Breach of Maintenance Notice

60. This Clause allows Councils to take the necessary remedial action for non-compliance with a notice and sets out the offence and penalty provisions for a breach of a notice.

61. Overall, there was broad support for this Clause.

62. The main issue raised was to consider an additional fine for repeated offences and increase the £500 fixed penalty notice, as this could be significantly less than costs and will not ensure compliance.

63. It was also suggested to increase the level of fine currently set to not exceed level 4 (£2,500) to anyone failing to comply with a maintenance notice to level 5 (£5,000), the maximum fine on the standard scale.

Clause 4 - Dilapidation Notice

64. This Clause allows Councils to serve a dilapidation notice to require owners, occupiers, and others with a relevant interest to take appropriate remedial action to deal with more serious dilapidation and neglect (including demolition).

65. There was broad support for Clauses 4-6 with the majority of respondents of the opinion that they see dilapidation as degrading the local environment.

66. Main issues raised in stakeholder evidence in relation to Clause 4 included:

- A proposal that, where demolition is pursued, Councils should be required to provide a documented justification outlining why restoration is

not practicable. Members noted that this approach could reduce demolition waste and contribute to lower carbon emissions.

- A suggestion from Historic Environment Division (HED) and Ulster Architectural Heritage (UAH) that Clause 4(5) should be amended to more closely reflect Section 85 of the Planning Act (NI) 2011:
 - They highlighted that Section 85 relates not only to the condition of a building but also to its architectural and historic character and queried whether the Clause should more explicitly reference statutory heritage controls.
 - It was further suggested that the Bill should clarify that nothing in the Clause exempts an interested person from complying with other statutory provisions, including Listed Building Consent requirements and protections relating to listed buildings, conservation areas, and scheduled monuments.
- Concerns that a potential loophole may exist where a minimum number of directors or trustees is required before a dilapidation notice can be served, particularly in cases where some trustees are deceased, potentially placing an undue burden on the remaining trustees;
- Queries as to whether a dilapidation notice recorded on the statutory charges register would be identified through standard property searches;
- Whether in cases where an owner lacks the financial means to restore a property, the Clause could effectively lead to demolition through financial pressure rather than choice;
- Whether companies holding multiple properties could avoid enforcement in comparison to individual owners, including whether a dilapidation notice would continue to apply where ownership is transferred to another company;

- It was proposed that, where demolition is pursued, Councils should be required to provide a documented justification explaining why restoration would not be practical. Members noted that this approach would reduce demolition waste and contribute to reduced carbon emissions; and

67. The Committee queried how ‘Seriously Detrimental to Amenity’ is objectively defined to prevent inconsistent enforcement between Councils.

Clause 5 – Appeal against Dilapidation Notice

68. This Clause provides for appeals to a Magistrates’ Court against a notice issued under Clause 4, stipulating the grounds for appeal and providing that the timeframe for bringing an appeal will be 28 days from the date the notice becomes live. Further provisions on appeals can be found in Clause 22.

69. The majority of respondents supported the need for these powers for local Councils but highlighted the importance of accompanying funding incentives and allowing owners a period of grace in which to complete required repairs.

70. Main Issues highlighted in the evidence to the Committee included:

- The appropriateness of applying a notice where an owner has already planned or funded remedial works or associated services;
- Concerns over whether the 28-day appeal period is sufficient, to obtain legal advice, surveys, or commission professional reports;
- If defined appeal grounds limit the ability to challenge an unfair or disproportionate Council action but are within the technical wording of the rules;
- Risk that low-income property owners may be unable to exercise their appeal rights due to legal costs; and
- Clarification on whether Clause 22(3), which relates to appeals, reflects a general legislative provision or whether it is specific to this Bill.

Clause 6 – Breach of dilapidation notice

71. This Clause states that where a person fails to comply, the Council may apply to a Magistrates' Court for an order compelling that to take the steps specified in the notice or condition;
72. Main issues highlighted to the Committee included:
- A suggestion that the courts be directed to compel a person to comply with a notice;
 - Suggestion that the fine will automatically reduce by one third on an early guilty plea. The Committee recognised that it has no role in, or control over, decisions of the court;
 - If fines are a sufficient deterrent for Building owners Officials advised that it is viewed that these are sufficient to ensure owners will act especially with the threat of imprisonment up to 2 years;
 - The use of 'must' as opposed to 'may; and
 - If consideration had been given by the Department to repossessing property in cases where the owner has breached a notice, as an alternative criminal liability.

Clause 7 – Dangerous structure notice

73. This Clause allows Councils to serve notice to take appropriate remedial action (including demolition). They may also restrict the use of the building until the necessary work has been carried out and charge a fee for exercising its powers.
74. While respondents generally agreed with the intent of Clauses 7–9, to improve public safety by dealing with dangerous structures, they raised numerous concerns regarding effective and fair implementation.

75. Main issues and queries highlighted by stakeholders to the Committee included:

- The handling of situations where one property causes structural damage to an adjacent property;
- The intended use of the fee provided for under Clause 7(7);
- Concerns regarding the definition of 'Dangerous,' with the view that this should not relate solely to structural danger but should also encompass circumstances where a building may pose a danger to neighbouring properties, for example as a result of persistent anti-social behaviour;
- Whether the Bill could inadvertently create a situation of encouraging demolition rather than restoring due to associated costs; and
- The proposed repeals in respect of the 1878 Belfast Improvement Act and the Belfast Corporation Act 1911.

Clause 8 – Appeal against dangerous structure notice

76. This Clause allows for appeals to a Magistrates' Court within 14 days from the date the notice becomes live.

77. Issues and matters highlighted by stakeholders to the Committee included:

- Concerns raised by Councils of the perceived unfairness of requiring them, on appeal, to justify why a building is considered dangerous; and
- Whether the 14-day appeal period is insufficient.

Clause 9 – Breach of dangerous structure notice

78. This Clause states that where a person fails to comply with the notice, the Council may apply to Magistrates' Court for an order compelling that person to take the steps specified in the notice or condition. The Clause also allows

Councils to take the necessary remedial action for non-compliance with a notice or condition and sets out the offence and penalty provisions.

79. There were no specific issues raised by stakeholders in relation to this Clause and the Committee was content with the Clause.

Clause 10 – Emergency action

80. This Clause deals with a building which is considered by a Council to be in such a state or is carrying such loads as to be dangerous and immediate action should be taken and allows a Council to take the necessary steps for that purpose. After seven days from the date when remedial works began, a Council must advise at least one person with an interest in the building of the action being taken and that an appeal may be made within 14 days.

81. Most respondents agreed with the provisions of this Clause and considered the emergency action powers to be both necessary and adequately addressed. However, there was limited support for the Clause from Councils.

82. Main issues arising from stakeholder evidence included:

- Consideration of cases where the Council was unable to identify ‘one person with an interest in the building’ to serve the notice, even after conducting land searches; and
- Whether a 14 -day for an appeal period was considered reasonable.

Clause 11 – Defective Premises Notice

83. This Clause allows Councils to serve a notice on a range of persons where premises appear to be in such a state as to be “prejudicial to health or a nuisance” AND Councils may carry out the necessary remedial works after nine days of service of the original notice. It further provides that an appeal may be made to a Magistrates’ Court against the carrying out of the works within 14 days.

84. While there was broad support for the Bill's intention to address unsafe and dilapidated buildings, most concerns focused on cost recovery and financial sustainability for Councils and around how enforcement would work in practice.
85. The Committee was advised on 5 February that, following concerns raised by the Department for Communities regarding potential confusion with the Defective Premises (NI) Order 1975, and subsequent engagement with the Office of the Legislative Counsel (OLC), minor drafting changes have been made to the title of Clause 11. The revised title is 'Urgent Abatement Notice.'
86. In evidence to the Committee, stakeholders raised the following concerns:
- Whether potential duplication with NIHE powers have been considered to avoid conflict in enforcement of the notice;
 - Concerns regarding a lack of clarity around the duplication of powers, which may require further alignment with local Councils;
 - As this legislation focuses on external condition rather than internal, what would happen in instances where there was an internal structural issue which could be prejudicial to health; and
 - Whether a Council would incur liability where it fails to act on a reported building issue which subsequently results in danger.

Clause 12 – Costs of district council

87. This Clause states where a Council has issued maintenance, dilapidation notice, dangerous structure notice, defective premises notice; or has to take emergency action, it may recover its costs from the relevant person.
88. There was broad support for the Bill's intention to address unsafe and dilapidated buildings, however most concerns focused on cost recovery and financial sustainability for Councils and around how enforcement would work in practice.

89. Main issues arising from stakeholder evidence included:

- If consideration had been given to owners who may have inherited a dilapidated or dangerous building and who may be financially unable to comply with the notice as opposed to owners who acquire buildings or sites for profit;
- The suggestion that owners should not, in all circumstances, have an automatic right to appeal; and
- Concerns regarding what constitutes ‘reasonable costs,’ including whether the ongoing maintenance of fencing to secure sites is covered.

Clause 13 – Charge on Land

90. This Clause states costs which can be recovered under Clause 12 are to be a charge on the land and are to be registered in the Statutory Charges Register. It also provides for a Council to register a Dilapidation Notice in the Statutory Charges Register, the purpose of which would be not to recover costs but, rather, to allow a property to be sold “with information” and binding the purchaser to the terms of the original notice. The Clause also provides for the consequential amendment to the Land Registration Act (Northern Ireland) 1970.

91. Although the overall intention of the Bill was broadly supported, concerns centred on cost recovery and Councils’ financial sustainability.

92. The main issue queried by the Committee was whether consideration had been given to establishing a central fund to support Councils until cost recovery is achieved.

Clause 14 – Costs of Interested Persons

93. This Clause provides that where costs have been demanded under Clause 12 a person who is receiving the rent for the land on behalf of another person

would not be pursued for costs, as it is not likely that they could be deemed responsible for causing a relevant nuisance.

94. There were no issues raised in respect of this particular Clause.

Clause 15 – Obstruction by Occupier (etc.)

95. This Clause provides that a court order may be made in a case where an occupier is preventing an owner from carrying out works to comply with a notice. It also provides for the associated offence and penalty.

96. Stakeholder evidence emphasised the need to strengthen cost recovery arrangements, particularly in cases involving insolvent property owners. It was suggested that Councils should be granted powers to vest land where works in default have been carried out, allowing reuse, sale, or development to recoup costs.

Clause 16 – Information

97. This Clause gives Councils the power to require information with regard to ownership, other persons having an interest in the premises, use to which the property is being put, etc. The Clause also provides for two offences and penalties.

98. While there was support for this Clause, a number of concerns were raised in the evidence received by the Committee, including:

- That the Clause may limit Councils' ability to obtain ownership information from agents or solicitors, as it is weaker than the existing provisions under Article 72 of the Pollution Control Order;
- Difficulties arising where a bank has an interest in land, but the property owner cannot be identified; and
- Whether an established legal test exists for determining offences and penalties where property is owned by multiple trustees, particularly

where some trustees cannot be located due to death or other unforeseen circumstances.

Clause 17 – Consultation with Planning Department

99. This Clause requires a Council to consult relevant colleagues or officers of the Department for Communities before issuing a notice in relation to a heritage site.

100. While there was broad support for consultation with planning authorities, concerns were raised regarding heritage safeguards, particularly in relation to emergency procedures.

101. The main issues highlighted included:

- The potential duplication or weakening of existing powers under the Planning Act as a result of this Clause;
- The need for the Clause to be amended to set out clear and explicit emergency procedures; and
- A lack of clarity regarding the intent and effect of Clause 17(4), that the Department may by regulation amend the definition of 'heritage site'.

Clause 18 – Power of Entry

102. This Clause provides for occasions where an Authorised Officer of the Council may enter land in the Council's district. It also covers compensation and inserts a relevant offence provision of obstructing an authorised officer.

103. While there was broad support for this Clause, clarification was sought on a number of issues, including:

- Whether any human rights considerations arise in connection with the power of entry provision; and

- Whether, as provided for under the Planning Act, consent may be sought from a lay magistrate where entry is refused, and whether this had been considered during the development of the Bill or would be appropriate to include on the face of the Bill.

Clause 19 – Fixed Penalty

104. This Clause provides for a discretionary £500 fixed penalty to be issued by Councils to discharge liability for conviction for breach of a maintenance notice and for failure to provide information without reasonable excuse.

105. Clause 19(4) of the Bill provides for a rule making power and enables the Department to make regulations amending these amounts.

106. While the fixed penalty mechanism provided for under this Clause was welcomed, concerns were raised that the level of the penalty may be insufficient to act as an effective deterrent.

107. Main issues arising from stakeholder evidence included:

- The fixed penalty notice amount of £500 is too low;
- Whether the introduction of further penalties for repeat offenders had been considered; and
- Concerns regarding situations where repeat offenders may own multiple properties and be subject to multiple notices, potentially giving rise to significant amenity issues.

108. The Committee sought clarification on how the effectiveness of the Bill would be measured over time.

Clause 20 – Guidance

109. This Clause states that a Council must have regard to any statutory guidance issued by the Department. A draft of the guidance and any revisions will be laid before the Assembly.

110. During consideration of this Clause, the Committee asked Officials to share any feedback received from the Councils on the draft guidance.

111. The Committee also noted that any changes to draft guidance would be made via Regulations and subject to the draft affirmative procedure.

Clause 21 – Notices

112. This Clause provides for general issues relating to notices issued by Councils such as variation and withdrawal.

113. There was general support for the procedural provisions relating to notices from stakeholder evidence.

114. The Committee did however query recognition that individual Councils operate under different local development plans and priorities, with questions raised as to how consistency of application could be maintained across authorities and whether consideration had been given to applying a visual notice to buildings, similar to those used for vehicles, on the basis that a visible indicator may increase compliance by property owners.

Clause 22 – Appeal

115. This Clause provides that an appeal against a notice issued under the Act will suspend that notice being appealed until the appeal is concluded or withdrawn. However, this does not apply to an appeal against works under Clause 10 or 11.

116. Respondents expressed support for the general procedural provisions relating to appeals and offences, but emphasised that appeal processes must operate efficiently, noting concern that appeals could be prolonged and result in delays to enforcement action, leading to increased financial and resource pressures on Councils, without delivering meaningful benefits for residents.

117. The Committee did highlight that the draft guidance did not provide sufficient clarity to help a member of the public progress an appeal and emphasised the need for it to be more user-friendly.

Clause 23 – Offences: defendant

118. This Clause provides for the procedures in cases where proceedings have been brought but the defendant ceased to be the owner/occupier before the end of the notice period.

119. There was no objection to this Clause, however, evidence did propose that a daily fine could be introduced for non-compliance as is case in Article 66 of the Pollution Control & Local Government (NI) Order 1978.

Clause 24 – Meaning of Interested person etc.

120. Evidence from Councils highlighted one main concern in relation to this Clause, namely that the definition of an “interested person” should include receivers appointed to a company that formerly had an interest in the land.

Clause 25 – Other Definitions

121. The main issues raised in stakeholder evidence in relation to this Clause included:

- Concerns that the phrase “building includes any other structure” may be overly broad, with the potential for unintended application to assets such as Crown buildings, lampposts, or other infrastructure; and
- The suggestion by DfI Planning that there may be overlap with the Planning Act in relation to the definition of the term “building,” and whether this had been considered.

Clause 26 – Repeals and consequential amendments

122. This Clause provides for the repeals set out in Schedule 2 of the Bill and allows the Department by Regulations to make consequential amendments.

123. Councils suggested, in evidence to the Committee, that certain provisions contained in the legislation proposed for repeal are not replicated in the Bill.

124. The Committee asked for an overview of any gaps identified and asked if the Department were confident that the legislation will take effect with no gaps.

Clause 27 – Savings

125. This Clause preserves the effect of a notice served under any legislation being repealed under the Bill, therefore allowing a Council to complete works which it has begun under such a provision before its repeal.

126. There were no concerns raised in evidence in relation to this Clause.

Clause 28 – Regulations

127. This Clause provides that Regulations made by the Department may include certain additional provisions.

128. There were no concerns raised in evidence in relation to this Clause.

Clause 29 – General Interpretation

129. This Clause contains general interpretation provisions.

130. There were no concerns raised in evidence in relation to this Clause.

Clause 30 – Commencement

131. This Clause concerns the commencement of the Bill.

132. There were no concerns raised in evidence in relation to this Clause.

133. The Committee did query with Departmental Officials if there is any work being done with stakeholders and/or elected representatives on an awareness program for the new Act.

134. Committee also noted that Clauses 29, 30 & 31 commence on the day after Royal Assent and queried the timeline for the commencement of the remainder of the Clauses.

Clause 31 – Short title

135. This Clause provides a short title for the Bill.

136. There were no concerns raised in evidence in relation to this Clause.

Schedule 1 – Fixed Penalties

137. This sets out the form and content, etc. of fixed penalty notices issued under Clause 19. It also contains information regarding the use of fixed penalty receipts by Councils and gives the Department powers to make Regulations regarding the use of receipts.

138. There was welcome support for the provision allowing fixed penalty payments to be retained by Councils, for use in discharging their functions under the legislation.

139. Issues raised in stakeholder evidence included:

- That the fixed penalty notice (FPN) amount is too low;
- The suggestion from Councils that paragraph 10(1) of Schedule 1, relating to the accrual of fixed penalty receipts, should be omitted from the Bill.

Schedule 2 – Repeals

140. Schedule 2 lists the necessary repeals.

141. There were no concerns raised in evidence in relation to this Clause.

142. The Committee did, however, request that Departmental Officials provide a table setting out the legislation to be repealed alongside the corresponding

new powers, in order for Committee to ensure that no legislative gaps will arise.

Committee Deliberations on the Bill

143. The Committee commenced its Deliberations on the Clauses of the Bill at its meeting on 5 February 2026 and continued these at 11 further meetings. Formal Clause by Clause scrutiny was completed on 7 May 2026. The Deliberations were conducted in both public and closed sessions, the latter being in order to take advice from the Assembly Bill Office.
144. The Committee Chairperson informed Members at each meeting when Deliberations took place that this was their opportunity to go through the Clauses and comprehensively review with the Department any issues raised by stakeholders or by Committee Members. It was also the opportunity to ask for clarification on how the Bill addressed these concerns and any additional action that the Department intended to take on the back of the evidence the Committee had received.
145. The following information is a **summary** of the main points on which the Committee deliberated. The full discussions can be read in the Minutes of Evidence of the relevant meetings at **Appendix 4**.

Clause 1 Maintenance Notice

146. **At the Committee meeting on 5th February**, Members queried why the Bill refers only to District Councils, as NI has both Borough and District Councils. Officials advised in their letter of 26 February that Section 44 of the Interpretation Act (NI) 1954 provides that “district”, when used in relation to local government, shall mean a local government district within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972 and shall include a district which is a borough.
147. **At the Committee meeting on 19 February**, Officials advised that, as requested by the Committee, a date for round table discussions with NILGA

and BCNI had been confirmed for the 24 February 2026 (a second meeting subsequently took place on 2 March) and Officials were taking forward the Councils concerns with the Minister, with consideration being given to providing clear definitions of terms.

148. Officials advised the Committee that although Councils would prefer some of the terms/phrases such as ‘amenity,’ ‘detrimental’ and ‘seriously detrimental’ to be tightly defined on the bill, the Department do not see this as feasible. Officials stated that these terms are subjective but advised that it is made clear in the Statutory Guidance that each case will differ depending on location, condition etc. and should be assessed on a case-by-case basis.
149. **At the Committee meeting on 12 March**, there was further discussion of the term “amenity”. The Assembly Bill Clerk advised that it would not be standard practice to define such terms within the Bill itself. Introducing an overly prescriptive definition could limit Councils’ discretion and a degree of flexibility is required when addressing low-level dilapidation, which can vary depending on location.
150. Officials had previously advised the Committee that the term would not be defined in the Bill, however, they intend to work with Councils to include illustrative examples within the Statutory Guidance.
151. The Committee also discussed the use of “may” versus “must.” A Member raised concerns that the use of “must” could lead to an increase in complaints and place additional demands on Council resources. The Committee also queried the wording used in the High Hedges legislation – these issues were subsequently clarified.
152. **At the Committee meeting on 16 April**, clarification was received from the Assembly Bill Clerk on the use of “may” versus “must”, and its comparability with the wording used in the High Hedges legislation and that changing “may” to “must” would not, in practice, alter outcomes because the use of this power is dependent on an assessment that the matter is detrimental to amenity.

While the High Hedges legislation uses the term “must,” the Committee noted that this legislation operates within a different context, as it applies only where complaints are made by members of the public, involves the payment of a fee, and relates exclusively to domestic properties.

153. The Committee heard that introducing a mandatory power would require detailed definitions to be set out on the face of the Bill, which carries the risk of omitting relevant circumstances and that mandatory powers generally require supporting funding provisions.
154. **At the Committee meeting on 23 April**, the Committee discussed the response from NILGA/BCNI regarding their suggested amendment to amend Clause 1(1), so enforcement applies only where detriment is non-trivial, reflecting any other comparator legislation.
155. **At the Committee meeting on 30 April**, the Committee considered a response from the Department, which stated that it was not minded to make the suggested amendment to Clause 1 (1), as inclusion of a “material degree threshold” would require a definition or further elaboration of “material degree” in the statutory guidance. This would be another subjective concept, as not only would land / a building have to be “detrimental,” but it would have to be detrimental “to a material degree.” It could also potentially make it harder to distinguish between the Clause 1 maintenance notice test (has to be “detrimental to a material degree”) and the Clause 4 dilapidation notice test (has to be “seriously detrimental”).
156. The Committee was content with the information provided and felt that all outstanding queries related to Clause 1 had been addressed.

Clause 2 – Appeals against Maintenance notice

157. **At the Committee meeting on 5th February**, Officials highlighted that Clauses 1-3 are new powers to deal with low-level dilapidation and that the 28-day appeal timeframe is standard. Members noted that a shorter appeal window could potentially be considered for low-level notices.

158. **At the Committee meeting on 12th March**, Committee Members again questioned the reasonableness of the 28-day appeal window and sought clarification on current best practice in relation to appeal structures within Councils. The Assembly Bill Clerk highlighted that this period is standard for appeals and relates to the time allowed to lodge an appeal and set out the grounds, rather than the overall timeframe for concluding the appeal process.
159. **At the Committee meeting of 16 April**, the Assembly Bill Clerk advised that there is no right of appeal against a Fixed Penalty Notice (FPN), only the right to dispute it within a 14-day period.
160. The Committee were content with the 28-day appeal window.
161. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendment to align the wording of Clause 2(2)(c) exactly with 1(1) and also consider including the material-degree threshold.
162. **At the Committee meeting of 30 April**, the Committee considered a response from the Department whereby Officials advised that they intend to progress this proposed amendment.
163. The Committee was content that the responses satisfactorily addressed the remaining queries and supported the proposed amendment at Clause 2(2)(c).

Clause 3 - Breach of Maintenance Notice

164. **At its meeting on 5 February**, the Committee queried whether consideration had been given to increasing the £500 fixed penalty or the level of fine on summary conviction. Departmental Officials advised that they were not opposed to increasing, or if necessary, removing, the fixed penalty amount, nor to raising the level of fine on conviction.
165. Officials highlighted that in England fines are lower than in this Bill, yet this has not resulted in significant non-compliance. They stated that applying the

statutory maximum (level 5) fine may be disproportionate for cases involving low level dilapidation.

166. Officials further clarified that although payment of the £500 fixed penalty may discharge the owner from liability for prosecution, it **does not remove the requirement to comply with the notice**. The owner will still be obliged to complete all specified works.
167. **At the Committee meeting on 12 March**, there were further discussions on the FPN amount and fines associated with the breach of a maintenance notice. It was agreed that these matters would be discussed further under Clause 19 (Fixed Penalties).
168. The Committee was content that the responses satisfactorily addressed the remaining queries in relation to Clause 3.

Clause 4 – Dilapidation Notice

169. **At the Committee meeting on 12 February**, the Committee queried if the Department were aware of the suggested amendment by HED (DfC) to strengthen Clause 4 to align it with Section 85 of the Planning Act (NI) 2011. HED advised that this provides for the offence of carrying out unauthorised works on a listed building, and that Listed Building Consent for alterations or demolitions does not strictly relate to ‘condition.’
170. Departmental Officials confirmed in writing on 24 March that they undertook further consultation with the Historic Environment Division (HED) at the Committee’s request which resulted in the Minister agreeing to a minor amendment to Clause 4(5) to include an explicit reference to “statutory heritage controls”.
171. **At its meeting on 12 February**, the Committee queried how the term “seriously detrimental to amenity” would be applied objectively. In response, Officials referred Members to the draft statutory guidance, which provides further explanation of the relevant terms. Officials advised that the

Department's intention is to promote consistency, rather than impose uniformity, across Councils. While this issue was also explored with NILGA and BCNI, as referenced under Clause 1, the Department confirmed it was not minded defining this phrase on the face of the Bill.

172. The Committee also queried whether, in cases where an owner lacks the financial means to restore a property, the Clause could result in demolition being driven by financial pressure rather than choice. Officials advised that a person's financial means would not be a determining factor in issuing an order to demolish. Such decisions would be based on the Council's assessment of the property, including its condition and impact on amenity, and the most appropriate course of action. Officials further advised that the Council may undertake the works itself and place a charge on the property.
173. The Committee also sought clarification on whether there was potential for a company with multiple properties to avoid enforcement action compared to an individual property owner. And if a director of a company who has been served a notice on one of its property's transfers the buildings to another Company, would the notice follow. Officials confirmed that the term 'interested person' extends to financial organisations including Trusts and a company. Officials also confirmed that the notice is served on the property, not the person, and can be pursued by Councils.
174. **At its meeting of 12 March**, the Committee queried if a potential loophole existed whereby a minimum number of Directors/Trustees would need to be in place before the Council could serve a dilapidation notice.
175. Officials confirmed in writing on 24 March that the Departmental legal advice outlined that Section 20 of the Interpretation Act (Northern Ireland) 1954 provides that, in relation to offences committed by a body corporate (which may include a single-person company), any person who, at the time of the offence, was a director, general manager, secretary or other similar officer of the body, or was purporting to act in such a capacity, may be prosecuted as if they had personally committed the offence. Clause 23(5)(a) disappplies this

provision where it applies only to a limited liability company, thereby widening the scope of bodies corporate to which the Bill will apply.

176. **At the Committee meeting of 12 March**, the Committee queried whether a notice placed on the statutory charges register would be picked up in standard property searches. It was clarified by Officials that where a Council places a notice on the statutory charges register, this will be identified through the standard legal searches undertaken during the sale of a property. It was also noted that members of the public may access the register, on payment of a small fee to Land and Property Services, to determine whether any charges are in existence.
177. The Committee was content that the responses addressed the remaining queries and that the proposed HED amendment had been taken forward by the Department.

Clause 5 – Appeal against Dilapidation Notice

178. **At the Committee meeting of 12 February**, the Committee queried if a dilapidation notice should apply in cases where the owner has already planned/paid for works or services. Officials advised that the Bill provides for pre-notice engagement, allowing Councils to take relevant circumstances into account and apply a proportionate, case-by-case approach.
179. Members also sought clarification on whether the 28-day appeal procedure was sufficient, given owners may require to seek legal advice /surveys etc. Officials advised that the 28-day timeframe reflects the standard position under the Pollution Control and Local Government (Northern Ireland) 1978 Order, with scope for Councils to exercise discretion depending on the circumstances of individual cases.
180. The Committee asked whether the narrow definition of appeal grounds could limit any meaningful challenge to a Council's decision. In addressing these concerns, officials advised that Clause 5(2)(b) provides for an appeal where the requirements of a notice exceed what is necessary, including in

circumstances where action is taken in respect of a property that is not seriously detrimental to amenity.

181. **At the Committee meeting on 12 February**, the Committee queried if there was a danger that low-income owners will be unable to exercise their appeal rights based on legal costs. Officials advised that the Department had considered circumstances involving inherited properties, where the owner may be unable to meet associated costs. It was highlighted that other options would be available, including disposal of the property. The Department indicated that such cases are expected to be small in number and that this further underscores the importance of Councils applying a common-sense, flexible approach through the discretionary nature of the powers.
182. Members also queried if Clause 22(3) on appeals represents a general provision found in existing legislation and Officials clarified in writing on 26 February that Clause 22 (3) is a general provision to ensure that any challenge to the validity of service of a notice is challenged through the statutory appeal process and not through a parallel challenge in another court.
183. **At this meeting of 12 February**, the Committee raised concerns over the financial burden on Councils in pursuing enforcement. Officials confirmed that these powers already exist in statute and have been modernised through the Bill. They stated the powers are discretionary, enabling Councils to determine which cases to pursue, including consideration of the likelihood of cost recovery. It was further highlighted to the Committee that Councils may recover costs through a range of mechanisms, including fixed penalty notices, prescribed fees, the sale of unclaimed materials, the application of statutory charges, and powers of sale.
184. The Committee also sought clarification on whether inconsistent implementation of the Act could result in an increased number of appeals and legal challenges. Officials advised that the majority of cases are expected to be low-cost, with high levels of compliance and limited appeals, as demonstrated by the current position in Belfast City Council. Officials further

noted that enforcement action would be pursued only where dilapidation has a clear impact on amenity, and that dilapidation alone, particularly in the case of isolated rural buildings, would not be sufficient to prompt Council action.

185. The Committee was content with the information provided and felt that all outstanding queries related to Clause 5 had been addressed.

Clause 6 – Breach of dilapidation notice

186. **At the Committee meeting of 12 February**, Members queried the suggested amendment by NILGA/ Councils on the use of ‘must’ as opposed to ‘may. **Officials advised** that the absence of ‘must’ in this Clause does not undermine the powers of Councils. The Committee agreed to consult with NILGA to gain further understanding of this suggested amendment and a subsequent response was received.

187. The response from NILGA on 16 February stated that ‘within parts 1-5 of Clause 6 there exists the potential that, whilst a person failing to comply with a notice may be found “guilty of an offence”, Clause 6(1) suggests the courts “may” order the person to comply with the notice or condition but there is the risk that they may not. In which case, Clause 6 (2) suggests “*the council may itself do whatever the notice or condition required the person to do*”. NILGA advised that this would be at cost to Council and whilst Clause 12 gives a potential mechanism for recovering costs “the process of actually doing so can be costly in itself for Councils particularly in terms of resourcing.’ Hence the suggested amendment to compel the property owner to carry out the works rather than Councils having to undertake them.

188. **At the Committee meeting of 12 February**, the Committee queried if consideration had been given by the Department to repossessing property in cases where the owner has breached a notice, as an alternative criminal liability. The Department highlighted the need to strike a balance between ensuring a sufficient deterrent and avoiding disproportionate measures and repossession would be a measure of last resort. The Committee was also

advised that consultation had taken place with the Courts and Tribunals Service, which has indicated it is content with the provisions of the Bill.

189. **At this meeting**, the Committee went on to query if the Department view the fines as a sufficient deterrent for Building owners. Officials advised the Committee that the level of fines is considered sufficient to encourage compliance, particularly when combined with the potential for a custodial sentence of up to two years. Officials also informed the Committee that the maximum fine, previously set at £2,500, has been increased within the Bill to the statutory maximum of £5,000.

190. **At the Committee meeting of 12 March**, the Committee further considered NILGA's response that the courts be empowered to compel a person to comply with a notice. The Committee noted that it would be inappropriate to seek to direct the courts and that decisions of this nature fall outside the Committee's remit and control.

191. The Committee also sought clarification on the Councils' concern that fines are automatically reduced by one third following an early guilty plea. The Assembly Bill Clerk confirmed at the meeting on 16 April that the Committee has no role in, or control over, decisions of the court.

192. The Committee was content with the information provided and felt that all outstanding queries related to Clause 6 had been addressed.

Clause 7 – Dangerous structure notice

193. **At its meeting on 12 February**, the Committee queried how situations would be addressed where one property causes structural damage to an adjacent property. Officials advised the Committee that the Council would have the option to serve notices on both properties. In such circumstances, it would be a matter for the respective parties to seek their own legal advice and determine the appropriate course of action.

194. At this meeting, the Committee sought clarification on what the fee would be used for at Clause 7(7). Officials advised that the fee is intended to cover costs associated with enforcement activity, including court proceedings, surveyor fees, court attendance, and inspections. They stated that the regulations will set out suggested fees, while allowing Councils' discretion to determine their own fee levels and that draft regulations will be shared with NILGA at a planned meeting and subsequently provided to the Committee alongside the submission of the SL1.
195. The Committee also queried the definition of 'Dangerous' and the suggestion that this should not solely refer to structural danger, but also when a building may pose a danger to neighbours due to anti-social behaviour etc. Officials informed the Committee that the draft Statutory Guidance refers to the dictionary definition of the term 'Dangerous' which is broad and not solely structural.
196. The Committee raised concerns that the Bill could inadvertently incentivise demolition over restoration due to associated costs. Officials highlighted that demolition remains a matter for the owner, subject to statutory controls. This includes requirements to consult the relevant planning authority or, in the case of listed buildings or historic monuments, the Department for Communities.
197. The Committee highlighted the concern raised by Councils of the repeal of the 1878 Belfast Improvement Act and the Belfast Corporation Act 1911. Officials informed the Committee that these powers have been replicated within Clauses 4-9 of the Bill. The sole provision not carried forward relates to the historic power of enforced sale, which raises human rights considerations. This element is instead addressed through reliance on the Conveyancing Act 1881, as provided for under Clause 13, which offers a more modern statutory basis and includes a power of sale.
198. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendment to Clause 7(1) - to adopt Scottish "acting reasonably" wording and the suggestion to add a new

Clause after Clause 7(2) to Explicitly cover 'owner unknown' situations, to serve notice on land under 24(2)(e) of the Interpretation Act.

199. **Officials responded on 29 April**, advising that Clause 7(1) is based on Section 77 of the Building Act 1984, which makes no further clarification or elaboration of 'dangerous' in this context. Similarly, Section 125 of the Planning Act (NI) 2011 makes no clarification of 'dangerous' in the context of replacement of dangerous trees.
200. Officials stated that this suggested change by NILGA/BCNI is only an elaboration of 'dangerous' and a building would still need assessed by a professional. Guidance would still have to be formulated and adhered to in the exercise of all the functions. Therefore, overall, it is the Department's view that this would not benefit the provision.
201. Officials also advised in their response of 29 April that in relation to Clause 7 (2), this is provided for under Clause 21(7).
202. **At the Committee meeting of 30 April**, the Committee were informed of a draft textual amendment from the Department in relation to Clause 7 (4) to insert reference to statutory heritage controls as per the request from HED.
203. The Committee was content that the responses addressed the remaining queries and was satisfied with the proposed amendment.

Clause 8 – Appeal against dangerous structure notice

204. **At the Committee meeting of 12 February**, the Committee queried the issue raised by Councils that it is unfair that they have to justify why a building is dangerous on Appeal. Officials indicated that it is reasonable for Councils to be required to justify the use of a Dangerous Structure notice. It was noted that the draft Statutory Guidance clearly sets out the procedural steps Councils are expected to follow to ensure that any required works are justified and that such notices should be used only where immediate action is necessary. Reference was also made to the requirement under Clause 10(1)

that a building must appear to be dangerous, and the Department confirmed to the Committee that it is content with the current wording of the Clause.

205. The Committee also sought clarification on the suggestion that the 14-day appeal period is too short. Officials advised that they had consulted with the Departmental legal team and advice confirmed that a 14-day appeal period is considered an appropriate timescale, given the serious nature of the offence.

206. **At the Committee meeting on 19 March**, the Assembly Bill Clerk referred to the issue regarding Councils providing 'justification' on appeal and advised that the draft Statutory Guidance clearly sets out the procedure Councils should follow to ensure the works are justified.

207. The Committee was content that the information provided addressed the outstanding queries.

Clause 9 – Breach of dangerous structure notice

208. The Committee discussed that no issues were raised in the evidence received and Members were content with Clause 9.

Clause 10 – Emergency action

209. **At the Committee meeting of 19 February**, the Committee queried cases where the Council was unable to identify 'one person with an interest in the building' to serve the notice, even after conducting land searches. Officials advised that in such cases the notice can be served by attaching it to the property.

210. **Officials further confirmed in writing on 17 April**, that following legal advice, a notice may be served by affixing it to a conspicuous part of the property. It was explained that the duty is on a Council is to serve a notice on a person with an interest in the building, a term defined broadly under Clause 24(4) of the Bill. Further provision is made under section 20(2) of the Interpretation Act (Northern Ireland) 1954, which permits service by alternative

means where it is not practicable to ascertain the name or address of an owner, lessee, or occupier despite reasonable efforts. Legal advice confirmed that, taken together, the wide definition of “interested person” in the Bill and the service provisions of the 1954 Act provide Councils with adequate powers to serve notices in such circumstances.

211. **At the Committee meeting of 19 February**, Members queried if it was a reasonable suggestion that 14-day for an appeal was too short. Officials advised the Committee that a 14-day period for an appeal under this Clause was reasonable and highlighted that it would not halt works already in progress.
212. The Committee also queried the concern raised by Councils whereby a building only has to ‘appear’ to be dangerous but on appeal Councils must ‘justify’ this decision. Officials advised that this is an ‘interpretation’ of the wording. In the Statutory Guidance it is clear they should only use this notice where immediate action is required. They stated that C10(1) states that the building must appear to be deemed dangerous.
213. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendments to this Clause. These included:
- Clause 10(4) - to provide clarity that ‘giving notification’ does not include the ‘serving of a notice’;
 - Clause 10 (6) - to Explicitly cover ‘owner unknown’ situations, to serve notice on land under 24(2)(e) of the Interpretation Act;
 - Clause 10 (8) - Amend to confirm that no appeal lodged would prevent the works being carried out in emergency circumstances from continuing;
214. Officials responded to these suggested amendments in writing on 29 April advising the Committee that:

- Clause 10(4) “give notice” & 10(6) “serve notice” are already different from “serve a notice”. Officials advised that in relation to 10(6), this is provided for under Clause 21(7); and
- Clause 10(8) – Officials advised Grounds for an appeal in (10(8)) are limited, and an appeal is only permitted against the works, not a notice.

215. The Committee was content that the responses adequately addressed the outstanding queries.

Clause 11 – Defective Premises Notice

216. **At the Committee meeting of 5 February**, Officials informed the Committee that following engagement with OLC, some minor cosmetic changes had been drafted to the title of Clause 11 and also to any reference to the term ‘defective premises’. **The new title will be ‘Urgent Abatement Notice.’**

217. **At the Committee meeting of 19 February**, the Committee queried if the duplication with NIHE powers had been considered, to avoid conflict in enforcement of the notice. Officials advised that Clause 11 replicates the existing powers contained in Article 65 of the 1978 Order, which Councils already hold, and that these powers extend beyond Housing Executive properties to include private properties. The Committee noted the importance of this clarity, particularly in the context of future housing developments where mixed-tenure schemes will become more prevalent and emphasised the need for the legislation to be fit for purpose.

218. The Committee also queried if there was any overlap with the powers in the existing DfC Act. Officials advised that there was no direct conflict other than the name of the Clause which the Department have agreed to change.

219. The Committee highlighted its concerns regarding lack of clarity around the duplication of powers. Officials advised that they would provide the Committee with a table detailing the legislation being repealed and the corresponding

replacements (this was then provided to the Committee and Councils on **26 February**).

220. **At the Committee meeting of 19 February**, the Committee queried how internal structural issues prejudicial to health would be addressed, given the Bill's primary focus on the external condition of buildings. Officials confirmed that the relevant notice may also be used to address internal matters where these pose a risk to health and safety. It was further clarified that Maintenance and Dilapidation Notices are limited to external condition only.
221. The Committee also sought clarification on whether a Council could incur liability where it fails to act on a reported building issue that subsequently results in danger. Officials confirmed in writing on 17 April that Departmental legal advice indicated that any injured party would be required to pursue a claim in the usual way and demonstrate that the Council had acted negligently. In such circumstances, a Council would seek to defend any claim by evidencing that it had acted reasonably, fairly and in accordance with statutory guidance.
222. **At the Committee meeting of 23 April**, the Committee considered the draft Departmental amendment to this Clause relating to the revised title.
223. The Committee was content that all outstanding queries had been adequately addressed and supported the Departmental amendment.

Clause 12 – Costs of district council

224. **At the Committee meeting of 19 February**, Members raised the concern regarding owners who have inherited a dilapidated or dangerous property and may be financially unable to comply with a notice. Officials advised the Committee that Councils may carry out the necessary works and apply a charge to the property, allowing compliance to be addressed upon transfer to a future owner.

225. The Committee also queried if owners should always have a right of appeal? Officials advised the Committee that providing a right of appeal to those on whom a notice has been served is a requirement under human rights legislation.
226. At this meeting, the Committee invited the Officials to comment on the concerns raised by stakeholders in relation to cost recovery. Officials clarified that 'Reasonable costs' is a term used in other legislation and a degree of common sense should be applied by Councils as to what is considered reasonable. If the case goes to court, it will be up to the court to decide what is reasonable in those circumstances.
227. **At the Committee meeting of 5 March**, further discussion took place on the term 'reasonable costs' and officials advised that they would address the phrase 'reasonable costs' with their legal team and if necessary, it can be drawn out in the guidance.
228. **At the Committee meeting of 19 March**, Officials clarified to the Committee that its Legal advice indicated the term "reasonable costs" cannot be exhaustively defined but it is a well-established concept in legislation and depends on what is reasonable in the circumstances, both in relation to the amount incurred and the purpose for which it was incurred. Officials advised that this can be further clarified in the Statutory Guidance to reflect that reasonable costs may include associated administrative and legal expenses, and not solely the cost of building works. It was further highlighted that Councils are already familiar with recovering reasonable costs through existing statutory provisions.
229. Officials further advised that, under Clause 12(4), costs become non-recoverable only from the point at which the danger is removed. Where the danger subsequently re-emerges, for example due to deterioration of fencing, a Council may serve a further notice requiring the issue to be addressed and pursue cost recovery in the event of non-compliance.

Alternatively, where appropriate, the Council may take fresh emergency action and recover the associated costs.

230. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendment to 12(4), so cost recovery restrictions do not apply where fencing or security remains necessary to protect the public. Officials advised 12(4) provides for this as Costs only become non-recoverable from the point at which “the danger is removed”

231. **At the Committee meeting of 30 April**, Members noted that the Departmental draft amendment to Clause 12 to substitute references to Defective Premises Notice was in respect of the change in the title of Clause 11.

232. The Committee was content that the information provided addressed the outstanding queries and was satisfied with the Departmental amendment.

Clause 13 – Charge on Land

233. **At the Committee meeting of 19 February**, in addressing the Committee’s query if consideration had been given to establish a central fund to support Councils pending cost recovery, Officials advised that the Bill does not include a discrete funding mechanism. However, they stated that the Department retains powers elsewhere to provide financial support to Councils. It was emphasised that the central principle of the Bill is that costs should rest with the property owner, with strengthened cost-recovery provisions included to enable Councils to exercise existing powers that have been consolidated through the Bill.

234. The Committee was content that all outstanding queries had been adequately addressed.

Clause 14 – Costs of Interested Persons

235. The Committee discussed that no issues were raised in the evidence received and Members were content with Clause 14.

Clause 15 – Obstruction by Occupier (etc.)

236. **At the Committee meeting of 19 February**, the Committee queried if consideration had been given to allowing Councils to vest land. Officials advised Councils have access to vesting powers in other pieces of legislation, but that it is not clear to the Department how vesting powers in this instance would be useful.

237. Officials further advised in writing on 17 April that Councils have access to vesting powers under other legislation, and that the Department does not consider such powers to be appropriate or necessary in this context. They highlighted that the Bill provides for the use of powers of sale through reliance on the Conveyancing Act and therefore did not propose an amendment in relation to vesting powers.

238. The Committee was content with the Departmental responses to the outstanding queries.

Clause 16 – Information

239. **At the Committee meeting on 26 February**, the Committee raised concerns that this Clause may restrict Councils' ability to obtain ownership information from agents/solicitors as it is suggested that it is weaker than existing Article 72 of the Pollution Control and Local Government (NI) Order 1978. Officials agreed to clarify this with their legal team.

240. **Officials confirmed in writing on 31 March**, that the Minister had agreed to the drafting of a proposed amendment. The amendment would broaden the scope of the Clause to mirror Article 72 of the Pollution Control and Local

Government (NI) Order 1978, thereby enabling Councils to obtain information from any person in relation to a property.

241. The Committee sought clarification in relation to situations where a bank holds an interest in land and the property owner cannot be identified. Officials advised that a bank, as a financial institution, falls within the definition of an interested person. Accordingly, the Council may serve a notice on the bank and may also request the provision of relevant information.
242. **At the Committee meeting of 26 February**, the Committee queried if a legal test exists in law for determining offences and penalties in cases where a property is owned by multiple trustees, particularly where some trustees cannot be located due to death or other unintended circumstances. Officials stated that Clause 23 covers 'partnerships' and states that any partner can be guilty, however Officials agreed to clarify if there was any legal test and advise the Committee accordingly.
243. A response was received from Officials on 17 April stating that where a property is owned by multiple trustees, including cases where some trustees cannot be located, that section 20 of the Interpretation Act (NI) 1954 allows proceedings to be taken against relevant individuals, such as directors or managers, as well as the body itself. Clause 23(5)(a) disapplies the provision in the 1954 Act where it only applies to a limited liability company in order to widen the scope of bodies corporate to which the Bill will apply.
244. **At the Committee meeting of 30 April**, the Committee noted the draft text of the amendment to this Clause, as provided by the Department.
245. The Committee was content with the responses provided to the outstanding queries and was satisfied that the amendment was being taken forward by the Department.

Clause 17 – Consultation with Planning Department

246. **At the Committee meeting of 26 February**, the Committee raised concerns in relation to the potential duplication or weakening of existing powers under the Planning Act. Officials advised that the powers in this Clause are intended to address dilapidation at an early stage, thereby reducing the need to resort to a works notice under the Planning Act. The Committee heard that the power is complementary rather than duplicative.
247. The Committee also raised the suggestion that this Clause should be amended to include clearer emergency procedures. Officials advised that the Clause already requires the Council to consult the relevant officials responsible for historic and conservation sites. They noted, however, that further detail could be included in the Statutory Guidance to address emergency consultation procedures for listed and heritage sites.
248. Clarification was sought by the Committee on the intent and effect of Clause 17(4). Officials advised that the provision enables the Department to amend the definition in the event of any future general changes in the field, such as changes to what constitutes a heritage site.
249. **At its meeting on 30 April**, the Committee noted the draft amendment to Clause 17 to insert the words “For the purposes of this Act,”.
250. The Committee was content with the responses provided to the outstanding queries and was satisfied with the proposed amendment.

Clause 18 – Power of Entry

251. **At the Committee meeting of 26 February**, the Committee sought clarification on whether this Clause raised any human rights considerations. Officials advised that the Department’s legal team, in the course of its scrutiny, did not identify any human rights issues associated with the provision.

252. The Committee also highlighted that it had been proposed to Members that the Planning Act provides that, where consent is refused, it may be sought from a lay magistrate and if it would be reasonable to have this on the face of the Bill. Officials advised that they were not aware of this provision and agreed to look into this further and report back to the Committee.
253. **At the Committee meeting of 19 March**, Officials clarified that they had reviewed the Planning Act (Northern Ireland) 2011 and would be content to add the provision to this Clause allowing consent to be sought from a lay magistrate.
254. Officials further clarified in writing to the Committee on 31 March that it would be amenable to preparing a proposed amendment to insert a provision in Clause 18 comparable to section 177 of the Planning Act (NI) 2011.
255. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendment to this Clause to give explicit reference to “land and buildings” to avoid technical challenge and to reflect enforcement reality. Officials advised this is provided for under Section 45 of the Interpretation Act (NI) 1954.
256. **At the Committee meeting of 30 April**, the Committee received the draft text of the amendment to insert the provision whereby Councils can apply to a lay magistrate when entry to a property is refused.
257. The Committee was content with the responses provided to the outstanding queries and was satisfied that the Department were taking forward the proposed amendment.

Clause 19 – Fixed Penalty

258. **At the Committee meeting of 26 February**, and in response to suggestions raised by the Committee that the FPN amount of £500 is insufficient, Officials advised that, payment of an FPN discharges liability for conviction but does not remove the requirement to complete the necessary works. They further

stated that the Department would be open to increasing the FPN amount should Councils consider this to be a more effective approach.

259. The Committee also queried if introducing further fines for repeat offenders had been considered. Officials informed the Committee that this is already provided for within the Bill. They explained that payment of the £500 FPN discharges liability for conviction only and does not remove the requirement to carry out the works specified in the notice.
260. Officials then provided further detail on Multiple Maintenance Notices (MN) in writing on 17 April following receipt of legal advice. The advice received stated that a further FPN for a MN for the same circumstances would not be appropriate - giving a further FPN is suggestive of someone being penalised twice for the same offence, which is not usually allowable.
261. **At the Committee meeting of 26 February**, the Committee sought clarification on situations where the repeat offender could own multiple properties and be subject to multiple notices, thus, causing significant amenity issues. Officials advised it would cause increased administrative burden on Councils to link these together, as there could be varying notice types. They confirmed that the Clause, as worded, allows for multiple notices and types of notices on the same property, so the offender will still be subject to multiple penalties.
262. Members further highlighted that, for speculative property owners, a £500 charge would be unlikely to act as a deterrent. However, this sum could represent a significant burden for someone who has inherited a property but has limited financial resources. They therefore questioned whether the legislation should provide a clear distinction between these different circumstances.
263. Officials advised that the Bill provides for flexibility for Councils to look at each situation on a case-by-case basis. Councils have the power to put a charge on

the property requiring works to be done in the future, which would mean there would be no penalty to the inherited owner.

264. The Committee raised concerns that a high degree of flexibility could lead to inconsistencies in implementation between Councils, particularly in relation to boundary issues. Members indicated that this matter may be better addressed on the face of the Bill. Officials agreed that an appropriate balance is required between flexibility and consistency and agreed to work with Councils to identify the most effective approach, noting their preference that this be addressed through the Statutory Guidance.
265. **At this meeting of 26 February**, Committee Members questioned how the efficacy of the Bill will be measured in the future. Officials advised that the effectiveness of the Bill would be assessed following the standard post implementation review period of two to three years. Officials explained that an initial proposal for each Council to identify the scale of dilapidated properties within its district was not progressed, as this would have imposed a statutory duty on Councils and would have been resource intensive and costly.
266. **At the Committee meeting of 23 April**, Officials advised that they had received further advice in relation to multiple MNs, specifically whether a Council may issue a new notice and recommence the process, and whether subsequent notices for continued breaches would each carry the option of discharging liability through payment of a further FPN.
267. Officials stated that the Department was considering a potential amendment such that the fixed penalty, if paid will discharge liability for conviction up until the day of payment. In this case, should there be a breach of the notice, the interested person could still face a fine (up to £2500/Level 4) through the Courts. This will allow Councils to pursue matters further where there is continued non-compliance.
268. **At the Committee meeting of 30 April**, the Committee noted receipt of the draft text of the amendment in relation to multiple MNs.

269. The Committee was content with the responses provided to the outstanding queries and was satisfied that the Department was taking forward the proposed amendment.

Clause 20 – Guidance

270. **At the Committee meeting on 26 February**, the Committee requested that Officials share any feedback received from the Councils on the draft Statutory Guidance.

271. Officials stated that they had clarified with the Councils that this is Statutory Guidance and therefore available in front of judge. They advised that a lot of the Councils remaining concerns could be addressed by the Guidance regarding matrix; definitions, etc. and they would work together with the Councils to get Guidance as tight as possible.

272. **At the Committee meeting on 19 March**, Members requested an update on the development of the Guidance document in co-operation with NILGA. Officials clarified that they had received a response from NILGA and are currently working through the issues.

273. The Committee was content with the responses but emphasised the need for continued co-operation between the Department and the Council in developing the guidance.

Clause 21 – Notices

274. **At the Committee meeting of 26 February**, Officials addressed the Committee's concern about ensuring consistency across Councils operating under differing local development plans. They advised that the Department would work closely with Councils to strengthen and clarify the Statutory Guidance, with the objective of promoting a clear and consistent application of the provisions across all Council areas.

275. The Committee queried if consideration had been given to applying a visual notice to buildings (as in the case with vehicles), as a visual indicator may make the property owner more likely to comply. Officials advised that under the Interpretation Act, councils have the option to serve a notice by fixing it to a building. They further highlighted that the draft Statutory Guidance references a “ripple effect” evidenced in England, whereby the issuing of maintenance notices increased awareness among other property owners and encouraged remedial action to be taken voluntarily, in advance of formal enforcement.
276. It was highlighted to the Committee that a notice issued under Clause 10 or Clause 11 may not be varied or withdrawn, as such notices relate to major works and are intended to address matters requiring rapid remediation.
277. **At the Committee meeting of 30 April**, the Committee noted receipt of the draft amendment from the Department to allow both the same type of notice and a different notice to be served under the Act.
278. The Committee was content with the responses provided to the outstanding queries and was satisfied with the Departmental amendment.

Clause 22 – Appeal

279. **At the Committee meeting of 19 March**, Committee Members highlighted that the draft Statutory Guidance did not provide sufficient clarity to help a member of the public progress an appeal and emphasised the need for it to be more user-friendly.
280. Officials agreed to revise and expand the Guidance to set out a clear and accessible process. Officials subsequently confirmed in writing on 31 March that the Guidance would be revised accordingly but noted that it is specifically intended to support Councils in the operation of the legislation.
281. **At the Committee meeting of 23 April**, the Committee noted the response from NILGA/BCNI regarding their suggested amendments to Clause 22(1) to

state that a notice served under Clause 10 is excluded from Clause 22(1), confirming that an appeal lodged does not make the notice of no effect and prevent emergency works that are being undertaken from continuing.

282. Officials advised on 30 April that grounds for an appeal at Clause 10(8) are limited, and an appeal is only permitted against the works, not a notice, therefore 22(1) does not apply in the case of emergency action.

283. The Committee was content with the responses provided to the outstanding queries.

Clause 23 – Offences: defendant

284. **At the Committee meeting of 26 February**, the Committee's queried the proposal to introduce a daily fine, similar to that provided for under Article 66 of the Pollution Control and Local Government Order 1978 and asked whether this approach would be beneficial.

285. Officials advised that they were aware of the equivalent power under Article 66 of the Pollution Control and Local Government Order 1978 and had made enquiries with the Northern Ireland Courts and Tribunals Service regarding its use. They confirmed that the Courts Service does not administer daily fines and that, while the power exists in legislation, it has not been used in practice. Although a daily fine could be potentially useful, responsibility for its administration would rest with the Courts Service, which does not currently operate such a mechanism.

286. The Committee was content with the responses provided to the outstanding queries.

Clause 24 – Meaning of Interested person etc.

287. **At the Committee meeting of 26 February**, the Committee queried the suggestion that the definition of "interested person" should include receivers appointed to a company that formerly had an interest in the land.

288. Officials advised that the definition had been drafted as broadly as possible and that a person holding a charge over the land, or a previous financial interest in it, would be considered to have a sufficient interest. They noted that, in such circumstances, a receiver would be expected to act in the best interests of the creditors who have a financial interest in the land.

289. The Committee was content with the responses provided to the outstanding queries.

Clause 25 – Other definitions

290. **At the Committee meeting of 26 February**, the Committee raised the concern that the phrase ‘building includes any other structure’ was too broad as it could be applied to crown buildings, lampposts etc.

291. Officials advised that they do not consider this the case and confirmed that it would not apply to Crown buildings. They further explained that setting out the definition within the Bill provides clarity and is in line with the approach taken in other relevant legislation.

292. **At the Committee meeting of 26 February**, Members raised the issue identified by Dfl planning that there was an overlap with the Planning act on the definition of the term ‘building’, and if this had been considered? Officials advised that the definition of “building” is consistent with that used in the Building Act 1984 and the Planning Act and is not materially different from existing legislation.

293. **At the Committee meeting of 30 April**, the Committee noted the draft text of an amendment to this Clause, which was intended to ensure consistency of wording with the revised title of Clause 11.

294. The Committee was content with the responses provided to the outstanding queries and the draft amendment proposed by the Department.

Clause 26 – Repeals and consequential amendments

295. **At the Committee meeting of 26 February**, Members requested assurance that no gaps would arise from the repeal of existing legislation.

296. Officials referred the Committee to the table of repeals and replications. They advised that they are confident all provisions being repealed are being carried forward and that no legislative gaps will arise. Officials further confirmed that the repeals will come into effect at the same time as the Bill commences.

297. The Committee was content with the response provided to their request.

Clause 27 – Savings

298. The Committee discussed that no issues had been raised in relation to Clause 27 and Members were content with Clause 27.

Clause 28 – Regulations

299. The Committee discussed that no issues had been raised in relation to Clause 28 and Members were content with Clause 28.

Clause 29 – General Interpretation

300. The Committee discussed that no issues had been raised in relation to Clause 29 and Members were content with Clause 29.

Clause 30 – Commencement

301. **At the Committee meeting of 26 February**, Officials highlighted that they may amend the Commencement Clause so that the whole Bill will come into operation on the day after Royal Assent, rather than having to make separate commencement orders.

302. The Committee queried if there is any work being done with stakeholders and/or elected representatives on an awareness program for the new Bill? Officials advised that press releases were issued when the Bill received

Executive approval and at the Introduction Stage. They advised that publicity activity was expected at key stages of the Bill and that this would be discussed with the Minister in late March.

303. The Committee expressed an interest in the communications approach, emphasising the need to avoid over- or under-selling the Bill, and asked to be kept informed as it progresses.

304. **At the Committee meeting of 23 April**, the Committee noted that Clauses 29, 30 & 31 commence on the day after Royal Assent and queried the timeline for the commencement of the remainder of the Clauses.

305. Officials advised the Committee that the intention is to commence the remaining Clauses at the same time as well as the accompanying fees regulations and the Statutory Guidance.

306. The Committee was content with the responses provided.

Clause 31 – Short title

307. The Committee discussed that no issues had been raised in relation to Clause 31 and Members were content with Clause 31.

Schedule 1 – Fixed Penalties

308. **At the Committee meeting of 26 February**, Members queried the suggestion that FPN is too low. Officials stated that, as previously noted, the fixed penalty notice (FPN) could be set at a higher level, while reminding Councils that it is not intended to replace the requirement to carry out the necessary works.

309. At this meeting, the Committee also raised the suggestion that 10(1) of Schedule 1 (accrue receipt of fixed penalties) should be omitted from the Bill. Officials advised that the provision is standard and confirmed that it is not the Department's intention to make regulations to retain fixed penalty receipts.

They indicated that fixed penalty income is intended to accrue to Councils to support administration of the scheme.

310. The Committee recommended that the Department engage with Councils further to provide assurance on this matter as it had been a Council proposal to Committee for it to be omitted from the Bill.
311. **At the Committee meeting of 19 March**, there was further discussion on the FPN amount. The Bill Clerk advised that the FPN may be increased or staggered should the Committee be minded doing so, subject to the requirement to have due regard to the owner's financial circumstances as set out in the Bill.
312. **At the Committee meeting of 30 April**, the Committee noted the draft text of the amendment to ensure alignment with the revision to Clause 19.
313. The Committee was content with the responses provided to the outstanding queries and the draft amendment proposed by the Department.

Schedule 2 – Repeals

314. **At the Committee meeting of 26 February**, Officials explained that the repeals table sets out the previous Acts, summarises their purpose, and identifies where their provisions have been replicated within the Bill.
315. A table of repeals and corresponding replications had been provided to the Committee and to District Councils, in line with the Committee's recommendation.
316. The Committee was content with Schedule 2.

Review and Reporting New Clause

317. Following extensive discussion during its deliberations, the Committee considered the inclusion of a Review and Reporting Clause to be essential to the Bill. This would allow the Assembly and future AERA Committees to

assess its effectiveness and to ensure that councils contribute to this process through the provision of relevant information.

318. **At the Committee meeting of 23 April**, the Committee discussed the inclusion of a review and reporting provision with Departmental Officials, who indicated that the Department would consider drafting a standard review/reporting Clause. The Committee subsequently requested that the Assembly Bill Clerk prepare an alternative draft amendment as a contingency, should the Department be unable to provide text prior to the end of Committee Stage. **The Committee considered the draft amendment prepared by the Assembly Bill Clerk at its meeting on 7 May 2026**, as follows:

After Clause 25 insert

“Review and report

Duty to report on the operation of this Act

25A (1) The Department must review, and prepare a report on, the operation of this Act –

(a) not later than 3 years after the date on which all of sections 1, 4, 7, 10 and 11 of this Act come into operation; and

(b) at intervals of not more than 5 years thereafter.

(2) The Department must-

(a) lay any report under this section before the Assembly;

and

(b) publish a report under this section in such manner as it thinks appropriate.

(3) Subsections (1) and (2) cease to have effect at such time, which must not be before the end of the period of 18 years beginning

with the day on which all of sections 1, 4, 7, 10 and 11 come into operation.”

318. **At the Committee meeting of 30 April**, the Committee further queried if the Department had received the draft text of an amendment for the provision of a reporting / review Clause. Officials advised that this was currently with OLC.

319. **At the Committee meeting of 7 May**, the Committee considered the draft amendment for the inclusion of a review and reporting Clause as provided by the Department. This was as follows:

New Clause 28A

After Clause 28 insert:

‘Review of Act

(1) The Department must-

**(a) Not later than 3 years after the commencement of section 28A; and
(b) At least once in every 5 year period thereafter,**

Review, and publish a report on, the implementation of this Act.

(2) Regulations made by the Department under this section must set out the terms of the review.’

320. **The Committee agreed at its meeting of 7 May**, to support the new Clause, 28A, as drafted by the Department, following clarification from Officials that the regulations would broadly mirror those in Section 228 of the Planning Act (Northern Ireland) 2011.

Proposed Ministerial Amendments

321. **Clause 11** - as noted previously, the Committee was advised on 17 September 2025 of the Minister's intention to amend the title of Clause 11 to avoid confusion with the Defective Premises (NI) Order 1975, as amended recently. In light of ongoing DfC work on Building Safety legislation and wider concerns regarding fragmentation in this area, officials agreed that Clause 11 should be reworded to remove references to "defective premises" and adopt more appropriate terminology. A copy of the proposed amendments can be located at Appendix 1.

322. Subsequently the Committee was also advised of linked amendments to Clause 12(6), Clause 12 (7), and Clause 25, to substitute references to Defective Premises Notice.

323. **Ministerial Amendments as requested by the Committee** - the Committee is pleased to highlight that the following amendments were agreed by the Minister to be taken forward, arising directly from the Committee's evidence and deliberations process. These amendments demonstrate the effectiveness of the Committee's scrutiny and the value of the extended Committee Stage. **In addition to the amendments to Clause 11 - the Committee agreed the following proposed Ministerial amendments to the Bill and the full text as agreed by the Committee can be seen in the Clause by Clause Scrutiny section of this Report, starting at paragraph 325:**

- Clause 2(2)(c) – to align with the wording in Clause 1(1), by substituting "being detrimental to" for "adversely affecting".
- Clause 4(5) – to include reference to 'statutory heritage controls', as proposed by the Historic Environment Division.
- Clause 7(4) – to include reference to 'statutory heritage controls', as proposed by the Historic Environment Division.
- Clause 16(1) and (2) – to mirror the wording of Article 72 of the Pollution Control and Local Government (Northern Ireland) Order 1978, to broaden the scope of persons from whom a council may request information.

- Clause 18 – to insert provision for seeking a warrant from a lay magistrate where entry has been refused.
- Clause 19 – to clarify that liability to comply with a Maintenance Notice does not cease upon payment of a fixed penalty notice.
- Clause 21(6) – to allow for the service of the same type of notice under the Act, as well as a different notice.
- Schedule 1, paragraph 7 – to make this provision subject to the new provision in Clause 19.

Committee Recommendations

324. As stated earlier in the report, the Committee was broadly content that the Bill addresses the need to update and consolidate existing powers. It also accepted that the scope of the Bill is more limited than initially anticipated by the Committee and some stakeholders, with a number of matters addressed through Statutory Guidance rather than on the face of the Bill. While supportive of the overall rationale, the Committee expressed reservations that the discretionary nature of the powers, together with the absence of dedicated funding for Councils, may limit the Bill's practical impact.

- 1) During its deliberations, the Committee recommended that further engagement with Councils be undertaken, following concerns raised by NILGA and BCNI. Subsequent meetings took place on 24 February and 2 March 2026, and during the Committee's deliberations a number of amendments were then progressed by the Minister at the Committee's request.
- 2) The Committee recommends that the Department continues structured and meaningful engagement with local government, in light of concerns raised by Councils, to ensure they are adequately supported to implement the Bill's powers effectively and consistently.

- 3) The Committee, having considered stakeholder evidence and issues raised during deliberations in relation to the Statutory Guidance, recommends that the Guidance be strengthened and expanded to provide clearer, more practical direction for Councils and, where possible, for the public. Acknowledging that the guidance is primarily intended for Councils, the Committee emphasises the need for greater clarity on the application of subjective terms such as amenity, detriment and seriously detrimental to amenity. The guidance should also include illustrative examples to support consistent application across Councils, while retaining appropriate flexibility to reflect local circumstances.
- 4) During its deliberations, the Committee noted that the EFM did not adequately address potential financial impacts on Councils and recommended that it be revised accordingly. The Department confirmed it would amend the EFM, with revised wording agreed on 30 April 2026. The Committee also recommends that future EFMs provide a more comprehensive assessment of financial implications – direct and indirect.
- 5) The Committee recommends that future Bills, if relevant, are accompanied, at the outset of Committee Stage, by a detailed document outlining any repeals and the corresponding new replications of legislation.
- 6) The Committee recommends that appropriate awareness-raising measures be considered, ahead of commencement, to support effective implementation of the new powers and help manage public expectations, particularly in the absence of additional funding for Councils.

Clause by Clause Scrutiny of the Bill

326. Having considered the written and oral evidence received on the Bill, the Committee undertook its formal Clause-by-Clause consideration at its meeting on 7 May 2026. **See Minutes of Proceedings at Appendix 1 and Minutes of Evidence in Appendix 2.**

327. Information on the Committee's deliberations on the individual Clauses in the Bill and additional provisions can be found in the previous section of this report.

Long Title

328. The Committee considered the Long Title as drafted.

Agreed: The Committee agreed that it was content with the Long Title of the Bill as drafted by the Department.

Clause 1 – Maintenance Notice

329. The Committee considered Clause 1 as drafted.

Agreed: The Committee agreed that it was content with this Clause 1 as drafted by the Department.

Clause 2 – Appeal against maintenance notice

330. The Committee considered the Department's proposed amendment to Clause 2.

Clause 2, Page 2, Line 2

Leave out 'adversely affecting' and insert 'being detrimental to'

Agreed: The Committee agreed that it was content with Clause 2 subject to the proposed Departmental amendment.

Clause 3 – Breach of maintenance notice

331. The Committee considered Clause 3 as drafted.

Agreed: The Committee agreed that it was content with Clause 3 as drafted by the Department.

Clause 4 – Dilapidation notice

332. The Committee considered the Department's proposed amendment to Clause 4.

Clause 4, Page 2, Line 41

At end insert 'or relating to it being a heritage site'

Agreed: The Committee agreed that it was content with Clause 4 subject to the proposed Departmental amendment.

Clause 5 –Appeal against dilapidation notice

333. The Committee considered Clause 5 as drafted.

Agreed: The Committee agreed that it was content with Clause 5 as drafted by the Department.

Clause 6 – Breach of dilapidation notice

334. The Committee considered Clause 6 as drafted.

Agreed: The Committee agreed that it was content with Clause 6 as drafted by the Department.

Clause 7 – Dangerous structure notice

335. The Committee considered the Department’s proposed amendment to Clause 7 as drafted.

Clause 7, Page 4, Line 28

At end insert ‘or relating to it being a heritage site’

Agreed: The Committee agreed that it was content with Clause 7 subject to the proposed Departmental amendment.

Clause 8 – Appeal against dangerous structure notice

336. The Committee considered Clause 8 as drafted

Agreed: The Committee agreed that it was content with Clause 8 as drafted by the Department.

Clause 9 – Breach of dangerous structure notice

337. The Committee considered Clause 9 as drafted.

Agreed: The Committee agreed that it was content with Clause 9 as drafted by the Department.

Clause 10 – Emergency action

338. The Committee considered Clause 10 as drafted.

Agreed: The Committee agreed that it was content with Clause 10 as drafted by the Department.

Clause 11 – Defective premises notice

339. The Committee considered the Department's 16 proposed amendments to Clause 11.

Clause 11, Page 7, Line 2

Leave out line 2 and insert 'Urgent abatement notice'

Clause 11, Page 7, Line 4

Leave out 'in a defective state,' and insert 'in such a state as to be prejudicial to health or a nuisance,'

Clause 11, Page 7, Line 5

Leave out 'the defective state' and insert 'the state'

Clause 11, Page 7, Line 10

Leave out from 'and' to end of line 11

Clause 11, Page 7, Line 12

Leave out '(a "defective premises notice")' and insert 'an ("urgent abatement notice")'

Clause 11, Page 7, Line 13

Leave out 'defective state' and insert 'state'

Clause 11, Page 7, Line 15

Leave out 'A defective premises notice' and insert 'An urgent abatement notice'

Clause 11, Page 7, Line 16

Leave out 'defective state' and insert 'state'

Clause 11, Page 7, Line 18

Leave out 'a defective state' and insert 'such a state'

Clause 11, Page 7, Line 21

Leave out 'a defective premises notice' and insert 'an urgent abatement notice'

Clause 11, Page 7, Line 22

Leave out 'defective state' and insert 'state'

Clause 11, Page 7, Line 24

Leave out 'a defective premises notice' and insert 'an urgent abatement notice'

Clause 11, Page 7, Line 26

Leave out 'defective premises notice' and insert 'urgent abatement notice'

Clause 11, Page 7, Line 34

Leave out 'defective premises notice' and insert 'urgent abatement notice'

Clause 11, Page 7, Line 38

Leave out 'in a defective state' and insert 'in such a state as to be prejudicial to health or a nuisance'

Clause 11, Page 7, Line 40

Leave out 'defective state' and insert 'state.'

Agreed: The Committee agreed that it was content with Clause 11 subject to the proposed 16 Departmental amendments.

Clause 12 – Costs of district council

340. The Committee considered the Department's two proposed amendments to Clause 12.

Clause 12, Page 8, Line 30

Leave out '(defective premises notice)' and insert '(urgent abatement notice)'

Clause 12, Page 8, Line 35

Leave out 'defective premises notice' and insert 'urgent abatement notice'

Agreed: The Committee agreed that it was content with Clause 12 subject to the proposed two Departmental amendments.

Clause 13 – Charge on land

341. The Committee considered Clause 13 as drafted.

Agreed: The Committee agreed that it was content with Clause 13 as drafted by the Department.

Clause 14 – Costs of interested person

342. The Committee considered Clause 14 as drafted.

Agreed: The Committee agreed that it was content with Clause 14 as drafted by the Department.

Clause 15 – Obstruction by occupier etc.

343. The Committee considered Clause 15 as drafted.

Agreed: The Committee agreed that it was content with Clause 15 as drafted by the Department.

Clause 16 – Information

344. The Committee considered the Department's proposed amendment to Clause 16.

Clause 16, Page 10, Line 19

Leave out subsections (1) and (2) and insert-

'(1) Subject to subsection (2), a district council may serve on any person a notice requiring the person to give to the council, within a period or at times specified in the notice and in a form so specified, any information so specified which the council reasonably considers that it needs for the purposes of any function conferred on the council by this Act.

(2) The Department may by regulations make provision for restricting the information that may be required under subsection (1) and for determining the form in which the information is to be so required.'

Agreed: The Committee agreed that it was content with Clause 16 subject to the proposed Departmental amendment.

Clause 17 – Consultation with planning department

345. The Committee considered the Department's two proposed amendments to Clause 17 as drafted.

Clause 17, Page 11, Line 12

At beginning insert 'For the purposes of this Act,'

Clause 17, Page 11, Line 28

At beginning insert 'For the purposes of this Act'

Agreed: The Committee agreed that it was content with Clause 17 subject to the two proposed Departmental amendments.

Clause 18 – Power of entry

346. The Committee considered the Department's 2 proposed amendments to Clause 18 as drafted.

Clause 18, Page 12, Line 3

Leave out subsection (2) and insert

'(2) The power under this section (except in an emergency) is exercisable only- (a) With the consent of the occupier, or (b) In accordance with subsection (3A).'

Clause 18, Page 12, Line 11

At end insert-

'(3A) If it is shown to the satisfaction of a lay magistrate on complaint on oath-

(a) That there are reasonable grounds for entering any land for any of the purposes mentioned in subsection (1)(a) to (e), and

(b) That admission to the land has been refused, or a refusal is reasonably apprehended,

The lay magistrate may issue a warrant authorising an authorised officer of a district council to enter the land (if need be by force).

(3B) For the purposes of subsection (3A)(b), admission to land shall be regarded as having been refused if no reply is received to a request for admission within a reasonable period.

(3C) A warrant authorises entry on one occasion only and that entry must be – (a) Within one month from the date of the issue of the warrant, and (b) At a reasonable time.'

Agreed: The Committee agreed that it was content with Clause 18 subject to the two proposed Departmental amendments.

Clause 19 – Fixed Penalty

347. The Committee considered the Department's two proposed amendments to Clause 19 as drafted.

Clause 19, Page 12, Line 34

At beginning insert 'Subject to subsection (2A).'

Clause 19, Page 12, Line 36

At end insert-

'(2A) Payment of a fixed penalty in relation to an offence under section 3(2) discharges liability for conviction in respect of failure to comply with a maintenance notice up to the date of payment of the fixed penalty (but if the person continues to fail to comply with the maintenance notice after having paid the fixed penalty, does not affect any criminal liability for continuing failure to comply with the maintenance notice after that date).'

Agreed: The Committee agreed that it was content with Clause 19 subject to the two proposed Departmental amendments.

Clause 20 – Guidance

348. The Committee considered Clause 20 as drafted.

Agreed: The Committee agreed that it was content with Clause 20 as drafted by the Department.

Clause 21 – Notices

349. The Committee considered the Department's proposed amendment to Clause 21 as drafted.

Clause 21, Page 13, Line 29

After 'under' insert 'the same provision of this Act or under'

Agreed: The Committee agreed that it was content with Clause 21 subject to the proposed Departmental amendment.

Clause 22 – Appeal

350. The Committee considered Clause 22 as drafted.

Agreed: The Committee agreed that it was content with Clause 22 as drafted by the Department.

Clause 23 – Offences: defendant

351. The Committee considered Clause 23 as drafted.

Agreed: The Committee agreed that it was content with Clause 23 as drafted by the Department.

Clause 24 – Meaning of “interested person” etc.

352. The Committee considered Clause 24 as drafted.

Agreed: The Committee agreed that it was content with Clause 24 as drafted by the Department.

Clause 25 – Other definitions

353. The Committee considered the Department's proposed amendment to Clause 25 as drafted.

Clause 25, Page 15, Line 25

Leave out '(defective premises notice)' and insert '(urgent abatement notice)'

Agreed: The Committee agreed that it was content with Clause 25 subject to the proposed Departmental amendment.

Clause 26 – Repeals and consequential amendments

354. The Committee considered Clause 26 as drafted.

Agreed: The Committee agreed that it was content with Clause 26 as drafted by the Department.

Clause 27 – Savings

355. The Committee considered Clause 27 as drafted.

Agreed: The Committee agreed that it was content with Clause 27 as drafted by the Department.

Clause 28 – Regulations

356. The Committee considered Clause 28 as drafted.

Agreed: The Committee agreed that it was content with Clause 28 as drafted by the Department

New Clause 28A

357. The Committee considered a new review and reporting Clause as drafted by the Department.

New Clause 28A

After Clause 28 insert:

‘Review of Act

(1) The Department must-

(a) Not later than 3 years after the commencement of section 28A; and

(b) At least once in every 5 year period thereafter,

Review, and publish a report on, the implementation of this Act.

(2) Regulations made by the Department under this section must set out the terms of the review.’

Agreed: The Committee agreed that it is content with the proposed Departmental amendment to insert a new Clause as drafted.

Agreed: That the Committee recommends to the Assembly that the new Clause is added to the Bill.

Clause 29– General Interpretation

358. The Committee considered Clause 29 as drafted.

Agreed: The Committee agreed that it was content with Clause 29 as drafted by the Department.

Clause 30 – Commencement

359. The Committee considered Clause 30 as drafted.

Agreed: The Committee agreed that it was content with Clause 30 as drafted by the Department.

Clause 31 – Short title

360. The Committee considered Clause 31 as drafted.

Agreed: The Committee agreed that it was content with Clause 31 as drafted by the Department.

Schedule 1 – Fixed Penalties

361. The Committee considered the Department's proposed amendment to Schedule 1 as drafted.

Schedule 1, Page 19, Line 4

At beginning insert 'Subject to section 19(2A),'

Agreed: The Committee agreed that it was content with Schedule 1 subject to the proposed Departmental amendment.

Schedule 2 – Repeals

362. The Committee considered Schedule 2 as drafted.

Agreed: The Committee agreed that it was content with Schedule 2 as drafted by the Department.

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Appendix 7: Convention Rights Memorandum

View the Convention Rights Memorandum

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