

## SCHEDULES

### SCHEDULE 3

#### APPROVAL OF SITES, DISPOSAL OF SITES OR PREMISES AND GRANT OF LICENCES FOR PREMISES ON APPROVED SITES

#### PART II

#### DISPOSAL OF APPROVED SITES OR PREMISES IN RE-DEVELOPMENT AREAS

##### *Application of this Part*

7. This Part applies where sites in a re-development area or proposed re-development area have been approved under paragraph 4(1).

##### *Power to dispose of sites or premises*

8. The housing authority may dispose of—
- (a) the approved sites; or
  - (b) premises erected on the approved sites,

in accordance with the provisions of this Part.

##### *Acquisition of sites or premises by persons dispossessed of licences*

9.—(1) The housing authority shall serve on every person who has been, or in the opinion of the housing authority will be, dispossessed of a licence in consequence, whether directly or indirectly, of the acquisition by the housing authority of the premises to which the licence relates or of the carrying out of the re-development scheme, or, where any such person has died, on his personal representative or on any other person who is entitled in consequence of his death to a beneficial interest in the business carried on in the licensed premises, a notice—

- (a) describing the approved sites and referring to the declaration by which they were approved;
- (b) stating whether or not the authority propose to erect premises on the sites;
- (c) inviting offers in writing from those persons for the purchase or, if the housing authority think fit, the lease of any of those sites or premises;
- (d) specifying the period (not being less than 2 months from the date on which the notice is served) within which offers may be made.

(2) A person entitled to receive a notice under sub-paragraph (1) is in this Schedule referred to as a “preferred applicant”.

(3) After the expiration of the period during which offers may be made as mentioned in sub-paragraph (1)(d), the housing authority may, with the approval of the Department, dispose of a site or

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premises on that site to any preferred applicant who has made an offer for that site or those premises within that period.

(4) Without prejudice to its right to refuse its approval to the disposal under this paragraph of any approved site or premises, the Department shall—

- (a) refuse to approve the disposal of the site or premises to any preferred applicant for a consideration which is less than the fair value thereof;
- (b) refuse to approve the disposal to a preferred applicant of a greater number of sites or premises than the number of licensed premises in respect of which he has been or will be dispossessed of licences in consequence, whether directly or indirectly, of the acquisition of the licensed premises or the carrying out of the re-development scheme.

*Disposal of remaining sites or premises, if any*

**10.**—(1) Where, after steps have been taken by a housing authority in accordance with the provisions of paragraph 9, any sites or premises have not been disposed of to preferred applicants, the housing authority shall cause to be published in 2 successive weeks in at least 1 newspaper circulating in the vicinity of those sites or premises a notice—

- (a) describing those sites or premises and referring to the declaration under paragraph 4(1);
- (b) inviting offers in writing for the purchase or, if the housing authority think fit, the lease of any one of those sites or premises;
- (c) specifying the period (not being less than 2 months from the date of the last publication of the notice) within which offers may be made.

(2) After the expiration of the period during which offers may be made as mentioned in sub-paragraph (1)(c), the housing authority may, with the approval of the Department, dispose of the sites or premises to persons making offers therefor within that period.

*Contracts as to sites*

**11.** A contract for the acquisition from a housing authority of an estate in an approved site or premises erected thereon may be subject to such conditions as the housing authority, with the approval of the Department, may determine including, but without prejudice to the generality of the foregoing words, a condition that the contract shall be voidable at the option of the person acquiring the estate if he does not for any reason, or within any period specified in the contract, obtain the grant of a licence for premises on the site or, as the case may be, for those premises.

*Procedure where contract cancelled, etc*

**12.** Where a contract for the acquisition of an estate in an approved site or in premises on such a site is terminated, the housing authority shall—

- (a) where the other party to the contract was a preferred applicant, dispose of the site or premises in accordance with paragraph 9, or, if the site is, or premises are, not disposed of in accordance with that paragraph, dispose of it or them in accordance with paragraph 10;
- (b) where the other party to the contract was not a preferred applicant, dispose of the site or premises in accordance with paragraph 10.

*Transfer of land between housing authorities*

**13.** Where a housing authority disposes of land within a re-development area to any other housing authority, that other authority shall, in relation to the land, have the like powers and be subject to

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the like duties as are imposed on the first-mentioned authority by the foregoing provisions of this Schedule.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B inserted by 2011 c. 18 \(N.I.\) s. 5](#)