



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

#### *Housing*

#### **8 Safety of certain unoccupied houses etc.**

- (1) If it appears to a local authority (other than a county council and the Greater London Council) that any unoccupied premises in its area in respect of which—
- (a) an undertaking that the premises shall not be used for human habitation is in force by virtue of section 16(4) of the Housing Act 1957 or section 60(2) of the Housing Act 1969; or
  - (b) a closing order is in force by virtue of section 17, 26 or 35 of the Housing Act 1957, section 26 of the Housing Act 1961 or section 60 of the Housing Act 1969,

are not effectively secured against unauthorised entry or are, or are likely to become, a danger to public health, the authority may, after giving to each person who is an owner of the premises not less than 48 hours' notice that it proposes to do so, do such works in connection with the premises as the authority thinks fit for the purpose of preventing unauthorised entry to the premises or, as the case may be, for the purpose of preventing the premises from being a danger to public health.

- (2) References in the preceding subsection to sections 16(4) and 17 of the said Act of 1957 include references to them as applied by section 18 of that Act.
- (3) The preceding provisions of this section shall have effect, in relation to any area which in pursuance of section 40 of the Housing Act 1969 or section 49 of the Housing Act 1974 is for the time being declared by the Greater London Council to be a general improvement area or a housing action area, as if in subsection (1) of this section for

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*Status: This is the original version (as it was originally enacted).*

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the words preceding paragraph (a) there were substituted the words " If it appears to the Greater London Council that any unoccupied premises in the area in respect of which—

and for the words " the authority " in both places there were substituted the words " the Council ".

## **9 Byelaws about certain land held in pursuance of Part V of the Housing Act 1957**

A local authority may make byelaws with respect to the use of any land which is held by the authority by virtue of section 93 of the Housing Act 1957 (which contains supplementary powers to provide buildings or land in connection with the provision of accommodation) excluding any land covered by buildings or included in the curtilage of a building or forming part of a highway.

## **10 Revocation of closing order as respects part of premises to which it relates**

(1) Section 27 of the Housing Act 1957 shall have effect with the following amendments, namely—

- (a) at the end of subsection (2) (which among other things requires a local authority to determine a closing order if the authority is satisfied that the relevant premises have been made fit for human habitation) there shall be inserted the words " and shall determine the order so far as it relates to part of the premises on being satisfied that the part has been rendered fit for human habitation ";
- (b) at the end of subsection (3)(b) (which provides for an appeal against a refusal to determine a closing order) there shall be inserted the words " either wholly or as respects part of the premises to which it relates ";
- (c) in subsection (4) (which restricts appeals under subsection (3)(b)) after the word " premises " there shall be inserted the words " or a relevant part of the premises ".

(2) A local authority shall not have power to revoke a closing order and make a demolition order by virtue of section 28 of the said Act of 1957 (which provides that where an authority has made a closing order in pursuance of section 17(1) of that Act instead of a demolition order, the authority may revoke the closing order and make a demolition order) if the closing order has been determined by virtue of the preceding subsection in respect of part of the premises to which the closing order relates.

(3) Where by virtue of subsection (1) of this section a closing order is determined as respects part of the premises to which the order relates and—

- (a) a payment has been made by an authority in respect of the premises in pursuance of section 30 of or Part II of Schedule 2 to the said Act of 1957 or Schedule 5 to the Housing Act 1969 (which relate to payments for well-maintained houses and owner-occupiers); and
- (b) if the order and the payment had related only to that part of the premises any person would by virtue of section 69 of the said Act of 1969 have been liable on demand to repay the payment to the authority,

that person shall on demand pay to the authority an amount equal to the appropriate fraction of the payment.

(4) For the purposes of the preceding subsection the appropriate fraction of a payment is—

- (a) in a case where the payment was not reduced in pursuance of paragraph 4(4) of Schedule 2 to the said Act of 1957 or paragraph 3(1) of Schedule 5 to the said Act of 1969, the fraction obtained by dividing the rateable value of the part of the premises in question at the time when the closing order was made by the rateable value of the premises at that time;
  - (b) in a case where the payment was so reduced, the fraction obtained by dividing the rateable value at that time of so much of the part of the premises in question as was used for the purposes of a private dwelling by the rateable value at that time of so much of the premises as was so used.
- (5) Paragraph 3(1) and (2) of Schedule 2 to the said Act of 1957, as set out in Schedule 4 to the said Act of 1969, shall apply for the purpose of determining the rateable value of premises or a portion of them for the purposes of the preceding subsection as if for references to a house there were substituted references to the premises or portion.