

Dilapidation Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Agriculture, Environment and Rural Affairs had 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.”

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A

BILL

TO

Confer functions on district councils in connection with the dilapidation of buildings and other land.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

Detriment to local amenity

Maintenance notice

5 **1.**—(1) This section applies if it appears to a district council that a building or other land in its district is, because of its condition, detrimental to the amenity of a part of the council's district or of an adjoining district.

 (2) The council may serve a notice under this section (a “maintenance notice”) on any person with an interest in the land to require the person to take the steps specified in the notice for remedying the condition of the land within the period so specified.

Appeal against maintenance notice

10 **2.**—(1) A person on whom a maintenance notice is served, or any other person with an interest in the land to which the notice applies, may appeal to a court of summary jurisdiction against the notice.

 (2) An appeal under this section may be brought only on the grounds—

15 (a) that the condition of the land is not detrimental to amenity as specified in the notice,

 (b) that the condition of the land is attributable to, and of a kind which in the ordinary course of events results from, the carrying on of operations on the land or the use of land (in so far as not contravening Part 3 of the
20 Planning Act (Northern Ireland) 2011),

(c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting amenity as specified in the notice,

(d) that the period specified in the notice is unreasonably short, or

5 (e) that the district council failed, before serving the notice, to have regard to guidance for the time being issued by the Department.

(3) An appeal under this section may not be brought after the end of 28 days beginning with the day on which the notice takes effect (see section 21(1)).

(4) For further provision on appeals, see section 22.

10 **Breach of maintenance notice**

3.—(1) If the steps required by a maintenance notice have not been taken within the period for complying with the notice, the district council which served the notice may itself take those steps.

15 (2) A person on whom a maintenance notice is served commits an offence if the person fails to comply with the notice.

(3) A person who is guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Serious detriment to local amenity

Dilapidation notice

20 **4.**—(1) This section applies if it appears to a district council that a building in its district is, because of its dilapidated condition, seriously detrimental to the amenity of a part of the council's district or of an adjoining district.

(2) The council may serve a notice under this section (a "dilapidation notice") on any person with an interest in the building to require the person—

25 (a) to demolish the whole or part of the building within the period specified in the notice and to remove the material resulting from the demolition, or

(b) if the council does not consider demolition necessary, to carry out the work specified in the notice as the remedial work which the council considers necessary in the interests of amenity, within the period specified
30 in the notice.

(3) A dilapidation notice under subsection (2)(b) may inform the person on whom it is served that the person may apply in writing to the council for permission to demolish the building instead of carrying out the work specified in the notice; and, if the person applies for permission to do so, the council must
35 notify the person in writing of its decision on the application.

(4) Where the council gives permission under subsection (3), the notification under that subsection may require the person—

(a) to remove the material resulting from the demolition, and

(b) to comply with such other conditions as the notification specifies.

40 (5) Nothing in this section exempts an interested person from the obligation to comply with any other statutory provision relating to the condition of the building.

Appeal against dilapidation notice

5.—(1) A person on whom a dilapidation notice is served, or any other person who has an interest in the building to which the notice applies, may appeal to a court of summary jurisdiction against the notice.

- 5 (2) An appeal under this section may be brought only on the grounds—
- (a) that the building is not seriously detrimental to amenity as specified in the notice,
 - (b) that the requirements of the notice exceed what is necessary for restoring the building to a condition such that it would not be seriously detrimental to amenity as specified in the notice,
 - 10 (c) in a case where the district council requires the demolition of the building, that it would instead be feasible to carry out works which would restore the building to a condition such that it would not be seriously detrimental to amenity as specified in the notice,
 - 15 (d) that the period specified in the notice is unreasonably short, or
 - (e) that the council failed, before serving the notice, to have regard to guidance for the time being issued by the Department.
- (3) An appeal under this section may not be brought after the end of 28 days beginning with the day on which the notice takes effect (see section 21(1)).
- 20 (4) For further provision on appeals, see section 22.

Breach of dilapidation notice

6.—(1) If, on a complaint to a court of summary jurisdiction by a district council, it appears to the court that a person on whom the council served a dilapidation notice has failed to comply with the notice or with a condition specified in a notification under section 4(3), the court may order the person to comply with the notice or condition.

25 (2) Where a person on whom a dilapidation notice is served fails to comply with the notice or a condition specified in a notification under section 4(3), or with an order under subsection (1), the council may itself do whatever the notice or condition required the person to do.

30 (3) A person on whom a dilapidation notice is served commits an offence if the person fails to comply with the notice or with a condition specified in a notification under section 4(3).

35 (4) A person on whom a dilapidation notice under section 4(2)(b) is served commits an offence if the person demolishes the whole or part of the building in question without having obtained permission under section 4(3).

(5) A person who is guilty of an offence under subsection (3) or (4) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- 40 (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding two years (or to both).

*Dangerous structures***Dangerous structure notice**

7.—(1) This section applies if it appears to a district council that a building in its district—

- 5 (a) is in such a condition as to be dangerous, or
 (b) is used to carry such loads as to be dangerous.

(2) The council must, unless it decides to act under section 10 (emergency action), serve a notice under this section (a “dangerous structure notice”) on at least one person who has an interest in the building to require the person—

- 10 (a) to demolish the whole or part of the building within the period specified in the notice and to remove the material resulting from the demolition, or
 (b) if the council does not consider demolition necessary, to carry out within the period specified in the notice work necessary to remove or prevent the danger.

15 (3) A dangerous structure notice under subsection (2)(b) may inform the person on whom it is served that the person may apply in writing to the council for permission to demolish the building instead of carrying out the work specified in the notice; and, if the person applies for permission to do so, the council must notify the person in writing of its decision on the application.

20 (4) Where the council gives permission under subsection (3), the notification under that subsection may require the person—

- (a) to remove the material resulting from the demolition, and
 (b) to comply with such other conditions as the notification specifies.

25 (5) In a case within subsection (1)(b), a dangerous structure notice may also restrict the use of the building until the council, on being satisfied that the necessary work has been carried out, withdraws or modifies the restriction.

(6) Nothing in this section exempts an interested person from the obligation to comply with any other statutory provision relating to the condition of the building.

30 (7) The council may charge an interested person a fee, of such amount and in accordance with such procedure as the Department may by regulations specify, for exercising its power under this section.

(8) Section 30 of the Public Health Acts Amendment Act 1907 (repair of dangerous structures etc.) ceases to apply in relation to a building within the meaning of this Act.

35 **Appeal against dangerous structure notice**

8.—(1) A person on whom a dangerous structure notice is served, or any other person who has an interest in the building to which the notice applies, may appeal to a court of summary jurisdiction against the notice.

(2) An appeal under this section may be brought only on the grounds—

- 40 (a) that the building is not dangerous as specified in the notice,
 (b) that the requirements of the notice exceed what is necessary for restoring the building to a condition such that it would not be dangerous as specified in the notice,

(c) that the period specified in the notice is unreasonably short, or

(d) that the district council failed, before serving the notice, to have regard to guidance for the time being issued by the Department.

5 (3) An appeal under this section may not be brought after the end of 14 days beginning with the day on which the notice takes effect (see section 21(1)).

(4) For further provision on appeals, see section 22.

Breach of dangerous structure notice

10 **9.**—(1) If, on a complaint to a court of summary jurisdiction by a district council, it appears to the court that a person on whom the council served a dangerous structure notice has failed to comply with the notice or with a condition specified in a notification under section 7(3), the court may order the person to comply with the notice or condition.

15 (2) Where a person on whom a dangerous structure notice is served fails to comply with the notice or a condition specified in a notification under section 7(3), or with an order under subsection (1), the council may itself do whatever the notice or condition required the person to do.

(3) A person on whom a dangerous structure notice is served commits an offence if the person fails to comply with the notice or with a condition specified in a notification under section 7(3).

20 (4) A person on whom a dangerous structure notice under section 7(2)(b) is served commits an offence if the person demolishes the whole or part of the building in question without having obtained permission under section 7(3).

(5) A person who is guilty of an offence under subsection (3) or (4) is liable—

25 (a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding two years (or to both).

Emergency action

10.—(1) This section applies if it appears to a district council that—

30 (a) a building in its district is in such a condition or is used to carry such loads as to be dangerous, and

(b) immediate action should be taken to remove the danger.

(2) The council may take whatever steps are necessary to remove the danger.

(3) The council may not exercise its power under subsection (2) unless it has conducted an assessment of—

35 (a) the consequences of the building being dangerous,

(b) the likelihood of those consequences occurring, and

(c) the seriousness of those consequences if they were to occur.

40 (4) Before exercising its power under subsection (2) (and having conducted the assessment under subsection (3)), the council must, if it is reasonably practicable for it to do so, give notice of its intention to exercise the power to the owner and the occupier of the building and such other interested persons as the council considers appropriate.

(5) The council may charge an interested person a fee, of such amount and in accordance with such procedure as the Department may by regulations specify, for exercising its power under subsection (2).

(6) Within the period of seven days beginning with the date on which the council begins to exercise its power under subsection (2), the council must serve notice on at least one person who appears to have an interest in the building—

(a) specifying the immediate action which is being taken by the council to remove the danger; and

(b) advising that an appeal may be brought under subsection (8) to a court of summary jurisdiction against that action.

(7) Subsection (6) does not apply if the council cannot, with all reasonable endeavours, identify any person with an interest in the building.

(8) An appeal under this subsection may be brought only on the grounds that the council is not justified in exercising its power under subsection (2) as—

(a) immediate action is not required to remove any danger;

(b) the steps being taken by the council exceed what is necessary to remove any danger; or

(c) the council failed to have regard to guidance for the time being issued by the Department.

(9) An appeal under subsection (8) may not be brought after the end of 14 days beginning with the day on which the notice under subsection (6) takes effect (see section 21(1)).

(10) For further provision on appeals, see section 22.

(11) Where—

(a) a court of summary jurisdiction (whether on appeal under subsection (8) or on an application under this subsection) determines that a council is not justified in the exercise of its power under subsection (2); and

(b) an interested person sustains damage as a result of the exercise of that power,

the person is entitled to compensation.

(12) Any dispute as to the fact of damage or the amount of compensation is to be determined—

(a) by arbitration to a single arbitrator appointed by agreement between the parties, or

(b) if there is no such agreement, by the Lands Tribunal.

(13) This section does not apply to a building forming part of—

(a) a mine within the meaning of the Mines Act (Northern Ireland) 1969 (see section 156 of that Act), or

(b) a quarry within the meaning of the Quarries (Northern Ireland) Order 1983 (see Article 2 of that Order).

*Defective premises***Defective premises notice**

- 11.—(1) This section applies if it appears to a district council that—
- (a) there are premises in its district which are in a defective state, but
 - 5 (b) there would be an unreasonable delay in remedying the defective state of the premises if the procedure under Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisance) were to be followed.
- (2) “Premises” has the same meaning as in that Part of that Act (see section 10 63(10) of that Act); and premises are in a “defective state” if they are in such a state as to be prejudicial to health or a nuisance.
- (3) The council may serve a notice (a “defective premises notice”)—
- (a) stating that it intends to remedy the defective state of the premises, and
 - (b) specifying the defects which it intends to remedy.
- 15 (4) A defective premises notice may be served—
- (a) if the defective state of the premises arises from a structural defect, on the owner, or
 - (b) in any other case, on the person responsible for the premises being in a defective state or, if that person cannot be found, on the owner or the occupier.
- 20 (5) After the end of nine days after a defective premises notice takes effect, the council may carry out whatever works are necessary to remedy the defective state of the premises.
- (6) If, within seven days after a defective premises notice takes effect, the person 25 on whom it was served serves a counter-notice on the council that the person intends to remedy the defects specified in the defective premises notice, the council may not take any action under that notice unless the person—
- (a) fails, within whatever the council considers a reasonable time, to begin to carry out works to remedy the defects, or
 - 30 (b) having begun to carry out works to remedy the defects, fails to make such progress towards their completion as the council considers reasonable.
- (7) Within the period of seven days beginning with the date on which the council begins to carry out works under subsection (5), the council must serve notice on the person on whom the defective premises notice was served advising that an 35 appeal may be brought under subsection (8) to a court of summary jurisdiction against the carrying out of the works.
- (8) An appeal under this subsection may be brought only on the grounds—
- (a) that the premises are not in a defective state;
 - (b) that the works being carried out by the council under subsection (5) exceed 40 what is necessary to remedy the defective state of the premises;
 - (c) that the council failed to have regard to guidance for the time being issued by the Department.

(9) An appeal under subsection (8) may not be brought after the end of 14 days beginning with the day on which the notice under subsection (7) takes effect (see section 21(1)).

(10) For further provision on appeals, see section 22.

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Liability for costs, etc.

Costs of district council

12.—(1) Where a district council acts under section 3(1), 6(2), 9(2) or 10(2) (carrying out work), it may recover the costs which it reasonably incurs in so acting from such of the persons who at that time have an interest in the land in question as the council considers appropriate.

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(2) In proceedings to recover costs under subsection (1), the court may consider whether a person other than the defendant ought to be liable for the whole or part of the costs; and the court may accordingly make such order in that respect as it considers appropriate.

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(3) But the court may not make an order under subsection (2) unless it is satisfied that the other person has had due notice of the proceedings and an opportunity of being heard.

(4) Where a council acts under section 10(2), it may not recover the costs it incurs in fencing off the building, or arranging for it to be watched, in so far as those costs relate to a period—

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(a) after the danger has been removed by the action the council took, or

(b) if an order has been made under section 7 for the purpose of removing the danger, after the order has been complied with or has been executed under section 9(2).

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(5) In proceedings to recover costs reasonably incurred by a council in acting under section 10(2), the court must determine whether it would have been reasonable for the council to have acted instead under section 7; and, if the court determines that it would have been, the council may not recover the whole or any part of the costs.

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(6) Where a council acts under section 11(5) or (6) (defective premises notice), it may, subject to subsections (7) and (8), recover the costs it reasonably incurs in so acting as if the costs had been incurred under section 67(5) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

(7) In proceedings to recover costs by virtue of subsection (6), the court must determine whether the council was justified in serving the defective premises notice; and if the court determines that the council was not justified in doing so, the council may not recover the whole or any part of the costs.

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(8) If the defendant in proceedings to recover costs by virtue of subsection (6) proves service of a counter-notice under section 11(6), the court must determine whether either of the conditions referred to in that provision was met; and if the court determines that neither condition was met, the council may not recover the whole or any part of the costs.

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(9) A council may sell any materials (other than rubbish)—

(a) which it removes from land when acting under a provision referred to in subsection (1), and

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(b) which the owner of the land does not, before the end of three days from the date of their removal, claim and take away.

(10) Where a council sells materials under subsection (9), it must pay the proceeds to the person to whom the materials belonged, after deducting the amount of any costs recoverable by the council from that person.

Charge on land

13.—(1) Any costs which a district council is entitled to recover under section 12 are, until they are recovered, a charge on the estate in the land in question of the owner and any person deriving title from the owner.

(2) A charge created under subsection (1) is enforceable as if it were a mortgage by deed granted to the council by the person on whose estate it has been created (with, where necessary, any authorisation or consent required by law).

(3) The council may accordingly exercise the powers under sections 19, 21 and 22 of the Conveyancing Act 1881 (power of sale, etc.) on mortgagees by deed.

(4) There is to be included among the matters required to be registered in the Statutory Charges Register—

(a) any charge created under subsection (1);

(b) a dilapidation notice.

(5) After paragraph 52 of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (matters which require to be registered in the Statutory Charges Register), insert—

“52A. The following matters under the Dilapidation Act (Northern Ireland) 2025—

(a) any charge created under section 13(1) of that Act;

(b) a dilapidation notice.”.

Costs of interested person

14.—(1) Where a district council demands costs from a person (“P”) under section 12, P’s liability is limited to the total amount of the money which P has or has had in P’s own hands if P proves that P—

(a) is receiving the rent for the land merely as agent or trustee for some other person, and

(b) does not have in P’s own hands on behalf of the other person (and has not done so since service of the demand) sufficient money to discharge the whole demand.

(2) But the council may recover the whole or any unpaid balance of the costs from the person on whose behalf the agent or trustee receives the rent.

(3) Any sums which an interested person pays in response to a demand for costs under section 12 are treated as paid for the use, and at the request, of the person who caused or permitted the land to be in the condition in which it was when the notice concerned was served.

(4) Where a notice is served under this Act and a person who has an interest in the land to which the notice applies incurs costs in complying with the notice, the costs are treated as incurred for the use, and at the request, of the person who

caused or permitted the land to be in the condition in which it was when the notice was served.

Obstruction by occupier etc.

5 **15.**—(1) If, on a complaint by the owner of land to which a notice served under this Act applies, it appears to a court of summary jurisdiction that an occupier of the land, or another person with an interest in it, is preventing the owner from complying with the notice, the court may order the occupier or other person to permit the owner to do so.

10 (2) If, in a case where the notice served is a maintenance notice, an order under this section has not been complied with, the district council which served the notice may itself take the steps required by the notice.

 (3) A person who occupies land to which a notice served under this Act applies, or who has some other interest in the land, commits an offence if the person prevents the owner of the land from complying with the notice.

15 (4) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Miscellaneous functions of district councils

Information

20 **16.**—(1) To enable a district council to exercise a function under this Act in relation to land in its district, the council may by notice in writing require a person (“P”) who occupies the land, or who (directly or indirectly) receives rent for it, to give the council the information specified in the notice within the period so specified.

 (2) The information specified in the notice must relate to—

- 25 (a) the nature of the interest which P has in the land,
 (b) the name, postal address or email address of any person known by P to have an interest in the land,
 (c) the purposes for which the land is being used,
 (d) the time when that use began,
30 (e) the name, postal address or email address of any person known by P to have used the land for that purpose, or
 (f) the time when any activities being carried out on the land began.

 (3) The period specified in the notice must be at least 21 days after the date on which the notice is served.

35 (4) A person commits an offence if, without reasonable excuse, the person fails to comply with a notice under this section.

 (5) A person commits an offence if, in response to a notice under this section, the person knowingly or recklessly makes a statement which is false or misleading in a material respect.

40 (6) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

 (7) A person guilty of an offence under subsection (5) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding two years (or to both).

Consultation with planning department

5 **17.**—(1) Before issuing a notice under this Act in relation to a heritage site, a district council must consult—

- (a) the officers of the council who exercise the council’s functions in relation to heritage sites of the description in question, or
- 10 (b) in the case of a heritage site which is a historic monument, the officers of the Department for Communities who exercise that Department’s functions in relation to such monuments.

(2) “Heritage site” means—

- (a) a listed building (within the meaning of the Planning Act (Northern Ireland) 2011),
- 15 (b) land in a conservation area (within the meaning of that Act),
- (c) land in an area designated in a development plan as an area of townscape character or described as such in a direction under section 23(3)(f) or (g) of that Act,
- (d) land in an area designated in a development plan as an area of village character, or
- 20 (e) an historic monument (within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995).

(3) “Development plan” means—

- (a) a development plan prepared under the Planning (Northern Ireland) Order 1991 before 1 April 2015 and adopted before, on or after that date, or
- 25 (b) a local development plan prepared under Part 2 of the Planning Act (Northern Ireland) 2011 or a draft of such a plan.

(4) The Department may by regulations amend this section so as to change the definition of “heritage site” for the time being contained in subsection (2).

Power of entry

30 **18.**—(1) An authorised officer of a district council may enter land in the council’s district at any reasonable time, or at any time in an emergency, for the purpose of—

- 35 (a) determining whether a function of the council under this Act should be exercised,
- (b) determining whether a notice, condition or court order under this Act is being complied with,
- (c) carrying out an examination of the land or an article on it for the purpose referred to in paragraph (a) or (b),
- 40 (d) taking a measurement or photograph or taking and carrying away a sample or other article for examination, or

(e) exercising the power of the district council under section 3(1), 6(2), 9(2), 10(2) or 11(5) (executing works required etc).

(2) The power under this section (except in an emergency) is exercisable only with the consent of the occupier or—

5 (a) if entry is sought only for the purpose referred to in subsection (1)(c) or (d), after giving at least 24 hours' notice in writing to the occupier or the owner, or

(b) if entry is sought for some other purpose, after giving at least six days' notice in writing to the occupier or (if known) the owner.

10 (3) In an emergency, the power under this section is, if need be, exercisable by force.

(4) An authorised officer of a district council must, if required to do so, produce the officer's authorisation to act.

15 (5) In exercising the power under this section, an authorised officer must ensure that the land is not left less secure as a result; and the council must make good or pay compensation for damage caused to property in the exercise of the power.

(6) A dispute as to the amount of compensation is to be referred to and determined by the Lands Tribunal.

20 (7) A person commits an offence if, without reasonable excuse, the person obstructs an authorised officer of a district council in the exercise of the power under this section.

(8) A person who is guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

25 (9) A reference to an occupier or owner includes a reference to a person appointed in writing by the occupier or owner as a representative for purposes of this section.

Fixed penalty

30 **19.—**(1) This section applies where an authorised officer of a district council has reason to believe that a person has, in relation to land in the council's district, committed—

(a) an offence under section 3(2) (breach of maintenance notice), or

(b) an offence under section 16(4) (failure to provide information without reasonable excuse).

35 (2) The officer may give the person a notice (a "fixed penalty notice") offering the person the opportunity to discharge liability for conviction for the offence by payment of a fixed penalty.

(3) The amount of the fixed penalty is—

(a) for the offence under section 3(2), £500;

(b) for the offence under section 16(4), £500.

40 (4) The Department may by regulations amend subsection (3) so as to specify a different amount for an amount for the time being specified there.

(5) Schedule 1 (which makes further provision about fixed penalties) has effect.

Guidance

20.—(1) In exercising or deciding whether to exercise a function under this Act, a district council or an authorised officer of a district council must have regard to guidance for the time being issued by the Department for the purposes of this Act.

(2) A draft of the guidance, or of a proposed revision of the guidance, must be laid before the Assembly.

(3) If the Assembly so resolves within the statutory period beginning with the day on which the draft is laid before the Assembly, no further proceedings may be taken in relation to the draft (but that does not affect the power of the Department to lay a new draft before the Assembly).

General procedural matters etc.

Notices

21.—(1) A notice served under this Act takes effect as soon as it is served or at such later time as the notice may specify.

(2) Subject to subsection (5), a district council which has served a notice under this Act may vary the notice (by, for example, extending the period for complying with the notice or amending the work required under the notice).

(3) Where a council varies a notice, the notice as varied takes effect in accordance with subsection (1); and the period within which an appeal may be brought against the notice as varied accordingly runs by reference to when the notice as varied takes effect, unless the overall effect of the variation is to reduce the burden imposed by the notice.

(4) Subject to subsection (5), a council which has served a notice under this Act may withdraw the notice.

(5) Subsections (2) and (4) do not apply to a notice under section 10(6) or 11(7).

(6) Service of a notice under a provision of this Act, or under a statutory provision repealed or revoked by this Act, does not prevent a subsequent notice under another provision of this Act being served in the case of land to which the earlier notice applies.

(7) In its application to this Act, section 24 of the Interpretation Act (Northern Ireland) 1954 (service) has effect as if the word “registering” were omitted from subsection (1); and a notice under this Act may, without prejudice to any method of service authorised by that section, be served by electronic means.

Appeal

22.—(1) Where an appeal against a notice is brought under this Act, the notice being appealed against is of no effect pending the final determination or withdrawal of the appeal.

(2) On the determination of an appeal under this Act, the court must give directions for giving effect to its determination.

(3) Where an appeal against a notice has been brought under this Act, neither the appellant nor any other person may claim in any other proceedings that the notice being appealed against was not properly served on the appellant.

(4) The appellant or the district council may appeal to the County Court against the decision on an appeal brought under this Act.

Offences: defendant

5 **23.**—(1) Where proceedings for an offence under this Act of failure to comply with a notice or condition have been brought against a person as the owner of land, but the person ceased to be the owner before the end of the period for complying with the notice or condition, the person is entitled to have brought before the court in the proceedings the person who then became the owner of the land.

10 (2) Where proceedings for an offence under this Act of failure to comply with a notice or condition have been brought against a person as the occupier of land, but the person ceased to be the occupier before the end of the period for complying with the notice or condition, the person is entitled to have brought before the court in the proceedings—

- 15 (a) the person who then became the occupier of the land, or
 (b) if nobody then became the occupier, the person who is the owner when the notice takes effect.

 (3) To exercise the entitlement under subsection (1) or (2), a person must—
20 (a) lay a complaint to the effect that the person ceased to be the owner or occupier before the end of the period for complying with the notice or condition and that the person specified in the complaint then became the owner or occupier (as the case may be), and
 (b) give the prosecution at least three clear days' notice of the person's intention.

25 (4) Where it is proved that action required by the notice or condition in question was not taken within the period for complying with it and the original defendant proves that the failure to take that action was attributable, in whole or part, to the default of a person specified in the complaint under subsection (1) or (2)—

- (a) that person may be convicted of the offence in question, and
30 (b) the original defendant, on proving that he or she took all reasonable steps to ensure compliance with the notice or condition, must be acquitted of the offence.

 (5) For the purposes of this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (corporate liability for offences)—

35 (a) applies with the omission of the words “the liability of whose members is limited”, and

 (b) where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body.

40 (6) If an offence under this Act is committed by a partnership or proved—

- (a) to have been committed with the consent or connivance of a partner, or
 (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) “Partner” includes a person purporting to act as such.

Interpretation

Meaning of “interested person” etc.

24.—(1) This section applies for the purposes of this Act.

5 (2) A person has an interest in a building or other land if that person—

(a) is the owner of the land,

(b) is an occupier of the land,

(c) has a charge over the land or another financial interest in it, or

(d) has a responsibility for the management or maintenance of the land.

10 (3) A reference to an “interested person” in relation to land is, accordingly, a reference to a person with an interest in that land.

(4) “Owner”, in relation to land, means a person (other than a mortgagee not in possession) who, whether in the person’s own right or as trustee—

(a) is entitled to receive the market rent for the land, or

15 (b) if the land is not let at market rent, would be so entitled if it were so let.

(5) A reference to the owner or occupier in the case of a structure is a reference to the owner or occupier of the land on which the structure is situated.

Other definitions

25.—(1) This section applies for the purposes of this Act.

20 (2) “Building” includes any other structure; and a reference to a building includes a reference to—

(a) a part of a building, or

(b) anything fixed to or projecting from a building.

25 (3) A reference to “land” in a provision of this Act which relates to premises within the meaning of section 11 (defective premises notice) includes a reference to a vessel.

(4) “Authorised officer”, in relation to a district council, means an officer of the council authorised (whether in general or specific terms) to take action under a provision of this Act.

30 (5) “Use”, in relation to land, does not include the use of land for the carrying out of building or other operations on it.

Supplementary

Repeals and consequential amendments

26.—(1) Schedule 2 (which contains repeals) has effect.

35 (2) The Department may by regulations make provision in consequence of this Act.

(3) Regulations under this section may, in particular—

(a) amend, repeal, revoke or otherwise modify a statutory provision;

(b) include transitional or saving provision in connection with the commencement of provision made by the regulations.

(4) Regulations under this section containing provision which amends or repeals a provision of an Act of Parliament or Northern Ireland legislation may not be made unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

Savings

27.—(1) Where a notice has been given under a statutory provision before the repeal of that provision by this Act, the repeal does not prevent or restrict anything being done which may be done by virtue of the notice having been given.

(2) Where a district council has begun but not completed works under a statutory provision before the repeal of the provision by this Act, the council may, in spite of the repeal, complete the works and exercise any other rights which it would be entitled to exercise in that connection but for the repeal.

(3) Nothing in this section affects the generality of section 28 of the Interpretation Act (Northern Ireland) 1954 (general savings on repeal).

Regulations

28.—(1) Regulations under this Act may contain incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) Regulations which include provision under section 17(4) (definition of “heritage site”) or section 19(4) (amount of fixed penalty), whether alone or with other provision, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(3) Subject to subsection (2) and to section 26(4), regulations under this Act are subject to negative resolution.

Final

General Interpretation

29. In this Act—

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Commencement

30.—(1) This section and sections 29 and 31 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

(3) The Department may by order make transitional or saving provision in connection with the commencement of a provision of this Act.

(4) An order containing provision under subsection (3) is subject to negative resolution.

Short Title

31. This Act may be cited as the Dilapidation Act (Northern Ireland) 2025.

SCHEDULES

SCHEDULE 1

Section 19(5)

FIXED PENALTIES

5 *Contents of fixed penalty notice*

1. A fixed penalty notice must—
 - (a) state the alleged offence, and
 - (b) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about it.
- 10 2.—(1) A fixed penalty notice must also state—
 - (a) the amount of the penalty and the period for its payment,
 - (b) the consequences of not paying the penalty before the end of the period mentioned in paragraph (a),
 - (c) the person to whom and the address at which the payment may be made,
 - 15 (d) the method by which the payment may be made, and
 - (e) the person to whom and the address at which representations relating to the alleged offence may be made.

(2) The person in sub-paragraph (1)(c) and (e) must be the district council for which the authorised officer was acting when giving the notice.
- 20 3. A fixed penalty notice must also—
 - (a) inform the person to whom it is given of the person's right to be tried for the alleged offence, and
 - (b) explain how that right may be exercised.

Period for payment

- 25 4.—(1) The period for payment of the fixed penalty is 28 days beginning with the day on which the notice is given.

(2) But where the notice so provides, the amount payable is reduced by 25% if payment is made within the first 14 days of that period.

Effect of notice

- 30 5. Proceedings for the offence in respect of which a person was given a fixed penalty notice may not be brought against that person before the end of the period for payment of the fixed penalty, subject as follows.
 - 6.—(1) If the person to whom a fixed penalty notice is given makes a request to be tried for the alleged offence, proceedings may be brought against that person.
 - 35 (2) A request under this paragraph must be made—

(a) by notice given to the district council in question before the end of the period for payment of the penalty, and

(b) in the manner specified in the fixed penalty notice.

5 7. If the fixed penalty is paid in accordance with the fixed penalty notice before the end of the period for payment of the fixed penalty, no proceedings for the offence may be brought and paragraph 6 does not apply.

8. If proceedings have been brought following a request under paragraph 6, the proceedings may not be continued.

10 9. In proceedings for the offence in respect of which a fixed penalty notice was given, a certificate is evidence of the facts which it states if it—

(a) purports to be signed by or on behalf of the person responsible for the financial affairs of the district council for which the authorised officer who gave the fixed penalty notice was acting, and

15 (b) states that payment of the fixed penalty in response to the notice was, or was not, received by the end of the period within which that fixed penalty was required to be paid.

Receipts of penalty payments

20 10.—(1) Any sum received by a district council under this Schedule accrues to the council or to such other person (including the Department) as the Department may by regulations specify.

(2) The council may use any sums received by it under this Schedule only for the purposes of its functions under this Act or such other of its functions as the Department may by regulations specify.

25 (3) A district council must supply the Department with such information relating to its receipts of fixed penalties as the Department may specify.

Withdrawal of notice

11.—(1) A district council must, having received representations made by or on behalf of the recipient of a fixed penalty notice, decide whether to withdraw the notice.

30 (2) Where the notice is withdrawn under sub-paragraph (1)—

(a) the council must give notice of the withdrawal to the person to whom the notice was given,

(b) the council must repay any amount paid under the notice, and

35 (c) no proceedings may be brought or continued against the person for the offence in respect of which the notice was given.

Regulations

12.—(1) The Department may by regulations—

(a) provide that a fixed penalty notice may not be given in specified circumstances;

40 (b) provide for the form of a fixed penalty notice;

- (c) provide for the method by which a fixed penalty may be paid;
- (d) provide for the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties under this Schedule.
- (2) Before making regulations under section 19 or this Schedule, the Department
5 must consult district councils and such other persons as it considers appropriate.

SCHEDULE 2

Section 26(1)

REPEALS

	Short Title	Extent of Repeal
10	Belfast Improvement Act 1845	Sections 107 to 110 Section 174
	Towns Improvement Clauses Act 1847	Sections 75 to 78
	Belfast Improvement Act 1878	Part 9
	Belfast Corporation Act 1911	Section 76
15	Londonderry Corporation Act 1918	Sections 168 and 169
	Belfast Corporation (General Powers) Act 1948	Section 11
	Pollution Control and Local Government (Northern Ireland) Order 1978	Articles 65 and 66
20	Clean Neighbourhoods and Environment Act (Northern Ireland) 2011	In Schedule 3, paragraph 9(4)
	Planning Act (Northern Ireland) 2011	In Schedule 6, paragraphs 19 and 20

Dilapidation Bill

[AS INTRODUCED]

A Bill to confer functions on district councils in connection with the dilapidation of buildings and other land.

Introduced by: Mr Andrew Muir, Minister of Agriculture, Environment
and Rural Affairs

On: 23 June 2025

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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