



Housing Act 1957

1957 CHAPTER 56

PART II

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES

Unfit premises beyond repair at reasonable cost

23 Demolition orders: enforcement

- (1) Subject to the provisions of this Part of this Act, when a demolition order under this Part of this Act has become operative, the owner or owners of the premises to which it applies shall demolish those premises within the time limited in that behalf by the order; and if the premises are not demolished within that time, the local authority shall enter and demolish the premises and sell the materials thereof.
- (2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the premises or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.
- (3) Any surplus in the hands of the authority shall be paid by them to the owner of the premises, or if there is more than one owner, shall be paid as those owners may agree.

If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the premises, and section sixty-three of the Trustee Act, 1925 (which relates to payment into court by trustees), shall have effect accordingly.
- (4) The county court within the jurisdiction of which the premises are situate shall have jurisdiction to hear and determine any proceedings under subsection (2) of this section,

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and shall have jurisdiction under section sixty-three of the Trustee Act, 1925, in relation to any such surplus as is mentioned in subsection (3) of this section.

- (5) A county court judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any premises, shall have regard to their respective interests in the premises, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.