

Northern Ireland Assembly's Committee for Agriculture, Environment and Rural Affairs

Call for Evidence: Dilapidation Bill

Response from Propertymark

October 2025

Background

1. Propertymark is the UK's leading professional body of property agents, with over 19,000 members representing over 12,500 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.¹

Call for Evidence – overview

2. The Northern Ireland Assembly's Committee for Agriculture, Environment and Rural Affairs (AERA) is seeking views on Dilapidation Bill that was introduced on 23 June 2025. The aim of the Bill is to modernise and combine various pieces of legislation covering the impact that buildings in disrepair have on public health, some of which dates to the 19th century. This would bring relevant legislation in Northern Ireland on par with the rest of the UK and bring about an effective enforcement regime to replace or repair derelict structures. The Committee is seeking views on the objectives, proposals and potential consequences for the Bill.

Questions – response from Propertymark

Question 1: Do you agree that Clauses 1 to 3 will empower councils to tackle the issue of 'detriment to local amenity' (regarding buildings or other land in its district) that because of its condition is/are detrimental to the amenity of a part of the council's district or of an adjoining district - If not, why not?

3. Yes, we do agree that the use of maintenance notices under Clauses 1 to 3 of the Bill will empower councils to tackle the issue of 'detriment to local amenity', but we want to see increased enforcement powers for local councils. Whilst maintenance notices and the wider measures in the Bill will increase the scrutiny of the condition, safety and appearance of buildings and land in an

¹ <https://www.propertymark.co.uk/>

area, an additional fine for repeated offences that scales each time it is issued should be introduced to ensure maintenance notices are acted upon. In many cases, a one-off level 4 fine (£2,500) could be considered a less expensive option than to bring the building up to standard, incentivising owners to pay the fine as the choice with the lower cost. Adding a stipulation that breaches will be charged daily or there are greater fines for repeated offences places greater pressure on the owner to maintain the building properly, rather than paying the fine and taking little or no action.

Please provide comment on your understanding of ‘detriment to local amenity’ in the context of this Bill.

4. In the context of the Dilapidation Bill, Propertymark understands ‘detriment to local amenity’ to be anything that has a negative impact on the quality or character of a building or plot of land which reduces the overall enjoyment of an area. To support compliance and enforcement the definition should be supported by categorised lists of ‘examples of detrimental conditions’ and ‘examples of serious detrimental conditions’. The Department should establish an objective triage matrix that would be set out in the Bill and/or through guidance, as stated in Clause 20, that rates detriment on a scale of 0-3 assessing the following:

- Structural condition
- Public safety risk
- Visual impact
- Development impact
- Nuisance/Anti-social behaviour incidents
- Heritage sensitivity
- Proximity to public buildings (schools, hospitals, high streets)

5. Additionally, setting out definitions for “Detriment” and “Serious detriment” would support application of the Bill and enforcement.

Detriment

- i. **Vacant buildings** - including kept secure to prevent unauthorised access and issues such as broken windows, damage to walls, missing roof tiles, broken fencing and removal of graffiti.
- ii. **Land** - that is overgrown with vegetation.

- iii. **Impact on community** – the building facilitates minor crimes such as graffiti and anti-social behaviour. There is a minor public safety risk.
- iv. **Location** – the building is close to buildings of community significance

Serious detriment

- i. **Abandoned and dilapidated buildings** – including loose or falling roof tiles, walls or fences that could collapse and unstable roof or chimneys as well as attracting incidents of anti-social behaviour.
 - ii. **Land** – that has waste, scrap, vermin or debris on it.
 - iii. **Impact on community** – the building is frequently used for major anti-social behaviour and drug use. The building also poses a major public safety risk.
 - iv. **Location** – the building is within the vicinity of multiple public buildings including schools.
6. Each separate classification or number on the scale would map to a specific remedial action. This would reduce the risk that notices will be disputed, give confidence to local authorities to pursue notices, and support consistent enforcement across Northern Ireland.

Please comment on the maintenance notice, the appeal and action for breaches as appropriate.

7. Propertymark welcomes proposals to issue fixed penalty notices for owners of dilapidated buildings who fail to comply with a maintenance notice. However, we think that the level of fine currently set to not exceed level 4 (£2,500) to anyone failing to comply with a maintenance notice should be increased to level 5 (£5,000), the maximum fine on the standard scale.² Furthermore, under the Bill, the proposed fixed penalty notice of £500 to allow someone to ‘discharge liability for conviction for the offence by payment of a fixed penalty’ must also be increased and also include a daily penalty rate for non-payment of a fixed term notice. Increasing fines and the amount of a fixed penalty notice will act as a greater deterrent and ensure the measures in the notice for remedying the condition of the building or land are adhered to.

² <https://www.legislation.gov.uk/nisi/1984/703/article/5>

Question 2: Do you agree that Clauses 4 to 6 will empower councils to tackle the issue of ‘serious detriment to local amenity’ (regarding buildings or other land in its district) that because of its condition is/are seriously detrimental to the amenity of a part of the council’s district or of an adjoining district - If not, why not?

4. Yes, we do agree that the use of dilapidation notices under Clauses 4 to 6 in the Bill will empower councils to tackle the issue of ‘serious detriment to local amenity’, but we have two concerns that could impact the application of dilapidation notices:

- Firstly, the demolition of the whole of buildings should be a last resort and there should be a formal initial consideration of a restoration or ‘re-use’ stage before issuing a dilapidation notice. This must be explicitly stated within the guidance to avoid situations where local authorities or building owners needlessly demolish buildings. Councils must be required to document why reusing or restoring buildings was not reasonably practicable, with a list of valid reasons (costing, funding and other viability reasons) including within the guidance mentioned in Clause 20. This is important because the construction industry produces 62% of the UK’s waste, so preventing demolition reduces waste that goes to landfill, and more buildings could be utilised to deliver much-needed housing or converted to wider community use.³ Furthermore, keeping the carbon embodied in existing buildings is better for the environment, reduce emissions and help reach net zero targets.
- Secondly, a major challenge to ensuring these buildings are demolished or remediated is identifying owners or effectively contacting them if they are identified. Should no owner be identified, or the owner not respond at all to any kind of notice, we would recommend that local authorities have additional powers after a certain period of time to send a notice that they will organise the remedial work or demolition of the building since the owner did not respond. This is not unlikely given that derelict or dilapidated buildings have been left in a poor state due to lack of interest or poor planning from the owner. This mechanism can ensure that buildings can be demolished or restored quickly even if the owner has not responded to the notice.

³ <https://igpp.org.uk/blog/article/reducing-waste-in-the-construction-industry>

Please provide comment on the dilapidation notice, the appeal and action for breaches as appropriate.

5. In relation to the appeal process against a dilapidation notice, while in many cases dilapidated buildings are the result of neglect from owners, there may be instances where a dilapidated building has been bought, and refurbishment plans are in place, but the plans haven't been actualised. In these circumstances, we would recommend that the person who had received the notice should be able to appeal based on these grounds, with clear guidance on how that ground could be legitimately used. For example, if the appellant can demonstrate that works have been paid for or organised and that there is a reasonable explanation as to why further works have been delayed. This approach can help to ensure more buildings are remediated rather than demolishing them.
6. We consider the penalties for a breach of a dilapidation notice (failure to comply or demolishing the whole or part of a building without having obtained permission) to be sufficient.

Question 3: Do you agree that Clauses 7 to 9 will empower councils to tackle the issue of 'dangerous structures' (apart from if Clause 10 Emergency Action is to be used) regarding a building in its district that is in such a condition as to be dangerous, or is used to carry such loads as to be dangerous - If not, why not?

7. Yes, we do agree that the inclusion of dangerous structure notices under Clauses 7 to 9 in the Bill will empower councils to tackle the issue of 'dangerous structures'. It is our view that building owners are responsible for preventing their buildings falling into a dangerous condition. To this end, a dangerous structure notice will not diminish this responsibility but act as a 'safety net' that must be used to protect the public where a building owner has failed in their duty to fulfil this responsibility.

Please provide comment on your understanding of 'dangerous' in the context of this Bill.

8. In relation to the Dilapidation Bill, Propertymark understands 'dangerous' to cover any building, part of a building or other structure, where it poses a serious danger to life and public safety.

Please provide comment on the dangerous structure notice, the appeal and action for breaches as appropriate

9. The application of a dangerous structure notice (Clause 7) should be amended to include 'adjacent buildings or places' that have become dangerous as a result of the state of the building. This will mean that any other work considered necessary for the protection of the public and persons or property in places adjacent to the dangerous building are considered and must also be carried out.
10. We consider the process for appeals against dangerous structure notices to be appropriate and we think the penalties for a breach of a dangerous structure notice are sufficient.

Question 4: Do you agree that Clause 10 will empower councils to tackle the issue of 'dangerous structures' requiring 'Emergency Action' regarding a building in its district that is in such a condition as to be dangerous, or is used to carry such loads as to be dangerous and immediate action should be taken to remove the danger, and that the council may take whatever steps are necessary to remove the danger - If not, why not?

11. Yes, we do agree that the use of emergency action under Clause 10 of the Bill will empower councils to tackle dangerous structures and take immediate action where necessary. The focus of these notices should be on buildings that have become dangerous through neglect, wilfully unoccupied or lack of upkeep and repair. The Bill should also clarify that an emergency action notice cannot be given to building owners if the building has become dangerous as a result of extreme weather or other environmental issues, arson or fire, or a road traffic accident not in the owners control unless no insurance for the building was in place. Where an incident has occurred and the damage as well as the need to make the building safe is subject to an insurance claim this will be determined by timelines and assessments set by a third party.

Please provide comment on any aspect of the Emergency Action powers provided for in Clause 10, including the assessment the council must conduct; the notice of its intention to exercise the power; the proposal of a fee; the appeal; and the timescales.

12. Before a council can take action, the list of measures a local authority has to do as part of its assessment must also include 'the consequence of the building being dangerous on adjacent buildings, highways and land' and 'the impact of occupants and those of adjacent buildings to

remain in occupation.’ There may be circumstances where it is not possible for the owner or the local authority to carry out emergency works sufficient to enable the occupants of a dangerous building or those of adjacent buildings to remain in occupation. Where this occurs, the local authority will also need powers to require the occupants to remove immediately or where occupants refuse to remove or re-enter the building.

13. Considering this would be used in emergency situations, we do not consider that it is appropriate to include the ability to appeal based on delays to planned works. This can ensure that any buildings that won an appeal based on this but were unable to continue works can be demolished if they pose a serious and immediate danger to life or public safety.

Question 5: Do you agree that Clause 11 will empower councils to tackle the issue of premises in its district which are in a defective state, but there would be an unreasonable delay in remedying the defective state of the premises if the procedure under Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (statutory nuisance) were to be followed - If not, why not?

14. We agree that Clause 11 will empower councils to tackle the issue of premises in its district which are in a defective state but there would be an unreasonable delay in remedying the defective state of the premises.

Please provide comment on any aspect of the Defective Premises powers provided for in Clause 11, including the Defective Premises Notice, the timescales and the appeal.

15. We have no further comments to make regarding the issuing of defective premises notices.

Question 6: Do you agree that Clauses 12 to 15 will empower councils to recover the costs which it incurs in so acting under section 3(1), 6(2), 9(2) or 10(2) (carrying out work) of the Bill, from the persons (who at that time have an interest in the land in question) as the council considers appropriate - If not, why not?

16. We agree that it is essential that a local authority should be able to recover the costs it incurs through the relevant process when it issues a maintenance notice, dilapidation notice, dangerous structure notice or taking emergency action.

Please provide comment on any aspect of the cost recovery actions provided for in Clauses 12 - 15, including costs of the district council; charge on land; costs of interested person and obstruction by occupier.

17. We note that there is explicitly a requirement for the court to consider whether a person other than the defendant ought to be liable for the costs and that the person has an opportunity of being heard. This will be essential to ensure any other liable party can demonstrate their involvement with the property and any actions they took to prevent it from falling into disrepair. Additionally, the ability for the court to decide whether or not the local authority had a legitimate cause to conduct emergency repairs is positive to see. We can see situations where an owner was not aware of the notice until some time had passed and was in the process of organising repairs at a cost to them before the local authority directly intervened, so reducing costs to owners in this instance is positive.

Question 7: Please provide comment on any of the miscellaneous functions of district councils to be found in Clauses 16 to 20.

- **Information notice to occupiers or those who receive rent from the land or building (Clause 16).**
- **Consultation with planning regarding heritage sites (Clause 17).**
- **The powers of entry or an authorised officer of a district council (Clause 18).**
- **The fixed penalty provided for in Clause 19 when an authorised officer of a district council has reason to believe that a person has, in relation to land in the council's district, committed an offence under section 3(2) (breach of maintenance notice), or an offence under section 16(4) (failure to provide information without reasonable excuse).**
- **The guidance for the time being issued by the Department for the purposes of this Act (Clause 20). A draft of the guidance, or a proposed revision of the guidance, must be laid before the Assembly.**

18. For Clause 16, we agree with the existing language of the Bill, that it would be effective for a local authority to gain an understanding of the ownership of the land. We would also recommend that the Bill explicitly states in 16(1) that a local authority has the right to obtain this information from someone who manages the land. Considering the definition of "interested person" it may also be beneficial to replace the existing text "who occupies the land, or who (directly or indirectly) receives rent for it," with "interested person" to ensure all individuals involved with the property

can support the local authority. This is necessary since someone managing the land may neither occupy the land nor receive rent for it. Additionally, it may be useful for local authorities to also have the power to request information from commercial agents or previous owners (persons with previous interest) so that they can find out who the land or building was sold to.

19. We have no comments to make in relation to Clauses 17 and Clause 18.

20. For Clause 19, we disagree that a fixed penalty should be utilised in this way without greater assurances that the offender will take steps to ensure their building is compliant with the legislation. As stated earlier in our response, a £500 fine could be considerably cheaper than the cost of works required. Additionally, we disagree entirely that a fixed penalty should be used under 16(4), where people connected to the building can pay a £500 fine to discharge liability for not complying with an information notice. This is because it could allow the beneficial owners of buildings to hide their identity. This would potentially open Northern Ireland up to money laundering or allow sanctioned persons to buy property without the legal need to state they are the beneficial owners of the property.

21. We have no comments to make in relation to Clause 20.

Question 8: Please provide comment on any aspect of the general procedural matters provided for in Clauses 21 - 23, including notices served under this Bill (Clause 21); appeals against a notice brought under this Bill (Clause 22) and for the procedures in cases where proceedings have been brought but the defendant ceased to be the owner/occupier before the end of the notice period (Clause 23).

22. We have no comments to make in relation to Clauses 21-23.

Question 9: Please provide comment on any aspect of the interpretation clauses provided for in Clauses 24 and 25, regarding the meaning of 'interested person' and other definitions.

23. We have no comments to make in relation to Clause 24 and the meaning of 'interested person' and we agree with the definitions set out in Clauses 25 of the Bill.

Question 10: Please provide comment on any aspect of the supplementary clauses provided for in Clauses 26 to 28.

24. We have no comments to make in relation to Clauses 26 to 28 of the Bill.

Question 11: Please provide comment on any aspect of Clauses 29 – 31 regarding general interpretation.

25. We have no comments to make in relation to Clauses 29 to 30 of the Bill.

Question 12: Please provide comment on any aspect of Schedule 1 regarding the fixed penalties, fixed penalty receipts and the power to make regulations regarding the use of receipts.

26. We agree with the contents of a fixed penalty notice, our only concern with the penalty is that in some instances it may not be effective to enforce repairs to be made to a property when a maintenance notice has been issued.

Question 13: Please provide comment on any aspect of Schedule 2 regarding the necessary repeals.

27. We have no comments to make regarding necessary repeals; we consider all repeals laid out within the Bill to be necessary.

Question 14: Please provide any additional information or comments on any aspect of the Bill that you feel is relevant.

28. To support successful implementation of the Bill and to improve the condition, safety and appearance of property across Northern Ireland, three things should be considered for inclusion in the Bill:

- Firstly, a review is needed into the status of listed buildings and the current rules that allow them to receive business rates relief if vacant. The potential uses of historic buildings are often limited to office or residential and when those markets are ‘quiet’ many buildings remain vacant for long periods. Furthermore, given the nature and complexity of these buildings, there can also be significant planning delays for changes of use, which can further

extend the period of vacancy. However, offering business rates relief if listed buildings are vacant does not provide an incentive for these buildings to be maintained or for owners to find tenants.

- Secondly, a review is needed into business rates. There is a concern from Propertymark members that rates are too high and there are not enough incentives to support businesses to maintain property once occupied. If business rates were reduced, then more businesses would consider occupying premises to do business from, helping to regenerate local areas and bringing footfall to local high streets. As we understand it the last review into domestic rating took place in 2019 which was overtaken by the response to the Covid-19 pandemic and establishment of the Northern Ireland Fiscal Commission. The 2022 Fiscal Commission Report proposed powers to introduces new taxes but did not mention business rates review or reform.⁴
- Thirdly, introducing a business rates system with improvement relief could also be utilised ahead of the application of maintenance notices as an incentive to ensure property is improved instead of only using enforcement mechanisms. A system of improvement relief could work by providing a 12-month freeze on business rates increases for properties that have been improved reducing the impact on the property's rate liability. Separately, consideration should be given to providing a twelve-month exemption from business rates on properties newly taken on by a business.

Question 15: Please provide information on any potential amendments that you feel would enhance the Bill and the rationale for those.

29. We propose the addition of the following amendments by order in which they would appear in the Bill:

- **AMENDED CLAUSES 3(3), 15(4), 16(6) and 18(8): Replace “Level 4” with “Level 5”**

Reason – this would further incentivise building owners to comply with notices and not obstruct local authorities who are exercising their power to enter the premises.

⁴ <https://www.fiscalcommissionni.org/>

- **NEW CLAUSE 3(4): A person who repeatedly commits an offence under subsection (2) is liable -**
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding two years (or to both).

Reason - this clause would prevent cases where works are not undertaken due to the owner preferring to pay the fine when the time and cost to repair the building is more than the fine. A prison sentence and/or higher fines for repeated offences would reduce the number of buildings that have been left in need of maintenance for longer periods of time.

- **NEW CLAUSE 4(6): Where a building owner fails to respond to a dilapidation notice under subsection (2)(b), the council may provide an additional notice notifying the owner of their intent to demolish the building. If the owner fails to respond to the notice, the council may proceed with carrying out maintenance or demolishing the building. (We understand that this may require a new section detailing more information on such a notice.)**

Reason - this clause would allow councils to take action if an owner is not responding to any notice on the building. Unless stated in other legislation, we are concerned that there is no way for a council to ensure a building is demolished or remediated if an owner is not aware they have been served a notice or are consciously choosing to ignore it.

- **NEW CLAUSE 5(2f) in a case where the owner has already organised repairs, but the timeframe is scheduled later than the period within the notice or the repairs have been delayed at no fault of the owner.**

Reason - this will prevent an owner who has already paid for repairs from having to seek an alternative company to undertake repairs, effectively paying twice when repairs were already set to happen.

- **AMENDED CLAUSE: Replace existing Clause with 16(1) "To enable a district council to exercise a function under this Act in relation to land in its district, the council may by notice in writing require a person ("P") who occupies the land, manages the land, or who (directly or indirectly) receives rent for it, to give the council the information specified in the notice**

within the period so specified. A district council may also by notice in writing requiring a person who has previously occupied, managed, sold or received rent for the land.

Reason - this expands the number of people who councils can acquire information from. If the current ownership or management is not known, being able to contact previous owners or property agents who sold the property would help in identifying the current ownership or management of the building.

- **REMOVE CLAUSE 16(4)**

Reason - as mentioned in our response, the existing clause could enable beneficial owners to hide their identity indefinitely as long as each time they pay the fine to alleviate legal charges. This would open Northern Ireland up to potential money laundering and other criminal activity.

- **NEW CLAUSE 20(4): The Department must undertake a review of the guidance at regular intervals and consider how local authorities are interpreting the guidance with the aim of ensuring consistency of enforcement.**

Reason - the need for the Department to review the guidance and how it has been interpreted by local authorities can help highlight cases where the guidance is poorly understood or where individual local authorities are not utilising it effectively. This will support the objective of more consistent guidance.

- **NEW SCHEDULE 3: Definitions of Local Detriment (as we have set out in paragraphs 4 and 5 of our response)**

Reason – setting out an explicit definition with categories and scales will help to create consistent enforcement across Northern Ireland. As the Department of Agriculture, Environment and Rural Affairs has stated, local authorities are not confident in using their powers to tackle dilapidated buildings. This new clearer definition will give them more confidence to do so.