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cc. PS/Ministers (B&L)
PS/PUS (B&L)
PS/Sir Ewart Bell
NI Perm Secs
Mr ~~Brown~~
Mr Brennan
Mr Angel
Mr Buxton
Mr Gilliland
Mr Merifield
Mr Abbott
Mr Coulson
Mr Edis
Mr Russell
Mr Sullivan
Mr Bickham

E. R.

PS/Secretary of State (B&L)

SINN FEIN

1. Arising out of the review of policy on contacts with Sinn Fein officials recently reported to the Secretary of State on possible action to limit the facilities of Sinn Fein including the scope for (a) action against illegal occupation etc of property and (b) displacement of Sinn Fein's advice services by statutory or legitimate voluntary agencies. The Secretary of State requested further information on a number of points and this is set out below.

ACTION AGAINST ILLEGALITIES

Illegal occupation

2. The present position in relation to illegal occupation is set out in Appendix 1 which shows that there are 4 NIHE properties in Belfast illegally occupied by SF. In one of these tenders are currently being sought for demolition and SF is expected to move without difficulty; in another demolition cannot be started until the Autumn, when replacement facilities which are now under construction will be completed. In the other 2 cases (both of which are for commercial rather than housing development and neither of which is due to be redeveloped in the immediate future) NIHE has commenced enforcement action through the Enforcement of Judgements Office (EJO) with a view to subsequent demolition. Progress therefore depends on the ability and willingness of the EJO to take action on the ground. Past experience suggests that this would prove difficult and there is general agreement that heavy-handed legal action would be counter-productive. Information about the legal process for repossession of NIHE property under the Land Clauses Consolidation Act 1845 is also given in Appendix 1.

Planning position

3. Appendix 3 lists the SF Advice Centres which are known to DOE to be operating without planning permission. A number of these

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would be given permission if proper application was made while others would be refused. The Department has been in contact with the centres in Enniskillen and Lisnaskea and while agents have promised to submit applications for planning permission none has so far done so. Enforcement action has not been initiated in respect of any of these centres, partly because of doubts as to the practicability of such action but also because there are genuine fears amongst the Department's Planning Staff about their involvement in such action.

Rents and Rates

4. In his minute of 3 February Mr Bickham raised several issues relating to the non-payment of rents and rates on properties currently used by Sinn Fein. Appendix 2 summarises the NI Housing Executive's policy in this matter and the Department of the Environment supports the Executive's present practice of not seeking use and occupation payments from SF. The Department feels that to force the Executive into the front line of taking action against SF, especially in the absence of a concerted drive against the party on a wide front, would produce major difficulties for the day-to-day administration of the Executive and could well be counter productive in terms of its effect on the public image of Sinn Fein.

5. The possibility of seizing SF's assets by way of payment raises the difficult question as to whether Advice Centres are in themselves legal entities. This depends to some extent on the way SF is organised - eg are local Advice Centres the responsibility of local branches or are they responsible to some central organisation? It is felt moreover that SF is likely to use any legal proceedings to stir up anti-government feeling. They are also likely to ignore planning enforcement notices, to refuse to pay any fines imposed on them and to maximise opposition to the physical enforcement of any judicial decision.

6. There seems little more that can usefully be done on these fronts that will not be counter-productive and put officials at greater risk. There is no doubt that SF would ensure the maximum publicity for any attempt to evict them etc and in such a situation we are unlikely to get the better of their propaganda. In practical terms even a successful eviction would only mean that SF would promptly move into the nearest vacant property. We doubt

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therefore if such action would have much impact on SF's ability to function, and is most unlikely to lessen support for them - indeed there is every likelihood of it having the opposite effect.

DHSS INFORMATION SERVICE

7. Mr Patten is considering the implications of improving the DHSS information and advice services and will be reporting to the Secretary of State in due course.



P CARVILL

Central Secretariat

14 March 1984

/JH

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ILLEGAL OCCUPATION

1. The present position in relation to the properties listed at Appendix 1 of Mr Barry's minute of 23 January 1984 is as follows:-

- (a) 6 FARSET PATH
DIVIS
- Tenders are now being sought by NIHE for demolition of the Farset Block which is scheduled in the Spring. SF will move without difficulty. This demolition cannot be speeded up.
- (b) 14 GLENALINA ROAD
BALLYMURPHY
- The old shops at Ballymurphy cannot be demolished until the new ones are built. These are under construction and will be completed by the Autumn when the old shops will be demolished. Again this demolition cannot be speeded up.
- (c) 201 BROMPTON PARK
ARDOYNE
- Previously the Sanders Club this has been squatted in by SF since 1976 and no action has been taken by NIHE because the site is unsuitable for housing, has been zoned for commercial development but there is no evidence of any commercial interest. Since SF occupation is not standing in the way of housing development NIHE has taken the view that action to repossess would be counter-productive but NIHE has now initiated action under the Land Clauses Consolidation Act 1845 (the 1845 Act).
- (d) 28 BOND STREET
MARKETS
- This is in a terrace of 11 houses, 5 of which are occupied. The land is scheduled for commercial development when the occupants are rehoused. Demolition is not planned before May 1985. NIHE

has initiated action in this case against the
5 squatters.

2. A copy of the Notice which the NIHE issues under the 1845 Act is attached. This can only be used in redevelopment areas. Refusal to comply with this Notice within 4 weeks leads to a Warrant for Possession being issued to the Enforcement Court (the Enforcement of Judgements Office) with a cheque for £100.00. Enforcement is then a matter for EJO. Following an unsuccessful attempt by EJO to evict squatters in West Belfast some 18 months ago the EJO has not enforced warrants for possession in difficult areas.
3. In summary therefore:-
 - (a) demolition cannot be speeded up at 6 Farset Path or 14 Glenalina Road;
 - (b) demolition can only be speeded up at 201 Brompton Park and 28 Bond Street when enforcement action is taken by EJO on Warrants for Possession to remove SF in the case of Brompton Park, and SF plus 4 other squatters in the case of Bond Street;
 - (c) warrants can be issued by the NIHE within a matter of days of failure to comply (within 4 weeks) with a notice under the 1845 Act; and
 - (d) previous experience indicates that EJO would regard Ardoyne and the Markets as difficult areas and unless pressed would be unlikely to act.

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In the Matter of the Housing Acts (Northern Ireland) 1890-1971

and

In the Matter of the Local Government Act (Northern Ireland) 1934

and

In the Matter of the Lands Clauses Consolidation Act 1845 Section 91

BETWEEN: The Northern Ireland Housing Executive Applicant

and

Respondent

NOTICE

TO:
.....
.....

I, in the County of in the
name and behalf of the Northern Ireland Housing Executive demand and require
you on or before the day of 198 to quit and
deliver up possession of the lands and premises set out in the Schedule hereto.
All that and those the lands and premises situate at and known as
..... situate in the Townland of
Parish of Barony of in the County of
..... set out on the map hereto annexed and thereon edged in red,
acquired by the Northern Ireland Housing Executive by Vesting Order made by the
Department of Housing Local Government and Planning for Northern Ireland on
the day of 197 and which was operative on
the day of 197 which said lands and
premises are now in your occupation. In case of any refusal or neglect on
your part to comply with this Notice a Warrant for possession will be issued
by the said Northern Ireland Housing Executive, pursuant to Section 91 of the
Lands Clauses Consolidation Act 1845 without further notice.

DATED this day of 198

Signed
for and behalf of the
Northern Ireland Housing Executive

RENT AND RATES ARREARS

1. The NIHE normally seeks use and occupation payments (equal to the normal rent and rates charge) from illegal occupants of its property. The courts have held that an illegal occupant paying for use and occupation has a revocable licence to occupy the property.
2. In these circumstances the NIHE takes the view that to accept use and occupation payments from SF would give a semblance of legality to SF's occupation of NIHE property (NIHE does not grant tenancies to political parties in any event). If payments were sought from SF and not made then recovery would present a number of difficulties viz -
 - a) to obtain a court order for the recovery of arrears the NIHE would have to be represented in the court. It would be difficult, if not impossible, to ensure that the summons to appear at court was served on the appropriate representatives of SF. There would be the dangers attendant on any personal service of any summons etc and the RUC is not overkeen to become involved in enforcement duties as pointed out in Appendix 2 to Mr Barry's minute of 23 January;
 - b) while the NIHE can have an order made for the attachment of an individual's income the attachment of SF's finances would be a very much more difficult exercise; and
 - c) whilst the courts may order the seizure of assets in an arrears case it is more usual for a court order to provide for payment of arrears in instalments - in any event this could still prove a fruitless exercise if SF had no assets to be seized to cover the arrears outstanding.
3. In the circumstances DOE supports the NIHE's present practice of not seeking use and occupation payments from SF. DOE would not wish to

see this approach changed unless there was going to be concerted action against SF in a number of directions. To isolate the NIHE as "taking on" SF would be counter-productive.

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SIMN FEIN ADVICE CENTRES

Location	Planning Status	Would Planning permission be likely to be refused or granted	Remarks
<u>LONDONDERRY</u>			
1 15 Cable Street	Planning permission not sought	Refused	Listed in Telephone Directory
2 45 Central Drive	"	Granted	Listed in Telephone Directory
3 66 Racecourse Rd	"	Refused	Not listed in Telephone Directory
4 29 William Street	"	Refused	Not listed in Telephone Directory
<u>ENNISKILLEN</u>			
5 7 Market Street	"	Granted	Not listed in Telephone Directory. Agent promised to submit application for planning permission but has not done so despite reminders.
<u>LISNASKEA</u>			
6 51 Main Street	"	Granted	Not listed in Telephone Directory. Agent promised to submit application for planning permission but has not done so despite reminders.
<u>CARRICKMORE</u>			
7 Creggan Road	"	?	Listed in Telephone Directory. Precise location not known.
<u>NEWRY</u>			
8 12 Francis St	"	Granted	Listed in Telephone Directory
<u>CARNLOUGH</u>			
9 5 Main Street	"	Granted	Listed in Telephone Directory

SINN FEIN ADVICE CENTRES contd

Location	Planning Status	Would Planning permission be likely to be refused or granted	Remarks
<u>BELFAST</u>			
10 51 Falls Road	Planning permission not sought	Granted	Listed in Telephone Directory
11 147 Andersonstown Rd	"	Granted	Not listed in Telephone Directory. No precise information that it is an advice centre.

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