



# 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*

#### **16 Power of local authority to accept undertaking as to reconstruction or use of unfit house**

- (1) Where a local authority, on consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house—
  - (a) is unfit for human habitation, and
  - (b) is not capable at a reasonable expense of being rendered so fit,they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them.
- (2) Every person upon whom such a notice is served under subsection (1) of this section shall be entitled to be heard when the matter is so taken into consideration.
- (3) A person upon whom such a notice is served under subsection (1) of this section shall, if he intends to submit an offer with respect to the carrying out of works,—
  - (a) within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer, and
  - (b) within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.

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- (4) The local authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.
- (5) Nothing in the Rent Acts shall prevent possession being obtained of any premises by any owner thereof in a case where an undertaking has been given under this section that those premises shall not be used for human habitation.
- (6) Any person who knowing that an undertaking has been given under this section that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.
- (7) In this section references to a house include references to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same inclosure for a period of two years next before action is taken under this Part of this Act.

**17 Duty of local authority to make demolition or closing order or to purchase house where no undertaking is accepted**

- (1) If no such undertaking as is mentioned in the last foregoing section is accepted by the local authority, or if, in a case where they have accepted such an undertaking,—
  - (a) any work to which the undertaking relates is not carried out within the specified period, or
  - (b) the premises are at any time used in contravention of the terms of the undertaking,

then, subject to the provisions of this section, the local authority shall forthwith make a demolition order for the demolition of the premises to which the notice given under the last foregoing section relates:

Provided that if in the case of any house the local authority consider it inexpedient to make a demolition order having regard to the effect of the demolition of that house upon any other house or building, they may make a closing order as respects that house instead of a demolition order.

- (2) Where a local authority would under the foregoing subsection be required to make a demolition or closing order in respect of a house they may, if it appears to them that the house is or can be rendered capable of providing accommodation which is adequate for the time being, purchase the house instead of making a demolition or closing order.
- (3) If in the case of any house—
  - (a) a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947, is in force as respects that house, or
  - (b) the house is included in a list compiled or approved under section thirty of that Act by the Minister, or
  - (c) a notice is in force given by the Minister to the local authority and stating that the architectural or historic interest of the house is sufficient to render

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it inexpedient that the house should be demolished pending determination of the question whether or not it should be made the subject of such a building preservation order as aforesaid or included in such a list as aforesaid, subsection (2) of this section shall not apply and the order to be made under subsection (1) of this section shall be a closing order and not a demolition order.

## **18 Power to make a closing order as to part of a building**

- (1) A local authority may under the foregoing provisions of this Part of this Act take the like proceedings in relation to—
- (a) any part of a building which is used, or is suitable for use, as a dwelling, or
  - (b) any underground room which is deemed for the purposes of this section to be unfit for human habitation,

as they are empowered to take in relation to a house subject, however, to this qualification that in circumstances in which, in the case of a house, they would have taken action under the last foregoing section (whether by making a demolition or closing order or by purchasing the house) they shall make a closing order as respects the part of the building or, as the case may be, as respects the room.

- (2) Subject to the provisions of section four of this Act as to the circumstances under which a house is to be deemed unfit for human habitation, a room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within nine feet of the room, shall for the purposes of this section be deemed to be unfit for human habitation, if either—
- (a) the average height of the room from floor to ceiling is not at least seven feet, or
  - (b) the room does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia or exhalation:

Provided that, if the local authority, after being required to do so by the Minister, fail to make regulations, or such regulations as the Minister approves, the Minister may himself by statutory instrument make regulations which shall have effect as if they had been made by the local authority with the consent of the Minister.

## **19 Service of notice of demolition or closing order or intention to purchase**

Where a local authority—

- (a) have made a demolition or closing order under either of the two last foregoing sections, or
- (b) have determined to purchase a house under the former of those sections,

they shall serve a copy of the order or, as the case may be, a notice of their determination to purchase the house on every person on whom they would be required under subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

## **20 Right of appeal against demolition order, etc.**

- (1) Any person aggrieved by—
- (a) a demolition or closing order made under this Part of this Act, or

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(b) a notice of the determination of a local authority to purchase a house served under the last foregoing section, may, within twenty-one days after the date of the service of the order or notice, appeal to the county court within the jurisdiction of which the premises to which the order or notice relates are situate, and no proceedings shall be taken by the local authority to enforce any order or notice in relation to which an appeal is brought before the appeal has been finally determined.

- (2) No appeal shall lie under this section at the instance of a person who is in occupation of the premises to which the order or notice relates under a lease or agreement of which the unexpired term does not exceed three years.
- (3) On an appeal to the county court under this section the judge may make such order either confirming or quashing or varying the order or notice as he thinks fit and may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the local authority under this Part of this Act:

Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section sixteen of this Act was served an undertaking to carry out any works unless the appellant complied with the requirements of subsection (3) of that section.

## **21 Content of demolition order**

A demolition order made under this Part of this Act with respect to any premises shall require—

- (a) that the premises shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and
- (b) that the premises shall be demolished within six weeks after the expiration of that period, or, if the premises are not vacated before the expiration of that period, within six weeks after the date on which they are vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify.

## **22 Demolition orders: recovery of possession of building to be demolished**

- (1) Where a demolition order under this Part of this Act has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
- (a) stating the effect of the order, and
- (b) specifying the date by which the order requires the building to be vacated, and
- (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a magistrates' court and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the

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building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

- (3) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.
- (4) Any person who, knowing that a demolition order under this Part of this Act has become operative and applies to a building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (5) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

## **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, 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.

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## **24 Demolition orders: power to permit reconstruction of condemned house**

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of the last foregoing section to demolish it, in order that the said owner may have an opportunity of carrying out the works.
- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under this Part of this Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

## **25 Demolition orders: cleansing before demolition**

- (1) If it appears to the local authority that premises to which a demolition order made under this Part of this Act applies require to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which it becomes operative in relation to the premises, serve notice in writing on the owner or owners of the premises that the authority intend to cleanse them before they are demolished.
- (2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the premises and they have been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the premises have been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from the receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition whether the work has then been completed or not.

- (3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section twenty-three of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

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## **26 Demolition orders: substitution of closing order in case of house included in building preservation order, etc.**

Where a house with respect to which a demolition order made under this Part of this Act by a local authority applies (whether or not that order has become operative) becomes one to which paragraph (a), (b) or (c) of subsection (3) of section seventeen of this Act applies, the local authority shall determine the demolition order and make a closing order as respects the house ; and the local authority shall serve notice that the demolition order has been determined and a copy of the closing order on every person on whom they would be required by subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

## **27 Closing orders: general provisions**

- (1) A closing order shall be an order prohibiting the use of the premises as respects which the order is made for any purpose other than a purpose approved by the local authority, and any person who, knowing that a closing order has become operative and applies to any premises, uses those premises in contravention of the order, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.
- (2) The approval of the local authority under the foregoing subsection shall not be unreasonably withheld and they shall determine the order on being satisfied that the premises as respects which it was made have been rendered fit for human habitation.
- (3) Any person aggrieved by—
  - (a) the withholding of approval by the local authority of any use of the premises to which the closing order relates, or
  - (b) a refusal by the local authority to determine the closing order,may, within twenty-one days after the refusal, appeal to the county court within the jurisdiction of which the premises to which the closing order relates are situated.
- (4) No appeal shall lie under paragraph (b) of the last foregoing subsection at the instance of a person who is in occupation of the premises to which the closing order relates under a lease or agreement of which the unexpired term does not exceed three years.
- (5) Nothing in the Rent Acts shall prevent possession being obtained by the owner of premises in a case where a closing order under the proviso to subsection (1) of section seventeen or under section eighteen of this Act is in force in respect thereof.

## **28 Closing orders: substitution of demolition order**

Where a local authority have made a closing order under the proviso to subsection (1) of section seventeen of this Act, they may at any time revoke it and make a demolition order; and, when the demolition order has been made, the provisions of this Act relating to demolition orders (including the provisions relating to the service of copies of demolition orders and to appeals against demolition orders) shall apply as if the demolition order had been made under the said section seventeen.

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## **29 Provisions as to purchase of condemned houses**

- (1) At any time after a notice of the determination of a local authority to purchase a house under section nineteen of this Act has become operative, the local authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the First Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district but the payment of compensation on a compulsory purchase in pursuance of this section shall be without prejudice to the making of such payment, if any, in respect of the compulsory purchase as is authorised by sections thirty and thirty-one of this Act.
- (3) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing accommodation of a standard which is adequate for the time being pending its demolition by the authority.
- (4) In respect of any house purchased under this section the local authority shall have the like powers as they have in respect of houses provided under Part V of this Act, and section six of this Act shall not apply to a contract for the letting by a local authority of any such house.

## **30 Payments in respect of condemned houses which have been well maintained**

- (1) Within three months of the service by a local authority under section nineteen of this Act of a copy of a demolition order or of a notice of their determination to purchase a house any person may represent to them that the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense.
- (2) This section shall apply to a closing order made under the proviso to subsection (1) of section seventeen of this Act as it applies to a demolition order.
- (3) If—
  - (a) the house is vacated in pursuance of the demolition or closing order or purchased compulsorily in pursuance of the notice, and
  - (b) leaving out of account any defects in the house in respect of any such matters as are mentioned in paragraphs (b) to (h) of subsection (1) of section four of this Act, the representation made as respects the house is correct,the local authority shall make to the person by whom the representation was made in respect of the house such payment, if any, as is authorised by Part I of the Second Schedule to this Act.
- (4) If, on receiving the representation, the local authority consider that the condition specified in paragraph (b) of the last foregoing subsection is not satisfied they shall serve on the person by whom the representation was made notice that no payment falls to be made to him under that subsection.
- (5) Any person aggrieved by a notice under the last foregoing subsection may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the house to which the notice relates is situated, and



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on the appeal to the county court the judge may make such order either confirming or quashing or varying the notice as he thinks fit:

Provided that if the persons who would be entitled to appear and be heard on such an appeal so agree in writing any matter in dispute which might have been the subject of such an appeal shall instead be submitted to arbitration.

- (6) For the purposes of this section a house which might have been the subject of a demolition order under this Part of this Act but which has without the making of such an order been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.
- (7) In this section references to a demolition order do not include such an order in respect of a house already subject to a closing order so far as it affects any part of the house in relation to which a payment under this section or under the Second Schedule to this Act has fallen to be made in respect of the closing order.

### **31 Temporary provisions for payments to owner-occupiers and others**

The provisions of Part II of the Second Schedule to this Act shall have effect as respects payments to be made in certain circumstances in respect of houses affected by action taken under this Part of this Act.

### **32 Payments to persons displaced**

A local authority may pay to any person displaced from a house to which a demolition order made under this Part of this Act, or a closing order, applies, or 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 they may pay also such reasonable allowance as they think fit towards the loss 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, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.