

RECEIPT OF APPEAL

Once we are notified of the appeal we will forward a copy of the application details to the Department of Finance and Personnel. We will include all documents given to us by you, as part of your application. At the same time we will make a written submission regarding the appeal to the Department. A copy of this submission will be sent to you also.

HEARING OF AN APPEAL

The Department of Finance and Personnel upon receipt of all documentation will decide upon the appeal. The Department before determining the appeal may if it thinks fit or if requested by either party, allow round-table discussions involving the Department and those concerned.

DECISION

The Department of Finance and Personnel's determination of the appeal can take one of the following options: -

- Confirm the Contravention Notice; or
- Ask the Council to withdraw the Contravention Notice

In all cases the Department of Finance and Personnel's decision is final and conclusive, the only exception being on a point of law.

QUESTION OF LAW

The Department of Finance and Personnel can refer any question of law relating to the appeal to the Court of Appeal. When it does this the Department of Finance and Personnel will notify both parties of its intention.

Where either party is aggrieved by the Department's decision and the Department has not referred it to the Court of Appeal, then either party has the right to do so on a point of law.

The decision of the Court of Appeal on a point of law is final.

If you require any assistance in making your appeal this will be given by the Office in question, or by approach to the Southern Group Unit.

Building Control

For further information and advice contact the Building Control department at your local Council offices. Please ask if you would like this information in large print, Braille, another language, or on audio tape.

Building Control How to Make an Appeal against a Notice of Contravention



APPEALS

You have the right to appeal against any decision by the District Council Building Control Department. This leaflet describes how to make an appeal against a Notice of Contravention.

The guidance in this leaflet is for Applicants, Designers and Builders where they are involved with building projects and have received a Notice of Contravention.

OUR OBLIGATIONS

When works on site are undertaken those works are evaluated against the Building Regulations. Article 18 of the Building Regulations Order (NI) 1979 states that where works contravene any of the Building Regulations, a council shall serve a notice on the owner requiring the owner to pull down or remove the work or carry out such work that would make it comply.

Our first notification about observed contraventions of the Building Regulations is usually through a BR14 Letter (a letter listing observed contraventions). This letter should be regarded as a warning and should be taken seriously. It is normally used to allow reasonable time for works to be carried out to remove the contravention. However, there may be occasions that due to the severity of the contravention, a BR14 letter may not be sent and a Contravention Notice is sent in the first instance.

CONTRAVENTION NOTICE

If the contravention is not resolved a Contravention Notice will be served on the owner. As the

Contravention Notice is enforced through the magistrate's court we consider this formal notification a last resort.

Article 18 of the Building Regulations Order (N.I.) 1979 (as amended) also permits the council to serve a Contravention Notice on other persons including the occupier; the builder; the person causing the work to be done; or any other person appearing to have control over the work.

If after 28 days following the serving of the notice the person fails to comply with the notice, the council has the right to carry out works that remove the contravention and recover from that person reasonable costs incurred by the council. Alternatively the council can action the Contravention Notice through the courts.

The council can at any time withdraw the Contravention Notice without prejudice to serve another. If the council withdraws a notice it will give notification of the withdrawal to the person on whom the Contravention Notice was served.

LIMITATIONS

The Council cannot issue a Contravention Notice: -

- After 18 months from the date the work was completed; or
- Where plans for proposed work were submitted and approved and the work has been executed in accordance with the plans.

Although the Council cannot serve a Contravention Notice on work carried out 18 months after that work was completed, this does not affect its right to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any Building Regulation.

OBTAINING A REPORT

Upon receiving a Contravention Notice the person served with the Notice can notify the Council of their intention to submit a written report from a suitably qualified person concerning work to which the Contravention Notice relates.

- The Council must be notified in writing of the intention to submit a written report within 28 days of the Contravention Notice being served.
- The Council must receive the written report within 56 days of the Contravention Notice having been served.
- The Council must notify in writing as a result of its consideration of the report if it intends to: -
 - Withdraw the Contravention Notice (the Council may pay reasonable expenses incurred as a result of having served the notice including, in particular, the expense incurred in obtaining the report); or
 - Proceed with the Contravention Notice.

HOW TO APPEAL

Upon receipt of a Contravention Notice you have 28 days within which to lodge a written appeal against our decision. Where a report has been obtained the 28 days period is extended to 70 days from serving the notice.

The written appeal must clearly indicate the grounds of the appeal and be sent to: The Department of Finance and Personnel, Building Regulations Unit, 9th Floor, River House, 48 High Street, Belfast BT1 2AW.

An additional copy should also be sent to us.

