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The Dilapidation Bill

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This Bill paper provides an overview of the Dilapidation Bill as introduced to the Assembly on 23 June 2025. The paper also identifies those areas within the Bill which may merit further consideration and, where relevant, compares similar provisions within GB and Ireland.

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Key Points

- The purpose of the Bill is to provide Northern Ireland's councils with modern, consistent powers to address dilapidated, dangerous, or neglected buildings and sites. It is also intended to replace fragmented, outdated laws with a single clearer regime.
- Currently, existing legislation is outdated (some 19th century) and limited in scope or geography. And there is no clear inventory of how many properties are affected.
- Key Provisions of the Bill introduce a hierarchy of notices: Maintenance Notice (low-level neglect); Dilapidation Notice (serious disrepair); Dangerous Structure Notice (dangerous buildings); Emergency Action Powers (needing immediate action); and Defective Premises Notice (health/nuisance issues).
- The Bill allows councils to require remedial action or demolition (at discretion of councils), to carry out works themselves if owners fail to act.
- Councils may recover costs from owners or through direct charges, land charges, and/or sale of materials.
- The Bill does not provide guaranteed central government funding.
- In response to the consultation in 2016, local councils strongly supported new powers, and stakeholders wanted robust cost recovery, clear guidance, and protection for heritage sites.
- Concerns have been raised about: consistency, funding, definitions, costs that could fall on landlords, developers, and owners, and cost recovery challenges if owners are unknown or untraceable etc.
- Some potential areas for consideration include discretionary versus mandatory powers, the need for clear guidance and definitions, the practicalities of councils prioritising sites with limited resources, grants/support, inconsistency of implementation and enforcement across councils.
- Exploration of other jurisdictions, such as England, Ireland, and the Isle of Man, include use of derelict site registers, annual levies, daily fines for repeat offences, removal of zero rating/ rate relief etc.

Executive Summary

The Dilapidation Bill aims to provide Northern Ireland councils with modern, flexible powers, so as to address the growing problem of dilapidated, dangerous, and neglected buildings and sites more effectively.

Key issues include that many town centres suffer from derelict or vacant buildings, undermining regeneration and local amenity. Existing legislation is outdated (some from the 19th century), limited in scope, and inconsistently applied. The current scale of the problem is not fully quantified as there is no clear inventory of how many properties are affected.

As a solution, the Bill introduces a hierarchy of enforcement notices:

- Maintenance Notices for minor neglect.
- Dilapidation Notices for more serious disrepair, including demolition powers.
- Dangerous Structure Notices and Emergency Action Powers for buildings posing immediate risk.
- Defective Premises Notices for properties harmful to health or causing nuisance.

Councils can issue notices, carry out works if owners fail to act, and recover costs from owners through direct charges, statutory land charges, or sale of salvaged materials.

Some key considerations include:

- New powers are discretionary, not mandatory, with no guaranteed extra funding for councils.
- Concerns exist about cost recovery, consistency of enforcement, and processes/support for owners unable to pay.
- Stakeholders support robust guidance to ensure consistent interpretation, especially for undefined terms like “amenity.”

- There are questions about rural impact, links to housing, and whether lessons from other jurisdictions (e.g. England, Ireland and Isle of Man etc.) could be applied.

The Bill requires detailed scrutiny to ensure its powers are practical, enforceable, fair, and supported by clear statutory guidance. Effective delivery will rely on councils having sufficient resources and clarity on cost recovery, while balancing protection of heritage buildings and biodiversity.

Contents

Key Points	1
Executive Summary	2
1 Introduction	6
2 Background	6
2.1 The issue	7
2.1.1 The scale of the issue	7
2.2 Existing legislation	9
3 Bill development	12
3.1 Consultation	12
3.1.1 Responses	13
3.1.2 Differences	15
3.1.3 Observations/considerations	15
3.2 Assessments	16
3.2.1 Regulatory Impact Assessment	16
3.2.2 The Explanatory and Financial Memorandum	20
4 Overview of Bill	21
4.1 Hierarchy of notices	21
4.1.1 Considerations	25
4.1.2 Legislation elsewhere	28
4.2 Cost Recovery	35
4.2.1 Considerations	36
4.2.2 Legislation elsewhere	37
4.3 Heritage	40
4.4 Guidance	41
4.4.1 Considerations	44
4.5 Definitions	45
4.6 Regulations	46
5 Further considerations	47
5.1 Bill powers	47

5.2	Scope	49
5.2.1	Neglected sites	49
5.2.2	Amenity and housing	50
5.2.3	Fake shop fronts	51
5.2.4	Rural aspects	51
5.2.5	Public estate dilapidation	52
5.3	Financial implications	53
5.4	Delivery	55
5.5	Bye-laws	56
6	Experience elsewhere	56
6.1.1	Town and Country Planning Powers England	57
6.1.2	Emergency action and compensation	57

1 Introduction

The [Dilapidation Bill](#) was introduced to the Northern Ireland Assembly on 23 June and completed Second Stage on 1 July 2025. At the time of writing, the Bill is currently at Committee Stage¹.

The Bill is designed to modernise and strengthen the powers of district councils in Northern Ireland (NI), to address dilapidated and dangerous buildings and neglected sites, with improved cost recovery powers.

This Bill paper has been produced for the Committee Stage to assist Members of the Assembly in their consideration and scrutiny of the Bill. Section 2 of the paper provides some background to the issue, including existing legislation in NI. Section 3 provides information on the development of the Bill and the associated consultation.

Section 4 provides an overview of the main provisions of the Bill, taking a more thematic approach (e.g. hierarchy of notices, cost recovery, guidance, definition and regulations) with some potential considerations for Members to consider. Where possible, examples of corresponding legislation from other jurisdictions, (some of which have influenced the new proposals) have been provided under each theme.

While specific considerations are mentioned throughout the paper, the final section (s.5) explores some potential areas for further consideration that Members may find useful in the scrutiny of the Bill.

2 Background

The following section aims to provide some context to the issue in terms of the scale of the problem and existing legislation used by councils when trying to address dilapidated buildings in NI.

¹ NI Assembly Executive legislation: [Dilapidation Bill](#)

2.1 The issue

Currently issues associated with dilapidated buildings are dealt with by environmental health and building control within local councils. However, the lack of a modern and effective enforcement regime is seen as a barrier to local government's efforts to maintain and improve areas². According to the [consultation](#) document, this is especially the case for town centres with the increase in derelict and vacant shop fronts, buildings and sites.

Most of the existing legislation associated with dilapidated buildings in NI dates back to the 19th Century and is geographically confined. More recent legislation is quite narrow in scope, and requires buildings to be “seriously detrimental”, “prejudicial to health” or a nuisance.

According to the [draft Regulatory Impact Assessment](#) (RIA), there can be differences in interpretation resulting in the inconsistent application of current provisions across councils. More specific legislation, that is in operation in other parts of the UK and Ireland, has not been replicated in NI.

As such, the Department decided that a review of the current legislative provisions in NI was needed to deal with dilapidation, including aspects such as properties in a dilapidated/ruinous state; dangerous buildings and neglected sites.

2.1.1 The scale of the issue

The exact scale of the problem across the whole of NI is difficult to quantify due to a lack of data beyond the Belfast City Council area³. The consultation highlights that further work is needed, including the potential costs and benefits of a new regulatory regime. It is stated that more robust data will be used to conduct a Regulatory Impact Assessment (RIA) to inform the final proposals.

² [Consultation](#) p.10

³ [Consultation](#) p.11

The RIA makes reference to an Ulster University report in 2018⁴ which suggested that there are around 1,600-1,700 dilapidated business properties in NI, that may or may not be subject to maintenance/remediation action at one time under the Bill.⁵

During the Second Stage debate, the DAERA Minister stated that there is no indication of how many buildings are likely to be affected by the Bill as there is currently no inventory of dilapidated buildings.⁶ In 2024, elected representatives of Belfast City Council proposed that officers should conduct a survey of dilapidated buildings across the council area. However concerns were raised around the resource implication of this⁷.

NI has a '[heritage at risk' register](#), held by the Department for Communities. However, it is limited to properties of architectural or historic merit that are considered to be a risk or under threat.

⁴ Ulster University Report: "Report on the Scale of Dilapidated / Dangerous Buildings & Neglected Sites in Northern Ireland", March 2018 commissioned by DAERA.

⁵ [NEW DILAPIDATION REGIME : DRAFT RIA](#)

⁶ Dilapidation Bill Second Stage Debate 1 July 2025 [plenary-01-07-2025.pdf](#) p.37

⁷ [Belfast Council to look at dilapidation survey across city | Belfast Live](#)

Considerations

It may be of interest to ask the Department whether they have plans to find out:

- How many buildings are likely to fall under enforcement of the Bill?
- How many are likely to require structural work and maintenance?
- Whether dilapidated properties with rates relief could give an indication of numbers (appreciating that it may not capture all (see section 5.6.2 for more detail on how Isle of Man used this))?
- Are there plans to provide something more up to date than the 2018 Ulster University report referred to in the RIA?
- Whether a dilapidated buildings survey for Belfast City Council has been conducted, or is in process?
- Should there be provision to require councils, similar to Belfast City Council's suggestion, to conduct a dilapidated buildings survey across their district?

2.2 Existing legislation

Most existing legislation in NI is available for use by local councils, which includes, but is not limited to the following:

Legislation	Description
Article 66 of the Pollution Control and Local Government (Northern Ireland) Order 1978	Deals with ruinous/dilapidated buildings and structures that are specifically “seriously detrimental to the amenities of a neighbourhood.”
Article 65 of the Pollution Control and Local Government (Northern Ireland) Order 1978	Narrow in scope and used by a number of councils to address certain public health nuisances. Concerns around interpretation.
Clean Neighbourhoods and Environment Act 2011	S.65 gives councils the powers to issue abatement notices to individuals to remedy a “statutory nuisance”. This is limited to any premises in such a state as to be prejudicial to health or a nuisance. The consultation suggests that after lengthy process, councils may eventually abate the nuisance and recover costs from the owner.
The Belfast Improvement Act 1878	Power of sale provisions, but limited to Belfast only.
The Belfast Corporation Act 1911	Acquisition of land for street improvements, but limited to Belfast only.
The Londonderry Corporation Act 1918	Available to Derry/Londonderry only.
The Town Improvement Clauses Act 1847	Available to all councils except Belfast and Derry/Londonderry ⁸
Public Health Acts Amendment Act 1907	Available to all councils, but limited to public health.

⁸ p.12

Legislation	Description
<p><u>Planning Act (Northern Ireland) 2011:</u></p> <p>S.64 completion notices (must get confirmation from DfI)</p> <p>S.74 orders to stop /alter/remove any building for planning/amenity purposes</p> <p>S.161 councils may carry out urgent work to preserve a listed building, or building in Conservation Area (upon departmental direction).</p>	<p>These are limited to specific planning conditions, particularly in relation to unfinished or abandoned sites for planning/amenity purposes.</p> <p>And does not include for such sites proposing a danger, or specific “visual” amenity issues.</p>
<p><u>The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985</u></p>	<p>Limited to DAERA (with the approval of DoF) to acquire, carry out works on, and dispose of land for restoring and improving the appearance or amenities of the neighbourhood of a derelict site.</p>
<p><u>The Housing (Northern Ireland) Order 1981</u></p>	<p>Limited to the Housing Executive. Powers to clear areas, order demolition, issue repair notices etc. in respect of any house that is unfit for human habitation (ch 2) or repair, secure, demolish any unoccupied house (ch5).</p>
<p><u>The Defective Premises Act 2024</u></p>	<p>Aims to enhance protections for homeowners and tenants regarding defective properties. Has similar cost recovery powers as the Bill, such as charges on a property. However it is limited more to the residential sector.</p>

3 Bill development

The purpose of this section is to describe the development of the legislative proposals, including the consultation and associated assessments such as the Regulatory Impact Assessment, rural proofing etc.

3.1 Consultation

Initial discussions between the then Department of Environment (now DAERA), local government and key stakeholder were held in 2014. During these discussions practitioners highlighted a number of areas that needed to be addressed⁹. These included:

- more robust cost recovery provisions;
- wider powers, similar to those available to local authorities in England and Wales;
- a streamlining of disparate regimes with enhanced clarity for practitioners and property owners.

A [consultation of policy proposals](#) was subsequently held in March 2016, where the following options were presented:

1. Do nothing;
2. Department issues non-statutory guidance;
3. A new Bill to amend and consolidate existing legislation – a tidying up of existing legislation e.g. the Pollution Control and Local Government (Northern Ireland) Order 1978 and the “Local Acts” etc. This would provide for the making of subordinate legislation to provide greater procedural clarity and the production of statutory guidance to councils. It would not involve the introduction of new regimes like those in England and Wales and extension of local acts to the whole of NI.
4. A new Bill to introduce a new broader regime dealing with dilapidated/dangerous structures, neglected sites and a range of visual amenity issues (Department’s preferred option). This would include

⁹ [Consultation](#) p,11

relevant elements of existing legislation and new provisions based on legislation in other jurisdictions.

Consultation questions

Questions were asked around the following areas:

- Whether option 4 should be the preferred option.
- Consolidating and amending Articles 65 and 66 of the Pollution Control and Local Government (NI) Order 1978.
- Transposing provisions of the England and Wales Building Act 1984.
- Repeal of relevant provisions in location-specific legislation (e.g. Belfast and Town Improvement Acts) and re-enact necessary provisions in new legislation.
- Replicate powers available to local authorities in England and Wales under the Town and Country Planning Act 1990.
- Department's view that existing planning powers and proposed new provisions in respect of dangerous buildings and visual amenity are sufficient to deal with unfinished or abandoned sites.
- Department's proposed approach to issues of ownership.
- Approach to cost recovery.
- Statutory or non-statutory guidance.
- Heritage buildings protection.

3.1.1 Responses

In total, 24 responses were received to the consultation, with a large response from local councils. However, others did make a response. This included professional bodies (Building Control Northern Ireland; Chartered Association of Building Engineers; Chartered Institute of Environmental Health; Chief Environmental Health Officers' Group); NGOs (Keep Northern Ireland Beautiful; National Trust; Northern Ireland Environment Link; Ulster Architectural Heritage Society); Advisory bodies (Council for Nature Conservation and the

Countryside; Historic Buildings Council; Ministerial Advisory Group, Department for Communities).

The consultation response document provides the responses and an overview of these. Option 4 was highlighted as the Department's preferred option. In general, there was consensus for the proposals laid out in option 4, particularly from local government.

Without repeating the consultation document, examples of specific issues by stakeholders include, and are not limited to:

- The need for more robust cost recovery provisions.
- Wider powers, similar to those available to local authorities in England and Wales (e.g. under the Town and Country Planning Act 1990, also for addressing invasive plant species).
- Provisions for additional enforcement powers were welcomed, albeit with appropriate central government funding.
- More powers for councils to require removal of rubbish should not include the transfer of responsibility for fly-tipping etc from the Department to the councils.
- Stronger penalties and a wider range of administrative and criminal sanctions welcomed.
- Support also for powers to vest land in specific circumstances and for bona vacantia property to revert to councils rather than the Crown in certain cases.
- Need to protect heritage buildings (not just those that are formally protected). And to close the 'loophole' that created the potential for heritage buildings to be demolished on foot of a Pollution Control and Local Government (NI) Order 1978 Art. 66 notice.
- Guidance should be statutory and produced in conjunction with council officers.
- Importance of derelict/abandoned sites that support a wide range of biodiversity and consequently provide benefits to public health. Derelict land and buildings may contain species and habitats of conservation

interest (e.g. bat roosts). Neglected sites may provide greater benefits to public health than developed sites.

- Consider impact on and interfaces with other legislation e.g. Planning Act, Clean neighbourhoods and Environment Act, powers to Housing Executive.

3.1.2 Differences

The majority of the provisions discussed in the consultation document have been carried forward into the Bill. The consultation also highlights aspects of other pieces of legislation that may be a model for new legislation here¹⁰.

However, it appears that they have not been included in the Bill. These include:

- [The Derelict Sites Act 1990 Ireland](#) – which provides for local authorities to establish and maintain a derelict sites register. During the Second Stage debate, the DAERA Minister stated that there is currently no inventory of derelict buildings in NI¹¹, which has made quantifying the scale of the problem, and potential costs of the Bill, difficult.
- [The London Borough of Tower Hamlets \(Dangerous Structure Fees and Expenses\) Regulations 2013](#) – which gives powers to councils to charge a fee for surveys to certify a structure reported as dangerous (£200 per hour and £350 out of hours)

3.1.3 Observations/considerations

- The consultation exercise was conducted back in 2016.
- Respondents to the consultation included councils, professional and advisory bodies, NGOs. As expected a lot of interest was shown from local government who will be receiving the powers.
- There did not appear to be many responses from industry, such as housing, developers, estate agents etc. Was the consultation targeted or an open call?

¹⁰ [Consultation](#) p.14/23

¹¹ Dilapidation Bill Second Stage Debate 1 July 2025 [plenary-01-07-2025.pdf](#) p.37

- Does the Department feel that the consultation in 2016, and the more recent consultation on the draft RIA (conducted in 2024, which received one response – see section 3.2.1), received a sufficient representation of responses from across the range of stakeholder/sectors potentially impacted by the Bill?
- Have representatives from the estate and lending/mortgage industry commented on the cost recovery provisions of the Bill?
- Members may wish to consider whether similar provisions to those mentioned in s.3.1.2 would be a useful addition to the Bill?

3.2 Assessments

The following section considers the accompanying assessments made with the Bill, such as: the draft [Regulatory Impact Assessment](#) and Equality, Human Rights, Financial effects and Rural Proofing as provided under the Explanatory and Financial Memorandum (EFM).

3.2.1 Regulatory Impact Assessment

The draft RIA was consulted on September to October 2024 and is the RIA accompanying the Bill. The consultation on the RIA received one response.¹²

The draft RIA mentions the benefits to introducing a scheme under the Bill which allows councils to take actions, should they wish to do so. The RIA explains that responsibility for works will fall on those who have a beneficial interest in the property, and not on the public purse.

The RIA explored four options, of which option 3 was considered the preferred one:

- **Option 1:** Do nothing – no changes made to existing arrangements.
- **Option 2:** Consolidate and amend legislation + enhanced cost recovery – a tidy up of existing DAERA legislation amending powers and procedures as required to improve effectiveness of current regime.

¹² [New Dilapidated Buildings Regime : Draft Regulatory Impact Assessment \(RIA\) - NI Direct - Citizen Space](#)

- **Option 3:** New broader regime + enhanced cost recovery – a completely new regime to encompass all relevant elements of existing legislation in a single new Act alongside new provisions e.g. powers similar to section 215 of the England & Wales Town & Country Planning Act 1990.
- **Option 4:** New broader regime + enhanced cost recovery (as per option 3) and Financial Support from NI Executive / DAERA.

Under the preferred option 3, the DAERA Minister stated in the [Second Stage debate](#) that the RIA recognises that there are likely to be additional costs to the commercial sector - landlords, property developers, property management companies, financial institutions and others who own dilapidated buildings where enforcement action is taken.¹³

In terms of the costs, the RIA references an Ulster University report¹⁴, produced for DAERA in 2018. This report suggested that there are around 1,600-1,700 dilapidated business properties in NI, that may or may not be subject to maintenance / remediation action under the Bill. However, **the UU report estimated a total cost in the region of £12.2 m.**

In terms of costs per annum, the UU report estimated around 550 enforcement actions / year initially for business properties. **With the associated remediation work costing around £4m per annum (an average of £7.3k per property).**¹⁵

However, the RIA explains that:

- Not all of these costs would be felt immediately by businesses, especially where councils carry out the works or register a statutory charge on the property for works to be carried out later.

¹³ Dilapidation Bill Second Stage Debate 1 July 2025 [plenary-01-07-2025.pdf](#)

¹⁴ Ulster University Report: "Report on the Scale OF Dilapidated / Dangerous Buildings & Neglected Sites in Northern Ireland", March 2018 – DAERA ref: AE1/18/240387 as referenced in the [Regulatory Impact Assessment](#)..

¹⁵ 2018 prices

- A substantial portion of these actions are likely to relate to low-level dilapidation with lower remediation costs.
- The number of cases and costs are also likely to decline over time as the backlog of dilapidated properties and scale is reduced.
- It is anticipated that over time, the net cost to business will be negligible as a result of increased property values and business activity.

The DAERA Minister also stated that, to a large extent, costs will be offset by enhanced property values, additional activity in the construction sector and a range of non-monetary social benefits¹⁶.

Information Box

The [consultation document](#) (p.23) states that there are a number of ways that the potential financial implications could be managed:

- The strategic prioritisation of potential problem sites to an agreed criteria would help to ensure that available resources are deployed in the most effective manner and that value for money is maximised.
- The inclusion of robust and effective cost recovery provisions will reduce the amount of funding required for both revenue and capital expenditure.
- A charging scheme for surveys, inspections etc. associated with determining buildings as dangerous, similar to the provisions of the London Borough of Tower Hamlets (Dangerous Structure Fees and Expenses) Regulations 2013.
- Phased commencement of the provisions of the Bill would allow the costs of implementation to be managed more effectively, with the new broader provisions introduced when appropriate funding is available.

¹⁶ Dilapidation Bill Second Stage Debate 1 July 2025 [plenary-01-07-2025.pdf](#)

That being said, the RIA and UU report make reference to business properties. As yet, there does not appear to be a complete evaluation of the scale and costs with regards to all buildings and properties across NI that may fall under the Bill.

The consultation highlighted that further work is needed and that more robust data would be used to conduct a Regulatory Impact Assessment to inform the final proposals.¹⁷ However this does not appear to be the case, given the fact that the RIA still refers to the 2018 UU report as its main source of data. It also states that it is impossible to be precise about the number of businesses affected and the costs to those businesses.²

Considerations

It may be of interest to ask the Department:

- Given the discretionary nature of powers under the Bill, Members may wish for further clarity on the decision to address the issue through primary legislation, rather than amendments to existing legislation. And could the amendment option not include new provisions from legislation elsewhere etc. (as detailed section 3.1 of paper)?
- Has a more up-to-date and complete study of the costs, beyond the 2018 UU report and draft RIA, been completed? And are there plans to monitor cost on an ongoing basis?
- What criteria will councils use to prioritise sites? Will this be left to councils' own discretion, or set in statutory guidance to ensure a degree of consistency across councils?

¹⁷ [Consultation](#) p.11

Considerations continued...

- Will the criteria be dependent upon the resources and finances available to each council, therefore suggesting a potential degree of inconsistency across councils?
- Is government funding, as suggested under option 4, still up for consideration?
- Will there be any form of assistance, should cost recovery provisions not be sufficient to some councils?
- Does the Bill provide provisions for a charging scheme for surveys, inspections etc. as suggested in the consultation (see information box 2)? If not, why not?
- Does the Bill provide for phased commencement of provisions, as suggested in the consultation?

3.2.2 The Explanatory and Financial Memorandum

The EFM states that in terms of:

- The financial effects of the Bill – there are no expected financial effects on the Department.
- Human Rights issues – the Bill is considered compliant with the European Convention on Human Rights.
- Equality Impact Assessment – through an equality screening of the policy proposals, the Department concluded they do not impact on equality of opportunity.
- Rural Needs Impact Assessment – the Department found that the proposals do not reveal any significant differential impact on people in rural areas.

Considerations

- The EFM does not provide much detail on each of the assessments mentioned, and Members may wish for more detail on how the Department made its conclusions?
- Does the lack of financial impact on the Department mean that there will be no form of support from the Department to councils? Is this an option that needs further explored?
- The [Second Stage debate](#) suggested that there appears to be more of a town and urban focus to the Bill, rather than individual rural properties. Does this potentially create differentiation for people in rural areas suffering from the effects of derelict properties on rural character etc, compared to those in urban areas?

4 Overview of Bill

This section takes a thematic approach to exploring the main provisions of the Bill such as: the hierarchy of notices, cost recovery, guidance, definitions and regulations. Each section provides an overview of the provisions with some potential considerations. Under each theme, the paper also provides, where possible, examples of similar legislation elsewhere, some of which have influenced a number of the provisions under the Bill.

4.1 Hierarchy of notices

The Bill enables councils to tackle dilapidation through a hierarchy of notices dealing with increasing levels of dilapidation. From low level dilapidation

(maintenance notice), to serious level dilapidation (dilapidation notice) to a dangerous structure notice and immediate emergency action. These are summarised below:

1. Low level dilapidation - Maintenance notice (Clause 1-3):

- Clause 1 – District councils may 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.
- Clause 2 – Appeals against a maintenance notice may be made to the Magistrates’ Court within 28 days of the notice. Grounds of appeal: that the condition of land is not detrimental to amenity, and is attributable to the operation/use of the land; that the works exceed what is necessary; the timeframe specified is unreasonably short; the council failed to have regard to guidance for the time being issued by the Department.
- Clause 3 – Councils’ may take remedial action against a breach of a maintenance notice. Breach of a notice is an offence and may be liable to a fixed penalty notice under clause 19 (£500) or (on summary conviction) to a fine not exceeding level 4 (£2500¹⁸).

2. Serious dilapidation – Dilapidation notice (Clause 4-6)

- Clause 4 – District 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).
- Clause 5 – appeals can be made similar to Clause 2.
- Clause 6 – Magistrates’ Court may compel a person to comply where they have failed to comply with a dilapidation notice or a condition. The Council may do the necessary work where failure has occurred. Failure to comply to a notice or condition, or demolition without a council’s

¹⁸ [The Fines and Penalties \(Northern Ireland\) Order 1984](#)

permission, is an offence liable on summary conviction, to a fine not exceeding the statutory maximum; on conviction on indictment, to a fine or imprisonment not exceeding two years (or both).

3. Dangerous structure notice (Clause 7-9)

- Clause 7 – District councils may serve a dangerous structure notice to require owners, occupiers and others with a relevant interest to take appropriate remedial action (including demolition) to deal with dangerous buildings and structures (unless it takes emergency action under Clause 10). The clause also allows a district council to charge a fee for exercising its powers under the clause. The fees will be specified in regulations to be made by the Department.
- Clause 8 – Appeals against a dangerous structure notice may be made to the Magistrates' Court **within 14 days** of the notice. Grounds for appeal similar to clauses 2 and 5.
- Clause 9 – Magistrates may compel a person to comply with a notice or conditions. Councils may take the necessary remedial action for non-compliance. Failure to comply to a notice or condition, or demolition without a council's permission, is an offence liable on summary conviction, to a fine not exceeding the statutory maximum; on conviction on indictment, to a fine or imprisonment not exceeding two years (or both).

4. Emergency action (Clause 10)

- District councils may take immediate action, where it considers that a building is in a dangerous state, to remove the danger.
- The Council must conduct an assessment and (if reasonably practicable) give notice of its intention to take action, to the owner/occupier/interested person.
- Within seven days from the date when remedial works began, a council must give notice to at least one person with an interest in the building advising of the action being taken and that an appeal may be made to a Magistrates' Court against that action, **within 14 days** of the notice. This

does not apply if the council cannot identify the person (having taken all reasonable endeavours).

- Where an interested person sustains damage as a result of the exercise of a council's power under clause 10 – in such cases the person is entitled to compensation if a Magistrates' Court determines that the council was not justified in its exercise of the power. Any disputes around compensation shall be determined by the Lands Tribunal or by an agreed arbitrator.
- District councils may charge a fee for exercising their powers, to be determined through regulations by the Department.

5. Defective premises – Clause 11

- Where premises appear to be in such a state as to be “prejudicial to health or a nuisance” a council may serve a defective premises notice stating that the council intends to remedy the relevant defects. The council may carry out the necessary remedial works **after nine days** of service of the original notice.
- The building does not have to be dilapidated or dangerous but the council considers the problem needs to be tackled quickly¹⁹, and where procedures under Part 7 of the Clean Neighbourhoods and Environment Act 2011 may take too long and cause delay.
- The person served may serve a counter notice **within seven days** of the defective premises notice taking effect stating that they intend to remedy the defects themselves. In this case the council is prohibited from taking any action unless the person fails to remedy the defects within a reasonable time.
- After seven days from the date when remedial works began, a council must serve notice on the person advising that an appeal may be made to a Magistrates' Court against the works **within 14 days** of the date of the notice. Grounds for appeal include: That the premises is not in a

¹⁹ Information provided by DAERA at pre-introduction briefing on 19 June 2025.

defective state; that the works exceed what is necessary; the council failed to have regard to guidance for the time being issued by the Department.

Further detail on the issuing of notices described above, their appeal and offences are provided later in the Bill:

- Clause 21 – provides more detail in relation to the issuing of notices, any variations made, or withdrawal of a notice by the council.
- Clause 22 – provides that if an appeal is made against a notice, the notice will be suspended until the appeal is determined or withdrawn (except for appeals against works in an emergency (c.10) or defective premises (c.11). The appellant or council may appeal to the County Court against the decision on an appeal.
- Clause 23 – provides for the procedures to be followed in situations where proceedings have been brought, but the defendant ceases to be the owner or occupier before the end of the notice period. In these cases, the new owner or occupier may be brought before the court in proceedings. Unless there is no new occupier, then the owner is brought.
- Also, any partner, or partnership who either commits offence, gives consent to it, or causes it due to their neglect, will be liable for offences under the Bill (Clause 23).

4.1.1 Considerations

- An “interested person” upon which any notice may be issued may include an owner and/or occupier (cl.24). Members may wish to explore the scope of this definition further, particularly in relation to what includes an occupier (see s.4.5 for further considerations).
- Do the different notices under the Bill cover neglected sites/ land, abandoned/unfinished sites, and unregistered land?

- Does emergency action under clause 10 include land, or just buildings?
- Does “detrimental to the amenity” under clause 1 include visual amenity? Will this be defined and given more detail and clarity in guidance?
- Does “seriously detrimental” under a defective premises notice (clause 4) have a definition? Will this be provided in guidance?
- What criteria will councils use to prioritise sites? For example what constitutes low level neglect, serious disrepair etc? Will this be left to councils’ own discretion, or set in statutory guidance?
- Will there be any form of pre-discussion or warning by a council before a notice is served?
- Will the contents of any notice be determined by each council and will this require legal input?
- Some of the timeframes may be of interest for further consideration by Members. For example, a council may carry out works after nine days from a defective premises notice takes effect. Does this give owner etc. enough time to respond? What does “take effect” mean? Is further detail to be provided in guidance?
- Will there be exemptions for complying to a notice? If so, will these be detailed in guidance? Will it be left to the discretion of a council? Could this create inconsistencies of approaches or leniency?
- How will timeframes for completion of a notice be determined? What flexibility will be offered? Will there be phased timelines? Will it be left to the discretion of the council? Will this be set out in guidance? Could this create inconsistencies in approach or leniency?
- This section of the Bill may rely heavily on further guidance, e.g. meaning of amenity, adversely impacted, danger, detail on the test to quantify the level of neglect of dilapidated buildings. See section 4.4 of this paper for more detail.
- With non-compliance is it up to councils to decide whether to carry out the works or prosecute as an offence?
- Fines: for lower level dilapidation offences, fines are up to £2500. For serious dilapidation offences and dangerous offences, the Bill may increase these up to statutory maximum on summary conviction. Does

this equate to level 5 standard scale of £5000? Are these high enough?
Should serious dilapidation and dangerous be the same?

- For conviction on indictment – a fine and/or imprisonment of 2 yrs – does the fine mean statutory maximum, or a fine to be determined by the Courts?
- Should there be fines and offences for a defective premises notice (c.11)?
- Are there provisions for repeat offences? (examples elsewhere of fines for repeat offence are shown in s.4.1.2).
- Fixed penalties for £500 may be issued for breaches of maintenance notices and failure to provide information (clause 19) – Members may wish to consider whether this seems enough of a deterrent, particularly for repeat offenders?
- Fees – for dangerous structure notices, these may be charged by the council (clause 7) through regulations specified by the Department. Will the department consult with councils before determining fees? Does this include fees for surveys/assessments conducted by the councils?
- Appeals timeframe decrease with level of severity, from 28 days to 14 (for dangerous structures and emergency action). Understanding the element of urgency, does this give people time?
- Are there any exceptions e.g. illness, out of country – or is this determined by the court through compensation under c.10(9)?
- Emergency action (c.10) – is further clarity needed on what constitutes taking “all reasonable endeavours” by a council to identify a person? And what is considered “reasonably practicable” to a council to inform a person of their intention to take action?
- Does the ability to seek compensation for damage under emergency action (c.10) need further clarity? Could this be a cause for concern for councils when deciding to utilise emergency powers in a hurry, potentially impacting its use (see blue box s.6.1.1 for more detail) ?
- Members may wish for clarity in circumstances under clause 23 where an owner/occupier/partner/partnerships are not clear cut and identification is difficult. What tools may the council use? What time

would a council have if investigation etc. is needed? What would qualify as proof for determining a partner’s involvement?

- Are habitats and conservation aspects associated with a dilapidated building and/or land taken into consideration before notices are issued?
- Review of legislation – is there a review mechanism on the effectiveness of the legislation?
- How do powers and actions under a defective premises notice (cl 11) work alongside the Department for Communities’ [Defective Premises Act 2024](#)? Is there potential for overlap or confusion?

4.1.2 Legislation elsewhere

The following table provides a brief overview of similar provisions from other jurisdictions in relation to the types of notices to deal with different levels of severity of dilapidation.

The provisions in relation to the different notices under the Bill are largely similar to provisions in England in Wales. These are discussed in the following table, with specific observation points made afterwards.

Other jurisdictions	Description
England & Wales Town and Country Planning Act (E& W) 1990 S.215-219 – Land adversely affecting amenity of neighbourhood.	Similar to a Maintenance Notice (c.1-3) of the Bill. Local authorities may serve a notice specifying remediation action to be taken by an owner of land that is adversely affecting the amenity of their area or adjoining area. According to the consultation document (p.14) – this includes visual amenity.

	<p>Fines (S.216):</p> <p>England - an unspecified fine for initial breaches. Wales is up to level 3 (£1000). Repeat offences - one tenth of the greater of £5000 or level 4 (£2500) for each day following first conviction in England and level 3 in Wales.</p> <p>Under the Bill, offence is level 4 (£2500). A fixed penalty notice may be issued (cl.19) for low level dereliction (under c.3) or failure to provide info (cl16) of £500. For higher levels of dereliction – the statutory maximum and/or 2 year imprisonment.</p> <p>A person may appeal a notice (S.217), for similar reasons listed under the Bill for appeals against notices (clauses: 2,5,8,11).</p>
<p>England & Wales</p> <p>The Building Act (E&W) 1984</p> <p>S.79 Ruinous and dilapidated buildings and neglected sites</p>	<p>Similar provisions to c.4 of the Bill (Dilapidation Notice).</p> <p>However, the Bill provides for the council to determine whether the building (or part of) should be demolished, or other remedial work instead. Whereas the Building Act 1990 allows for the owner to decide the action.</p> <p>Similar to the Bill, the Building Act requires demolition material to be removed, however it does provide more descriptive detail of what this constitutes.</p>
<p>England & Wales</p> <p>The Building Act (E&W) 1984 S.77–</p> <p>Dangerous building</p>	<p>Similar provision to the clauses 7-9 of the Bill (Dangerous building).</p> <p>However, under the Bill, the council can serve a notice and decide on the level of action taken (i.e. demolish or</p>

	<p>not). Whereas under the Building Act, the local authority must apply to the court to make an order and the owner can then decide on the level of action.</p> <p>Fines include level 1 (£200) for non-compliance under the Buildings Act. Compared to statutory maximum and/or two year imprisonment under the Bill (c.8).</p>
<p>England & Wales</p> <p>The Building Act (E&W) 1984</p> <p>S.78 Emergency measures</p>	<p>The powers are similar to those under c.10 of the Bill (Emergency action) in terms of actions to be taken by the council/local authority, recovery of expenses, the court assessing the appropriate action of the council/local authority for compensation.</p> <p>However, the Bill provides that an assessment of the building and its danger must be conducted by the council before it takes action, whereas the Building Act does not.</p>
<p>England & Wales</p> <p>The Building Act (E&W) 1984</p> <p>S.76 Defective buildings</p>	<p>Similar to Clause 11 of the Bill (Defective premises – allows local authorities to issue a notice of remedy works to be carried out by the council provided the premises are a “defective state” prejudicial to health or a nuisance, and there would be too much delay under the process of S.80 of the Environmental Protection Act 1990.</p>

Observation/considerations

- Will there be fines for repeat offences similar to S.216 Town & Country Planning Act 1990?
- Does amenity include visual amenity, similar to the Town & Country Planning Act 1990? Will this be provided in guidance?
- Appeals against notices under the Bill from clauses 1-11 appear to be similar to those under S.217 of the Town and Country Planning Act 1990.
- Similar cost/expense recovery and charge on land with Town and Country Planning Act 1990 S.219.
- In terms of demolition material/rubbish, should the Bill provide more detail on what this constitutes, similar to the Town and Country Planning Act 1990?
- The Bill provides for fixed penalty notices for maintenance notices (£500), whereas the Town and Country Planning Act does not appear to.
- Breaches for higher level dereliction notices could result in a fine of statutory maximum - while it is not explicitly specified, does this mean a level 5 fine on the standard scale (£5000)?
- England and Wales provide for further offences under a maintenance notice (equating to one-tenth of £5000/day in England and £3000/day in Wales. Is there an equivalent for repeat offences in the Bill?
- Fines for dangerous buildings in England and Wales appear to be lower (£200) compared to statutory maximum (and/or imprisonment) under the Bill.
- Can Councils recover costs for dangerous buildings assessments under c.7? Would be a fee set in regulations through negative resolution under c.28?

The next table provides examples of other jurisdictions, such as Scotland, Ireland and Isle of Man.

Other jurisdictions	Description
<p>Scotland</p> <p>Building (Scotland) Act 2003</p>	<p>S.28 of the Act gives local authorities the powers to deal with defective buildings. These are buildings with defects which require rectification in order to bring the building into a reasonable state of repair having regard to its age, type and location. Local authorities may serve a defective buildings notice specifying the defects and how they should be rectified.</p> <p>The local authority may carry out the works, if they have not been started or completed by the owner as set out in the notice. Expenses may be recovered from the owner as a debt.</p> <p>Subsection 5 requires a building warrant to ensure work complies with building regulations (if it would normally be required for such work).</p> <p>Failure to comply with a notice is an offence liable in a summary conviction and fine up to level 5 (£5000).</p> <p>See: 6 Section 28 - Defective Building Notice - Building standards enforcement handbook: first edition - gov.scot</p> <p>S.29 gives local authorities powers to deal with dangerous buildings. These are building that present a danger to people/public in or about it, or to adjacent buildings or places. In emergency cases it gives councils the power to carry out the works (including demolition), with or without prior notice to the owner.</p> <p>Failure to comply may result in a fine up to level 5 (£5000).</p> <p>See: 6 Section 28 - Defective Building Notice - Building standards enforcement handbook: first edition - gov.scot</p>

<p>Ireland</p> <p>The Derelict Sites Act 1990 Ireland</p> <p>Private Member's Bill: Dereliction and Building Regeneration Bill 2022</p>	<p>S.3 the definition of 'derelict site' provides for comparatively broader action to be taken compared to the Bill. This includes action to deal with structures that are in a ruinous, derelict or dangerous condition; land that is in neglected, unsightly or objectionable condition; or the presence, deposit or collection on land of any litter, rubbish, debris or waste.</p> <p>S.28 provides for offences for non-compliance with notices - fines on summary conviction of £1000 and £100/day for continued offence. For conviction on indictment - £25,000 and £2000/day for continued contravention.</p> <p>The Bill sought to expand the definition of "derelict site" where a site has not been adequately maintained. This includes the use of fake shop fronts, or where it has been disconnected from power and water for a period of more than two years. The site may be a building that is about to fall into disrepair through lack of heat and not being used. See: Dereliction and Building Regeneration Bill 2022: Second Stage [Private Members] – Dáil Éireann (33rd Dáil) – Thursday, 13 Jul 2023 – Houses of the Oireachtas</p>
<p>Isle of Man</p> <p>Isle of Man Building Control Act 1991 (as amended 2016)</p>	<p>S 22-24 empowers local authorities to deal with ruinous and dilapidated buildings and dangerous buildings with emergency measures similar to the Bill. If owners fail to carry out remedial work, authorities can conduct the work and recover costs.</p>

Local Government (Miscellaneous Provisions) Act 1984	<p>Owners may face up to £5000 fine on summary conviction.²⁰ S.32 deals with continuing offences with daily penalties determined by the court. 2016 amendment introduced fixed penalties for failure to comply with ruinous buildings notices (S.24). This may be £200 payable to the local authority, unless an amount is specified by the Department).</p> <p>S.14 Gives councils additional powers to deal with land that is detrimental to amenities of the neighbourhood. A notice under this Act may be combined with a notice under the Building Control Act.</p>
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Observations/ considerations

- Under the Scottish legislation, fines appear to be similar to the Bill and may be up to £5000 for defective and dangerous buildings.
- Scotland may require a building warrant to ensure work complies with building regulations – if may be of interest to find out if this has been considered in the Bill?
- Derelict Sites Act provides for conviction on indictment of £25,000 and £2000/day for continued contravention of a notice. Compared to the Bill where conviction on indictment is determined by the Court. There does not appear to be anything similar in the Bill in relation to repeat offences.
- Should consideration be given to the use of a broader definition, similar to the Derelict Sites Act 1990 Ireland, which also covers land that is in neglected, unsightly or objectionable condition; or the presence, deposit or collection on land of any litter, rubbish, debris or waste?

²⁰ [Douglas City Council - Unsightly and Dangerous Properties](#)

- Isle of Man has provision for dealing with continued offences, albeit by daily penalties determined by the court. Is this something that has been considered by the Department?
- Fixed penalty notice of £200 under the Building Control Act Isle of Man, compared to £500 under the Bill

4.2 Cost Recovery

The Bill has provisions to allow councils to recover costs for any remedial work they have carried out themselves, having issued a maintenance, dilapidation, dangerous structure or defective notice, or emergency action (Clause 12). The council may:

- Recover costs directly from the relevant person (Clause 12):
 - The court may consider whether a person other than the defendant ought to be liable for costs.
 - The court will determine whether the council was justified in its actions, and if not, it may not recover the costs.
 - 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 or permitting the condition of the land in question (Clause 14).
- Sell any materials (other than rubbish) that it removes from the land when carrying out work, providing the owner does not claim and take it away within three days of their removal. The council may deduct their recoverable costs from any sales, and pay the rest to the owner (Clause 12 (9)).
- Register a charge on the land under the Statutory Charges Register (Schedule 11 to the Land Registration Act (Northern Ireland) 1970 until costs are recovered (Clause 13). Essentially, these are the same powers available to mortgage lenders when borrowers default on payment – as provided under the Conveyancing Act 1881 (power of sale, etc.) S.19, 21, 22.

- Register a dilapidation notice in the Register to allow a property to be sold, binding the purchaser to the terms of the notice where works have not been carried out (Clause 13 (5)).

Where an occupier (or interested person) is preventing an owner from carrying out works to comply with a notice, a court order may be made. A person may be guilty of an offence for obstruction and fined up to level 4 (£2500) (Clause 15).

4.2.1 Considerations

During the [Second Stage debate](#) there were a number of issues raised in relation to the difficulties and practicalities that councils may face in recovering costs, for example:

- where an owner is not easily traceable, or
- where the status of assets of certain persons or entities makes it difficult to recover costs.²¹

In response, during the Second Stage debate, the DAERA Minister informed that owners or other persons of interest should be actively pursued using a variety of methods. These may include the services of Land and Property Services or Companies House, internet searches, private investigators (if doing so is deemed to be ethically appropriate), and the information notices provided for in clause 16.²²

However, the Minister did suggest that the Committee can drill into the specifics through its scrutiny of the Bill and as part of the call for evidence.²³

- What happens if there is difficulty identifying an owner? Can, and how will, investigation and administration costs be recovered?

²¹ [plenary-01-07-2025.pdf](#) p.27

²² [plenary-01-07-2025.pdf](#) p.36

²³ [plenary-01-07-2025.pdf](#) p.35

- Is it up to the council when deciding to carry out the works or not, to determine whether the owner can be found for cost recovery purposes?
- Does this mean that land where an owner cannot be traced or found, or unregistered land causing detriment/ serious detriment to amenity, or danger, might not be addressed?
- Will a council's charge on land have priority over any other charges (such as a mortgage etc)? Could there be legal issues and delays?
- How will the council ensure that the range of persons from whom costs may be recovered under a notice is fully explored? What methods will be used, and to ensure fairness?
- In terms of registering a dilapidation notice for re-sale purposes (clause 13), does this information include any offences carried against the owner and how these may impact a new owner (under clause 23)? Members may wish for further clarity on this.
- Will guidance be provided on criteria for the use of power of sale/enforced sale procedure for councils? For example, at what level of debt can enforced sale be used? E.g. in Hart District Council [draft guidance](#) suggests the debt must exceed £1000 and the property be empty for more than 6 months.
- Or will criteria be left up to the discretion of each council? Could this create a degree of inconsistency?
- Were local authority vesting powers in scenarios where costs can't be recovered, or owners identified, ever discussed or considered?

4.2.2 Legislation elsewhere

Other jurisdictions	Description
England & Wales	

Town and Country Planning Act (E& W) 1990	<p>Local authorities may recover expenses for their work from the owner of the land. And may put a charge on the land for recoverable expenses (S.219).</p>
<p>England & Wales</p> <p>The Building Act (E&W) 1984</p>	<p>Similar to the Bill, for defective, ruinous/dilapidated, dangerous and emergency action. Local authorities may recover expenses from the owner provided the courts feel the right action under the provisions were taken.</p> <p>A charge may be registered to the land, which also allows for power of sale. As used by Hart District Council (S.5.2.2) and the draft guidance.</p> <p>Compensation may be awarded to an owner should the court determine unjustified action or damage in exercising emergency measures (S.78).</p>
<p>Scotland</p> <p>Building (Scotland) Act 2003</p>	<p>Expenses may be recovered from the owner as a debt.</p>
<p>Ireland</p> <p>Derelict Sites Act 1990</p>	<p>Local authorities appear to have wider-ranging powers, including compulsory purchase and vesting (S.14-17), the establishment of registers of derelict sites (S.8) and a derelict site levy as a statutory charge on land (S.24). Urban land that has been entered into the derelict sites register, owners must pay an annual levy to their local authority. The levy is 7% of the land's market value.</p>

<p>Isle of Man</p> <p>Isle of Man Building Control Act 1991 (as amended 2016)</p> <p>Treasury Report</p> <p>Zero-rating policy</p>	<p>If owners fail to carry out remedial work, authorities can conduct the work and recover costs.</p> <p>In March 2024 Treasury conducted a six week targeted internal consultation on addressing issues associated with empty/problem properties. Some of the options explored include rates exemptions removals to discourage vacant properties and introducing a new charge on dilapidated buildings based on their potential rental income²⁴. However, the report states that (at the time of writing) the matter was not included on the Island Plan's Legislative Programme, however potential approaches and timelines are being discussed.</p> <p>In 2024 Douglas Council removed its zero-rating to dilapidated buildings policy. Others are in the process, such as Garff</p>
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Observations/considerations

- In general there appears to be similar cost recovery powers in England, Wales and Scotland.
- The Building Act gives similar powers to the Bill for compensation against damage under emergency measures. Has the impact of its use by councils in England and Wales for emergency situations been explored?

²⁴ [Report on tackling Island's empty properties published - Manx Radio](#)

- Members may wish to find out whether consideration has been given to the use of compulsory purchase and vesting orders, similar to those under the Derelict Sites Act 1990?
- Ireland uses a derelict sites levy (where owners pay an annual levy of 7% market value of the land to the local authority). Is this something that has been explored by the Department?
- Similar to the Isle of Man, is the removal of zero-rating, or rates relief, for dilapidated buildings something that has been considered and discussed with the Finance Minister? Is it something that could be considered under the Bill?

4.3 Heritage

The next section of the Bill deals with ‘miscellaneous functions of district councils’. This includes obtaining information about the land in question (clause 16), powers of entry (clause 18), fixed penalties (clause 19) and guidance (clause 20). Some of these have been discussed earlier in the paper e.g. fixed penalties (section 4.1.1) and guidance (sections 4.1.1 and 4.4)

Under Clause 17, before issuing a notice under the Bill in relation to a heritage site, the council must consult with planning/DfC for heritage sites/monuments. This was described by the Minister during the Second Stage debate as being more proactive and allowing action to be taken at a much earlier stage so as to prevent avoidable decay of heritage/important buildings²⁵. Powers that exist under S.161 of the Planning Act 2011 to carry out urgent remedial works of listed buildings are considered limited and insufficient.

It may be of interest for Members to consider:

- Responses from heritage stakeholders in relation to whether the provisions do provide the necessary improvements.

²⁵ [plenary-01-07-2025.pdf](#) p.37

- The definition of a heritage site under the Bill appears to make reference mostly to land, other than a listed building (as defined under the Planning Act 2011). Does the definition include historic buildings? If not, should this be considered further?

According to [Ulster Architectural Heritage](#) historic building has a more general meaning and may include listed and non-listed buildings:

the term historic building applies generally to buildings of heritage interest, including listed and non-listed structures, and buildings in conservation areas and areas of townscape character and non-listed vernacular buildings²⁶.

- In relation to demolition aspects under cl.4, how does this apply to listed buildings? Will it be up to the Council to consult with DfC to determine the best approach versus costs to an owner?

4.4 Guidance

Due to the reliance on detail to come through guidance, which has also been discussed in S.4.1.1 of this paper, the production of guidance under the Bill may be of particular interest to Members in terms of seeing it alongside the scrutiny of the Bill itself.

For example, there does not appear to be a specific definition on the face of the Bill for amenity. England provides [best practice guidance](#) to local authorities in relation to their powers under S.215 of the Town and Country Planning Act 1990 – similar to a maintenance notice under the Bill (clause 1-3). It explains the difficulty in defining amenity and how it may mean different things in different areas (see further detail in the blue box below).

Examples of advice given under England's guidance includes and is not limited to:

- the issues with defining amenity (see information box below),

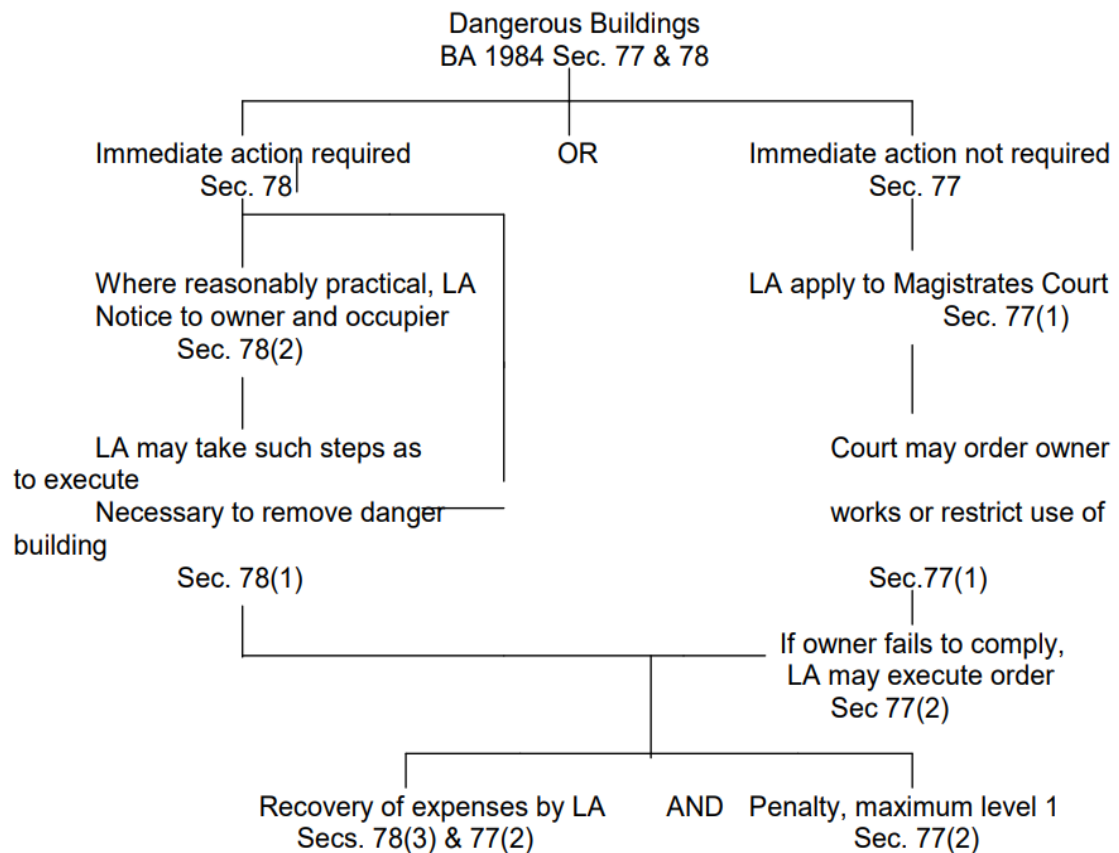
²⁶ [Advice & Guidance - UAH](#)

- Pre-notice discussion and timescales (which it advises that ‘first warning’ letters may be effective in avoiding issuing a notice altogether, and that legal advice should be sought for the exact wording of each letter).
- Issuing of a notice.
- Appeals.
- Cost recovery.
- Human Rights Act.

Definition of Amenity under S.215 guidance

‘Amenity’ is a broad concept and not formally defined in the legislation or procedural guidance, i.e. it is a matter of fact and degree and, certainly common sense. Each case will be different and what would not be considered amenity in one part of an LPA’s area might well be considered so in another. LPAs will therefore need to consider the condition of the site, the impact on the surrounding area and the scope of their powers in tackling the problem before they decide to issue a notice. LPAs should not be excessively concerned with producing an overly technical definition of ‘amenity’ though. Experience has shown that where a notice is appealed or a prosecution is pursued, a clear and well-presented case will usually be sufficient to ensure that the appeal is refused.

In England, specific guidance exists for local authorities dealing with [dangerous structures](#). It provides a step-by-step approach from receiving a report, to taking action at the property. Where an outline of the process is illustrated by the following flow diagram:

DANGEROUS BUILDINGS

Reference: [Guide for staff - Dangerous structures](#) (March 2018)²⁷

West Lindsey District Council provides an explainer on [Dangerous and Defective Buildings and Structures](#). It provides the meaning of dangerous and defective building/structure through examples:

The term dangerous structure covers any building, part of a building or other structure, where it poses a serious danger to the public.

Examples of ways that the building or structure could be dangerous include loose slates/tiles, vehicle damage/collapsing walls, loose chimneys, leaning garden walls, broken hoardings and the like.

A defective building does not pose a serious danger to the public but will have a significant impact on the visual amenity of an area and

²⁷ Available on [WhatDoTheyKnow](#) FoI Request service from government and public sector. [GUIDE FOR QA - DANGEROUS STRUCTURES](#) (p.7)

pose a risk to public health and welfare. The term does not cover buildings which are simply dilapidated or run down.

Clause 20 of the Bill provides that in exercising or deciding to exercise a function under the Bill, a council or officer must have regards to guidance “for the time being issued by the Department”. A draft, or proposed revision of the guidance, must be laid before the Assembly.

Throughout the Bill, reference is made in relation to this guidance. For example, in relation to grounds for appeal against notices (c2, 5, 8, 11), where the council failed to have regard to such guidance before issuing the notice.

The consultation document discussed how councils have expressed a reluctance to use the existing provisions of the Pollution Control and Local Government (NI) Order 1978, due to concerns about its interpretation. Therefore there is a need for the Department to provide appropriate guidance to help them to interpret and apply the legislation in a consistent fashion. However, according to the consultation, a balance needs to be struck as overly prescriptive guidance could hamper councils’ ability to use discretion and professional judgement.²⁸

With this in mind, the DAERA Minister stated at the Second Stage debate (1 July) that the guidance will be developed in consultation with local councils. And that ideally a draft of the guidance would be with the Committee by the end of September to run alongside consideration of the Bill.²⁹

4.4.1 Considerations

- Members may wish to consider whether the draft guidance has been produced in time to be considered alongside the Bill.
- If not, Members may wish to get a breakdown on what the guidance will cover.

²⁸ [Consultation](#) p.16

²⁹ [plenary-01-07-2025.pdf](#) p.34

- For example, will guidance provide details on the procedures to be carried out by councils with regards to investigating a site, determining the level of dereliction, the actions to be used to remedy, identifying the “person of interest”?
- Members may wish to explore whether the guidance provides clarity and meaning to certain terms not defined on the face of the Bill e.g. amenity, adversely affecting amenity, dilapidated condition, dangerous in relation to a dangerous structure, visual amenity etc.
- Officials advised at the Bill’s pre introduction briefing³⁰ (19 June) that the statutory guidance would go into more detail on the test to quantify the level of neglect of dilapidated buildings. Members may wish to explore whether the guidance will provide thresholds or tests for assessments.
- Members may wish to explore whether the guidance covers different procedures and processes under the Bill so as to ensure consistency of approach across councils. E.g. enforced sale (similar to the guidance provided by [Hart District Council](#) – also discussed in section 5.2.2).
- Members may wish to consider whether certain terms/definitions and procedures/criteria are best suited on the face of the Bill, or in guidance?
- Members may wish to ask councils whether they felt sufficiently engaged in the development of the guidance?
- How often may guidance be changed? Will consultation with councils happen with every change?
- What status will the guidance have- will it have legal status in court? Will it hold councils to account legally?

4.5 Definitions

Clause 24 and 25 provide for definitions under the Bill including an “interested person”, “owner”, “building”, “land”, “authorised officer”, “use” and “the Department”.

³⁰NI Assembly Hansard Report 19 June 2025 [committee-36496.pdf](#)

Clause 24 provides for the meaning of an “interested person” which may include an owner; occupier; someone with a charge or financial interest; or responsibility for management/maintenance.

As discussed in the previous section, there are certain terms that are not provided a definition or meaning under the Bill e.g. amenity, adversely affected, dilapidated condition, dangerous, etc.

It may be of interest for Member’s to seek:

- Further clarity on the meaning of an “interested person” and whether an occupier could and should be included. And whether this could include someone simply renting a property. If so, will such responsibilities on a tenant need to be written into rental contracts etc?
- Further clarity from the Department in relation to what other definitions will be provided under guidance?
- What status will these definitions have?
- Will guidance provide for flexibility? Will this be considered a positive for implementation by councils, or give more grounds for inconsistency in interpretation?

4.6 Regulations

The Department may make regulations under the Act containing incidental, supplementary, consequential, transitional, transitory or saving provisions.

Regulations under the Act will be subject to the negative resolution procedure, this may include:

- Clause 7 (dangerous structure notice) and clause 10 (Emergency action) – where the council may charge a fee for exercising its power. The amount to be determined by regulation by the Department.

The draft affirmative resolution procedure is to be used for regulations that:

- amend a fixed penalty amount (19(4)),
- amend the definition of “heritage site” (17(4)),

- amend, repeal, revoke or modify a statutory provision under the Bill (26(4), in which case they will be subject to the draft affirmative resolution procedure.

Members may wish to:

- Ask the Department what regulations will be made under the Bill and when?
- Ask the Department what level of detail will be provided in the regulations?
- More detail in relation to the fees under clause 7 and 10 and what they relate to – are these for admin/cost recovery purposes?
- Consider whether they are happy with the level of scrutiny afforded to the regulations?

5 Further considerations

Beyond some of the considerations mentioned throughout the paper, the following section provides some further potential areas for consideration. These include the discretionary powers of the Bill, the scope of the Bill, financial implications, delivery and some examples of the use of the powers elsewhere.

5.1 Bill powers

The Bill appears to provide councils with discretionary powers to deal with dilapidated buildings etc, according to the draft RIA:

It would be optional for Councils to use and administer the legislation. Where they do, they can require works by property owners / occupiers etc. or undertake works themselves and seek to recoup costs³¹

³¹ [draft RIA](#) p.4

The consultation document informed that ideally councils would be given statutory powers, however limitation on financial support from government prevents this:

*In an ideal world the councils would be given both powers and statutory duties to try to ensure that the regime was implemented effectively and consistently. However, if additional statutory duties were to be imposed, central government funding for these activities would need to be secured over a significant period of time. In the current economic climate it is extremely unlikely that such funding could be secured and so it is not envisaged that any additional statutory duties would be imposed on the councils at this time.*³²

This was further confirmed by the Minister in the Second Stage debate:

it is recognised that councils will need to allocate adequate resources because, in the current budgetary climate, no discrete funding provisions are included in the Bill. New powers are discretionary, giving councils the flexibility to avail themselves of them as their resources..

*... New powers are discretionary, giving councils the flexibility to avail themselves of them as their resources*³³

The Minister further suggested that the issue of discretionary versus mandatory powers could be scrutinised by the Committee. He also stated that the balance between discretionary and mandatory powers can be considered.³⁴

Consideration:

- Members may wish to further explore this issue with the Department and stakeholders.

³² [Consultation](#) p.22

³³ [NI Assembly Hansard Report](#) p..34

³⁴ *ibid*

5.2 Scope

The scope of the Bill in places is not quite clear. The following section highlights a number of areas where further clarity may be needed. These include:

5.2.1 Neglected sites

Throughout the consultation document [Dilapidated/dangerous buildings and neglected sites](#) and the [draft RIA](#) reference is made to provisions for neglected sites:

This consultation outlines proposals for a new, broader regime to deal with dilapidation, one that gives councils effective powers to tackle the most dilapidated and dangerous buildings and neglected sites³⁵

During the Second Stage debate on 1 July 2025, the DAERA Minister described the Bill as providing:

all district councils with a modern, fit for-purpose, Northern Ireland-wide enforcement regime to deal with the negative impact of dilapidated and dangerous buildings and neglected sites.³⁶

However, there does not appear to be any specific mention to neglected sites as such, on the face of the Bill.

Considerations:

- Members may wish for further clarity on this from the Department.
- And whether a definition of a neglected site should be provided on the face of the Bill or in guidance.

³⁵ [Dilapidation Consultation Document](#) p.2

³⁶ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.22

5.2.2 Amenity and housing

The face of the Bill appears to lack a definition for amenity. However, during the [pre-introduction briefing](#) to the AERA Committee, officials informed Members the focus of the Bill is amenity and therefore only the exterior of buildings, not the internal use, such as bringing it back into use for housing etc.³⁷.

During the Second Stage debate the Minister stated that the issue, which relates to housing and compulsory purchase orders, is not considered to be the primary effect of the Bill. However, he suggested that as part of the Committee's scrutiny function, it may also want to consider how that would interact and interrelate with the provision of more quality housing in Northern Ireland³⁸

Example

[Hart District Council](#) used its powers to bring an empty bungalow (of more than a decade) back into use. Neighbours had been worried about the state of the property and buildup of waste. After lack of action by the owner, the Council carried out works that were never paid for by the owner. This allowed the Council to sell the property through auction and bring it back into use as a home.

Consideration:

- Members may wish for further clarity on this and whether there has been discussion with DfC in relation to potentially using the Bill's powers to help deal with housing issues.

³⁷ NI Assembly Hansard Report [committee-36496.pdf](#) (19 June)

³⁸ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.38

5.2.3 Fake shop fronts

Over the years, the proliferation of fake shop fronts with facades mimicking businesses can be seen in towns and villages throughout Northern Ireland. The issue of fake shop fronts was highlighted by a Belfast City Councillor in 2024:

*There are fake shop fronts put up 10 years ago, and we are still seeing those hoardings today. We did not expect them to be up a decade later.*³⁹

Under the [Local Government Act 2014](#), councils must promote the social, economic and environmental well-being of their district. And the [Local Government \(Miscellaneous Provisions\) Order 2002 Article 8](#) allows councils to alter and carry out works on a building to “promote the economic development of its district”. The Planning Act 2011 regulates advertisements and display signs, so councils must ensure that fake shop fronts comply with planning if they involve external signage, wraps or coverings.

Considerations:

Members may wish to explore whether:

- The Bill provides further provision for fake shop fronts as a remedy to dilapidation?
- If so, should this be the case in terms of the long-term improvement of the area?
- Do communities see these facades as an appropriate solution?

5.2.4 Rural aspects

As discussed in s.3.2.2. in relation to rural proofing and rural impact considerations of the Bill, officials informed Members during the pre-introduction briefing⁴⁰ that the focus of the Bill is predominantly towns and urban areas due

³⁹ [Belfast Council to look at dilapidation survey across city | Belfast Live](#)

⁴⁰ NI Assembly Hansard Report [committee-36496.pdf](#) (19 June)

to impacts on a neighbourhood, and that it is unlikely that a council will act on a stand-alone remote property.⁴¹

Consideration:

- Members may wish for further clarity on this and to explore the issue further in terms of impacts of dilapidated and dangerous buildings in rural areas.

5.2.5 Public estate dilapidation

In the Second Stage debate, Members raised the issue of where public estate has fallen into disrepair and dilapidation⁴².

Considerations:

Members may wish to explore whether the Bill:

- Covers, or should cover, public estate in dilapidation?
- Provides for councils to recover costs in these scenarios?
- Provides for councils to call on the respective agencies to dispose of any assets before becoming a liability?
- Whether the DAERA Minister has had any conversations with the Department for Finance in this regard?

Of potential further consideration, Members may wish to explore whether the use of Community Asset Transfer (CAT) could complement the Bill in terms of dealing with dilapidation and also bringing buildings back into use⁴³.

According to RalSe paper (March 2025) [Community Asset Transfer –provisions and support within the UK and Ireland](#), Community Asset Transfer (CAT) is a process that allows a community organisation to take over publicly-owned land

⁴¹ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.25

⁴² NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.26

⁴³ As seen with the [Cushendall Innovation Centre](#) (as referenced in RalSe paper [Community Asset Transfer –provisions and support within the UK and Ireland](#) (March 2025))

or buildings in a way that recognises the public benefits that the transfer will bring⁴⁴.

Considerations:

Members may wish to ask the DAERA Minister:

- Whether there has been any consideration of the use of CAT under the Bill to help deal with dilapidation?
- If so, would this be for publicly owned buildings only, would vesting rights be required for the use of CAT for privately owned buildings?
- Has there been any discussion with the Communities Minister in relation to the use of CAT for dealing with dilapidation?

5.3 Financial implications

Throughout the Second Stage debate, many concerns were raised about the financial implications of the Bill. These were mostly in terms of the costs on businesses and owners, and the lack of grants or financial assistance offered to councils and businesses which could result in the potential for disparity across NI councils.

As discussed in section 3.2.1 (in relation to the draft RIA) there still remain concerns around the financial model behind the Bill which determined that an estimated annual cost for remediation work could be around £4m⁴⁵ (an *average* of £7.3k per property). This figure is based on 2018 prices, and therefore costs could be significantly different given that seven years have passed.

Therefore, questions may still remain around the accuracy of this figure, particularly as there doesn't appear to be a clear and up-to-date picture of:

- How many properties are expected to fall under enforcement each year;
and

⁴⁴ [Community Asset Transfer webpage, Development Trusts Association Scotland, 21 March 2025](#)

⁴⁵ 2018 prices

- What proportion will require significant structural work as opposed to basic maintenance etc.
- How much of the £4 million will fall to councils where costs of works can not be recovered.
- What is the maximum and minimum of the average £7.3k per property figure.
- Will costs vary by business type, property condition or location? Will businesses be expected to pay up front, or can compliance be phased over time?
- How this may impact different areas, especially where the rates base may be small and therefore resources to pursue enforcement, legal action and remedial works is limited.
- How robust is the claim that long-term increases in property values will offset costs, particularly in rural or struggling areas? ⁴⁶ What work has been carried out to explore to support this?

During the Second Stage debate concerns were expressed for small, independent businesses and whether there would be a degree of flexibility with compliance, perhaps including phased timelines. Another point raised was whether there would be financial support/grants for businesses which are genuinely unable to meet costs.⁴⁷

The suggestion was also made for support or grants for individuals who have inherited a dilapidated building, but don't have the means to take remedial action, or cover council costs⁴⁸.

Considerations:

- Members may wish for clarity from the Department on points raised above in relation to costs

⁴⁶ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.28

⁴⁷ *ibid*

⁴⁸ *ibid*

- And whether there will be flexibility and support for small and struggling businesses and individuals?

5.4 Delivery

The cross-cutting nature and impacts of this Bill may raise concerns with regards to its delivery. For example, some of the areas that could potentially cross over into the remit of other departments may include, but not be limited to:

- Infrastructure – in relation to planning aspects and maintenance of highways that are potentially impacted by dilapidated buildings.
- Communities – regeneration projects and housing and homelessness. While it has been discussed throughout this paper that the Bill does not cover the use of a dilapidated building for housing, there may be potential for further consideration of this issue.
- Economy – economic development; this was discussed in the Second Stage debate in relation to the High Street Task Force, which is no longer in operation⁴⁹. But this begs the question, could a similar type of task force be set up to help with delivery of the Bill?
- Finance – while the Bill proposes not to have an impact on tax-payers and rates, is there a possibility to explore removing vacant property relief for dilapidated buildings (etc.)? This would be similar to the removal of zero-rating policy in the Isle of Man.

In relation to the issue around the rating system, the DAERA Minister stated that he would write to the Finance Minister on the issue to ensure co-ordination across government.⁵⁰

Consideration:

- Members may wish for clarification on whether correspondence has been made and received by the Finance Minister.

⁴⁹ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.27

⁵⁰ NI Assembly Hansard Report [plenary-01-07-2025.pdf](#) p.36

5.5 Bye-laws

As discussed previously (s.2.2), there is existing legislation that councils have availed of in the past to deal with derelict buildings. However, these have limitations in terms of scope, geographical constraints and lengthy processes.

The Local Government Act 1972 (as amended) S.90, gives local councils the powers to make bye-laws for certain circumstances, such as the suppression of nuisance in its district.

For example, in [Belfast City Council](#), any person who contravenes a bye-law is subject to a fine on summary conviction not exceeding £500, or a fixed penalty notice⁵¹.

Considerations:

As discussed previously about the lack of information on the number of dilapidated buildings, and to assist in understanding the scale of the issue and the level of demand for legislation, it may be of interest to Members to find out:

- If councils have used bye-laws in the past for dilapidated properties, how many and for how many properties?
- Is there a cost to bringing bye-laws and any limitation or costs in enforcement of them?

6 Experience elsewhere

The following section is in no way definitive, and examples used have been based on information publicly available. It provides some of the experiences of using similar provisions elsewhere, such as the impact of using S.215 powers and emergency action and compensation in England

⁵¹ [Bye-laws for the good governance of Belfast city centre](#)

6.1.1 Town and Country Planning Powers England

The following section provides a brief overview of the experience in England in using S.215 powers of the Town and Country Planning Act 1990 (similar to a maintenance notice under the Bill) to address dilapidated buildings.

According to research commissioned by DETR⁵² in 1999, as presented in the [Best Practice Guidance](#), the following conclusions and observations were made⁵³:

- S.215 powers are effective as a threat or informal mechanism for cleaning up sites, around 20% of notices approved in 1998/99 were not served, implying that action was taken by the landowners in the face of the 'threat' of a S.215 notice being served.
- S.215 notices are effective in terms of securing compliance, for example 80% of notices served in 1998/99 resulted in compliance and only 6% were appealed. Only 6-8% of notices resulted in works by the authority.
- Experience has shown that authorities that interpret the scope of S.215 widely also tend to be more proactive and successful at using the powers to achieve wider regeneration objectives.
- Successful use of S.215 for regeneration purposes also coincides with close working arrangements with partner organisations, for example New Deal⁵⁴ and urban regeneration bodies, and regular monitoring of the quality of the environment.

6.1.2 Emergency action and compensation

The following section considers an issue in relation to the use of emergency powers in England (similar to the emergency action powers under c.10 of the

⁵² The old Department of Environment Transport and the Regions , replaced by the Department for Levelling up, Communities and Local Government, DEFRA and Department for Transport.

⁵³ [Town and Country Planning Act 1990](#) p.6

⁵⁴ New Deal for Communities was the Labour Government's urban regeneration initiative focused on neighbourhood renewal launched in 1998. For more information see DCLG (2015) [New Deal for Communities national evaluation phase 2 Report](#) p.6

Bill). This is discussed using the following case study from Hastings Borough Council.

Case Study: Hastings Borough Council

In 2006, [Hastings Borough Council](#) used its emergency powers under Section 78 of the Building Act 1984 to immediately close Hastings Pier. This was due to safety concerns about the structural integrity, which the Council deemed dangerous and in need of immediate action.

Due to the closure, a number of businesses located at the Pier went into liquidation. They sold their compensation claim to liquidation company Manolete Partners PLC.

Because S.78 allows councils to act without prior notice or court involvement, Manolete Partners PLC claimed compensation under Section 106, which requires councils to pay full compensation, unless the claimant caused the problem. In this case, the impacted businesses, and Manolete, were not the owner of the Pier who caused the problem and the Council to take action.

The council lost its appeal, on the grounds of not following due process, showing how the use of emergency powers could potentially lead to significant compensation costs.

See: [Dangerous/defective buildings and the role of the local authority](#)

Considerations:

- On this basis, could local authorities be reluctant to use emergency powers so as to reduce the risk of having to pay compensation?
- Under the Bill, the council may serve a dangerous structure notice without the need to go through the Court. If “reasonably practicable” inform a person of their intention to take action.

- Appreciating that this may help with swift action, Members may wish for further clarity on whether this may leave councils in NI more open to legal and financial risk?
- Who decides what is “reasonably practicable” and how would it stand in court when making decision on due process?
- Members may wish for more clarity on how compensation claims will be assessed and managed?