



# Housing Act 1957

## 1957 CHAPTER 56

### PART V

#### PROVISION OF HOUSING ACCOMMODATION

##### *General powers and duties of local authorities*

#### **91 Periodical review of housing conditions by local authorities**

It shall be the duty of every local authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under Part I of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses, distinguishing those houses which the authority proposes to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

#### **92 Mode of provision of accommodation**

- (1) A local authority may provide housing accommodation—
- (a) by the erection of houses on any land acquired or appropriated by them,
  - (b) by the conversion of any buildings into houses,
  - (c) by acquiring houses,
  - (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

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- (2) The local authority may alter, enlarge, repair or improve any house so erected, converted or acquired.
- (3) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house is erected under the enactments relating to housing, whether with or without financial assistance from the Government, to secure—
  - (a) that a fair wages clause complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts for Government departments is inserted in all contracts for the erection of the house, and
  - (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.
- (4) For the purposes of this Part of this Act " provision of housing accommodation" includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

### **93 Supplementary powers of providing buildings or land in connection with provision of accommodation**

- (1) The powers of a local authority under this Part of this Act to provide housing accommodation shall include a power (either by themselves or jointly with any other person) to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.
- (2) The Minister, in giving his consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.
- (3) The powers of the London County Council and of a metropolitan borough council under this Part of this Act to provide housing accommodation shall include also a power to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building or part of a building adapted for use for any commercial purpose:

Provided that the powers conferred by this subsection shall not be exercised outside the administrative county of London except with the consent of the council of the borough or district concerned.

### **94 Power to provide furniture**

A local authority may fit out, furnish and supply any house erected, converted or acquired by them under section ninety-two of this Act with all requisite furniture, fittings and conveniences and may sell, or supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, may buy furniture.

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In this subsection " hire-purchase agreement" has the same meaning as in the Hire Purchase Act, 1938.

#### **95 Power to provide board and laundry facilities**

- (1) The power of a local authority under this Part of this Act to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and refreshments and such facilities for doing laundry, and such laundry services as accord with the needs of those persons, and the local authority may make such reasonable charges for meals and refreshments provided by virtue of this subsection and such reasonable charges to persons availing themselves of facilities for doing laundry or laundry services so provided as the authority may determine.
- (2) A justices' licence under the Licensing Act, 1953, for the sale of intoxicating liquor in connection with the provision of facilities for obtaining meals and refreshments under this section shall only authorise the sale of such liquor for consumption with a meal, and a local authority shall in carrying on any activities under this section be subject to all enactments and rules of law relating thereto, including enactments relating to the sale of intoxicating liquor, in like manner as other persons carrying on the like activities.

#### **96 Power of local authority to acquire land for provision of accommodation**

A local authority shall have power under this Part of this Act—

- (a) to acquire any land, including any houses or buildings thereon, as a site for the erection of houses,
- (b) to acquire houses, or buildings which may be made suitable as houses, together with any lands occupied with the houses or buildings, or any estate or interest in houses or in buildings which may be made suitable as houses,
- (c) to acquire land (including houses or other buildings) proposed to be used for any purpose authorised by sections ninety-three or ninety-five of this Act, whether or not the land forms part of a site for the erection of houses,
- (d) to acquire land for the purpose of the carrying out thereon by them of works for the purpose of, or connected with, the alteration, enlarging, repair or improvement of an adjoining house,
- (e) to acquire land for the purpose of the sale or lease of the land under the powers conferred by paragraph (a) of subsection (1) and by subsection (2) of section one hundred and five of this Act.

#### **97 Procedure for acquiring land**

- (1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement, or they may be authorised to purchase land compulsorily for those purposes by the Minister; and the Seventh Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) A local authority may, with the consent of, and subject to any conditions imposed by, the Minister, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes:

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Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

**98 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes**

Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under this Part of this Act and have acquired the right to enter on and take possession of the house by virtue of having served a notice under paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, the local authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed; and accordingly where the authority proceed in the manner authorised by this section,—

- (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so; and
- (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this subsection ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.

**99 Appropriation of land for provision of accommodation**

A local authority may appropriate for the purposes of this Part of this Act any houses or land which may be for the time being vested in them, or at their disposal, subject—

- (a) in the case of land other than land for the time being vested in them in their capacity as a local educational authority for the purposes of any of their functions under the Education Act, 1944, to obtaining the consent of the Minister, and
- (b) in the case of land for the time being vested in them in their capacity as a local education authority for the said purposes, to obtaining the consent both of the said Minister and of the Minister of Education.

**100 Power to make allowances to persons displaced by purchase under Part V**

A local authority may pay to any person displaced from a house or other building which has been purchased by them under this Part of this Act such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building they may pay also such reasonable allowance as they think fit towards losses which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been

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expected to be available for the purposes of his trade or business and the availability of other premises suitable for that purpose.

### **101 Power of entry on land to be purchased by agreement or appropriated for the purposes of Part V**

- (1) Where a local authority—
  - (a) have agreed to purchase land for the purposes of this Part of this Act, or
  - (b) have determined to appropriate land for those purposes,subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent.
- (2) The exercise of a local authority's power under the foregoing subsection shall be subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

### **102 Land in New Forest**

The provision of houses under this Part of this Act shall be deemed to be a local sanitary requirement for the purposes of the New Forest (Sale of Land for Public Purposes) Act, 1902:

Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

### **103 Power to acquire water rights for houses provided**

- (1) A local authority or a county council may, notwithstanding anything in sections three hundred and thirty-one, three hundred and thirty-three or three hundred and thirty-four of the Public Health Act, 1936, but subject to the provisions of subsection (2) of section one hundred and sixteen and section one hundred and seventeen of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided under this Part of this Act, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of this Part of this Act:

Provided that no local authority or county council shall be authorised under this section to abstract any water which any local authority, corporation, company or person are empowered by Act of Parliament to impound, take or use for the purpose of supply

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within any area, or any water the abstraction of which, in the opinion of the Minister, would injuriously affect the working or management of any canal or inland navigation.

- (2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided shall be treated as part of the expenses of providing those houses.

#### **104 Power of disposing of houses provided under Part V**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose in regard to the maintenance or use of the houses, and upon any such sale or on the grant of any such lease they may, if they think fit, agree to the price or any premium being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.
- (2) For the purposes of the foregoing subsection the consent of the Minister may be given generally either to all local authorities or to any local authority or authorities and either in relation to all houses or to any house or houses, and may be given subject to such conditions as the Minister thinks expedient as to the price or rent to be obtained or otherwise as to the exercise of any powers of the authority under this section in connection with the sale or lease.
- (3) On the sale of a house in accordance with this section (not being a sale to a local authority, county council, development corporation, housing association or housing trust subject to the jurisdiction of the Charity Commissioners) a local authority may in any case, and shall if so required by the Minister, impose conditions—
- (a) limiting the price at which the house may be sold during any period not exceeding five years from the completion of the sale,
  - (b) limiting the rent at which the house may be let to the limit imposed by section twenty of the Rent Act, 1957, during any such period,
  - (c) precluding the purchaser (including any successor in title of his and any person deriving title under him or any such successor) from selling or letting the house during any such period unless he has notified the authority of the proposed sale or letting and offered to resell or sell the house to them and the authority have refused the offer or have failed to accept it within one month after it is made, and prescribing or providing for the determination of the price to be paid in the event of the acceptance of such an offer.
- (4) Where a house has been sold by a local authority subject to any such condition as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection the following enactments, that is to say—
- (a) section seven of the Building Materials and Housing Act, 1945 (which, as amended by section forty-three of the Housing Act, 1949, imposes penalties for breach of certain conditions of building licences),
  - (b) paragraphs (a) and (b) of subsection (3) and subsection (4) of section nine of that Act (which contains supplementary provisions for ascertaining when a house is sold or let, or sold or let at an excessive price or rent), and
  - (c) subsection (6) of section forty-three of the Housing Act, 1949 (which relates to the jurisdiction of justices to try offences under the said section seven),

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shall apply as if the house were constructed under the authority of a building licence granted subject to the like condition, and for that purpose shall have effect as if for the reference in the said section seven (as amended as aforesaid) to the period of eight years beginning with the passing of the said Act of 1945 there were substituted a reference to the period specified in the condition.

- (5) Where any such condition as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of subsection (3) of this section is imposed on the sale of a house by a local authority, the condition shall be registered in the register of local land charges by the proper officer of the local authority in such manner as may be specified by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, but without prejudice to the registration under section ten of that Act of any condition being an estate contract within the meaning of that Act.
- (6) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (7) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.

#### **105 Other powers of dealing with land acquired or appropriated for provision of accommodation**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister—
  - (a) sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect thereon in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings,
  - (b) sell the land or part thereof, or exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange.
- (2) Where a local authority have acquired any land with a view to the carrying out on the land by a person other than the local authority of works for the purpose of, or connected with, the alteration, enlargement, repair or improvement of an adjoining house, they may, with the consent of the Minister, sell or lease the land to any person for the purpose and under the condition that that person will carry out thereon, in accordance with plans approved by the authority, those works.
- (3) Land sold or leased under the provisions of this section, other than land sold or leased with houses, shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.

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- (4) Where a local authority acquire a building which may be made suitable as a house, or an estate or interest in such a building, they shall forthwith proceed to secure that the building is so made suitable either by themselves executing any necessary work or by leasing it or selling it to some person subject to conditions for securing that he will so make it suitable.
- (5) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (6) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.

#### **106 Power of Minister to impose conditions on sale of houses and land**

If any house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is with the consent of the Minister sold by them or leased by them under either of the two last foregoing sections he may in giving consent impose such conditions as he thinks just.

#### **107 Powers relating to development of land**

A local authority may lay out and construct public streets or roads and open spaces on land acquired or appropriated by them for the purposes of this Part of this Act and where they sell or lease land under the foregoing provisions of this Part of this Act they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

#### **108 Execution of works in connection with housing operation by local authority outside their own area**

- (1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the council of the county, borough or district in which the operations are being carried out, as to the terms and conditions on which any such works are to be executed.
- (2) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any houses which were constructed in accordance with the plans and specifications approved by the Minister.



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## **109 Responsibility for roads constructed by local authority outside their own area**

- (1) Where housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall, subject to the provisions of this section, vest in the council of the borough or district in which the operations were carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.
- (2) The foregoing subsection shall not apply to the liability to maintain a public street or road in a rural district constructed and completed, by a local authority other than the council of the district for the purposes of housing operations under this Part of this Act, but that liability shall, unless the council of the county comprising the rural district are, or on appeal the Minister is, satisfied that the street or road has not been properly constructed in accordance with the plans and specifications approved by the Minister, vest in the council of the county.
- (3) If the council of a rural district are under a liability to maintain a street or road, being a liability which vested in them by virtue of subsection (2) of section eighty-one of the Housing Act, 1936, or the corresponding provisions of an enactment repealed by that Act, and the council of the county comprising the rural district are, or on appeal the Minister is, at any time satisfied that the street or road has been brought into a proper state of construction and repair, the liability to maintain it shall be transferred to and vested in the county council.
- (4) Where housing operations under this Act have been carried out by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

## **110 Adjustment of differences between local authorities as to carrying out proposals**

Where the Minister approves proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Minister, and the Minister's decision shall be final and binding upon the authorities.