



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

Demolition orders

270 Demolition orders: recovery of possession of building to be demolished.

- (1) Where a demolition order has become operative [^{F1}with respect to any premises], the local housing authority shall serve on [^{F2}any occupier of the premises or any part of the premises] a notice—
 - (a) stating the effect of the order,
 - (b) specifying the date by which the order requires the [^{F3}premises] to be vacated, and
 - (c) requiring him to quit the [^{F3}premises] before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.
- (2) If any person is in occupation of [^{F4}the premises], or any part of [^{F5}them], at any time after the date on which the notice requires [^{F4}the premises] to be vacated, the local housing authority or an owner of [^{F4}the premises] may apply to the county court which shall thereupon order vacant possession of [^{F4}the premises] or part to be given to the applicant within such period, of not less than two or more than four weeks, as the court may determine.
- (3) Nothing in the Rent Acts [^{F6}or Part I of the Housing Act 1988] affects the provisions of this section relating to the obtaining possession of [^{F7}any premises].
- (4) Expenses incurred by the local housing authority under this section in obtaining possession of [^{F7}any premises], or part of [^{F7}any premises], may be recovered by them by action from the owner, or from any of the owners, of [^{F4}the premises].
- (5) A person who, knowing that a demolition order has become operative and applies to [^{F7}any premises]—

Status: Point in time view as at 01/04/2010.

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- (a) enters into occupation of [^{F4}the premises], or a part of [^{F5}them], after the date by which the order requires [^{F5}them] to be vacated, or
 - (b) permits another person to enter into such occupation after that date,
- commits a summary offence and is liable on conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £5 for every day or part of a day on which the occupation continues after conviction.

Textual Amendments

- F1 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(1\)\(a\)](#)
- F2 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(1\)\(b\)](#)
- F3 Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(1\)\(c\)](#)
- F4 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(2\)\(a\)](#)
- F5 Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(2\)\(b\)](#)
- F6 Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 47](#)
- F7 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 18\(2\)\(c\)](#)

271 Demolition orders: execution of order.

- (1) When a demolition order has become operative, the owner of the premises to which it applies shall demolish the premises within the time limited by the order, and if the premises are not demolished within that time the local housing authority shall enter and demolish them and sell the materials.
- (2) Subsection (1) has effect subject to—
 - section 273 (cleansing before demolition),
 - section 274 (power to permit reconstruction), and
 - section 275 (use otherwise than for human habitation).

272 Demolition orders: expenses of local housing authority, &c.

- (1) Expenses incurred by the local housing authority under section 271 (execution of demolition order), after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the premises.
- (2) If there is more than one owner—
 - (a) the expenses may be recovered by the local housing authority from the owners in such shares as [^{F8}a residential property tribunal] may determine to be just and equitable, and
 - (b) an owner who pays to the authority the full amount of their claim may recover from any other owner such contribution, if any, as [^{F9}such a tribunal] may determine to be just and equitable.
- (3) A 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, as the owners may agree.

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- (4) If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall, by virtue of this subsection, be trustees of the surplus for the owners of the premises and section 63 of the ^{M1}Trustee Act 1925 (which relates to payment into court by trustees) has effect accordingly.
- (5) [^{F10}A residential property tribunal has jurisdiction to hear and determine proceedings under subsection (1) (as well as those under subsection (2)), and a county court has] jurisdiction under section 63 of the ^{M2}Trustee Act 1925 in relation to such a surplus as is referred to in subsection (4).
- (6) In determining for the purposes of this section the shares in which expenses are to be paid or contributed by, or a surplus divided between, two or more owners of premises, [^{F11}a tribunal or court] shall have regard to all the circumstances of the case, including—
 - (a) their respective interests in the premises, and
 - (b) their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether express or implied.

Textual Amendments

- F8** Words in s. 272(2) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. [48\(3\)\(a\)](#), [270\(4\)\(5\)](#); [S.I. 2006/1060](#), [art. 2\(1\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))
- F9** Words in s. 272(2) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. [48\(3\)\(a\)](#), [270\(4\)\(5\)](#); [S.I. 2006/1060](#), [art. 2\(1\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))
- F10** Words in s. 272(5) substituted 6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. [48\(3\)\(b\)](#), [270\(4\)\(5\)](#); [S.I.2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))
- F11** Words in s. 272(6) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. [48\(3\)\(c\)](#), [270\(4\)\(5\)](#); [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Marginal Citations

- M1** 1925 c. 19
M2 1925 c. 19.

273 Demolition orders: cleansing before demolition.

- (1) If it appears to the local housing authority that premises to which a demolition order applies require to be cleansed from vermin, they may, at any time between the date on which the order is made and the date on which it becomes operative, serve notice in writing on the owner or owners of the premises that they intend to cleanse the premises before they are demolished.
- (2) Where the authority have served such a notice—
 - (a) they may, at any time after the order has become operative and the premises have been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and
 - (b) the demolition shall not be begun or continued by an owner after service of the notice on him, except as mentioned in subsection (3), until the authority have served on him a further notice authorising him to proceed with the demolition.
- (3) An owner on whom a notice has been served under subsection (1) 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 14 days from the receipt of the notice served by

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him, and at the end of that period shall be at liberty to proceed with the demolition whether the work has been completed or not.

- (4) Where the local housing authority serve a notice under subsection (1), they shall not take action under section 271 (under which they are to demolish the [^{F12}premises] if the owners do not) until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) or (3) to proceed with the demolition.

Textual Amendments

F12 Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 19](#)

274 Demolition orders: power to permit reconstruction of condemned house.

- (1) Where a demolition order has become operative—
- (a) the owner of the [^{F13}premises], or
 - (b) any other person who in the opinion of the local housing authority is or will be in a position to put his proposals into effect,

may submit proposals to the authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the [^{F13}premises], or of buildings including the house.

- [^{F14}(2) If the authority are satisfied that the result of the works will be—
- (a) in the case of a demolition order made under section 265(1) or (2), that the hazard concerned ceases to be a category 1 hazard, or
 - (b) in the case of a demolition order made under section 265(3) or (4), that a prescribed state of affairs exists,

they may, in order that the person submitting the proposals may have an opportunity of carrying out the works, extend for such period as they may specify the time within which the owner of the premises is required under section 271 to demolish them.

- (3) In subsection (2) “prescribed state of affairs” means such state of affairs as may be specified or described in an order made by the Secretary of State.
- (4) An order under subsection (3)—
- (a) may make different provision for different cases or descriptions of case (including different provision for different areas);
 - (b) may contain such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate; and
 - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) That time may be further extended by the authority, once or more often as the case may require, if—
- (a) the works have begun and appear to the authority to be making satisfactory progress, or
 - (b) though they have not begun, the authority think there has been no unreasonable delay.

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- (6) Where the authority determine to extend, or further extend, the time within which the owner of any premises is required under section 271 to demolish them, notice of the determination shall be served by the authority on every person having an interest in the premises or part of the premises, whether as freeholder, mortgagee or otherwise.
- (7) If the works are completed to the satisfaction of the authority they shall revoke the demolition order (but without prejudice to any subsequent proceedings under this Part or Part 1 of the Housing Act 2004).]

Textual Amendments

- F13** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 20(1)**
- F14** [S. 274\(2\)-\(7\)](#) substituted (6.4.2006 for E. and 16.6.2006 for W.) for s. 274(2)-(5) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1)(a), 270(4)(5), **Sch. 15 para. 16**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (Sch.)

[^{F15}274A Effect of certain enforcement action under the Housing Act 2004

A demolition order which has been made in respect of any premises shall cease to have effect if a management order under Chapter 1 or 2 of Part 4 of the Housing Act 2004 comes into force in relation to the premises.]

Textual Amendments

- F15** [S. 274A](#) inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), **Sch. 15 para. 17**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

[^{F16}275 Demolition orders: substitution of prohibition order to permit use otherwise than for human habitation

- (1) If—
 - (a) an owner of any premises in respect of which a demolition order has become operative, or
 - (b) any other person who has an interest in the premises,submits proposals to the local housing authority for the use of the premises for a purpose other than human habitation, the authority may, if they think fit, determine the demolition order and make a prohibition order under section 20 or 21 of the Housing Act 2004 in respect of the hazard concerned.
- (2) The authority shall serve notice that the demolition order has been determined, and a copy of the prohibition order, on every person on whom they are required by Part 1 of Schedule 2 to the Housing Act 2004 to serve a copy of the prohibition order.]

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Textual Amendments

- F16** S. 275 substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 18](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

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