



**DERELICT SITES
ACT 1990**

Practitioners should be aware of the Derelict Sites Act 1990 which came into effect on the 27th of June 1990.

The Act provides a definition of a “derelict site” and imposes a general duty upon the owner or occupier of any land to take all reasonable steps to ensure that the land does not become or continue to be “a derelict site”.

The Act goes on to provide that within one year after its commencement all local authorities shall compile and maintain a register of all derelict sites within their area. This register shall contain certain particulars of each derelict site such as the name of the owner or occupier (if they can be located), the exact location of the site, its market value and any action which the authority has envisaged in relation to it. Once such an entry is made in the register the owner or the occupier of the land shall be notified. The local authority may then serve a notice upon the owner or occupier of the derelict site obliging him to take whatever action is thought necessary in relation to it.

Among the powers given to local authorities under the Act is the power to enter upon land for the purposes of determining whether it should be entered on the register of Derelict Sites, and power to compulsorily acquire any derelict site.

Local authorities are obliged to levy and collect a charge to be known as a “derelict sites levy” from the owner of all derelict sites within their area. The Act provides that this levy, and interest on it, shall be a charge on the land to which it relates.

Once land which is entered on the Register of Derelict Sites is transferred from one person to another it shall be the duty of both transferor and transferee to notify the authority of the change of ownership within 4 weeks of it taking place. In the case of a transmission on death it shall be the duty of the person acquiring the land to notify the authority within 6 months of the transfer, and the duty of the personal representative to notify it within 2 months of the Grant of Representation issuing.

Practitioners acting for Purchasers of any lands capable of or likely to be affected by the Act should raise a Requisition on Title as to whether the lands are entered in the Register of Derelict Sites and, if so, should seek evidence as to the requirements of the local authority in relation to the lands, and evidence of the payment of any Derelict Sites Levies.