



# Housing Act 1985

## 1985 CHAPTER 68

### PART VI

#### REPAIR NOTICES

##### Modifications etc. (not altering text)

- C1** Pt. VI (ss. 189–208): power to apply certain functions conferred by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 65\(2\)\(a\)\(4\)](#)
- C2** Pt. VI (ss. 189–208) applied (17.12.1996) by [1996 c. 53, s. 90\(a\)](#); [S.I. 1996/2842, art. 3](#)

##### *Repair Notices*

#### **189 Repair notice in respect of unfit [<sup>F1</sup>dwelling-house].**

- (1) [<sup>F2</sup>Subject to subsection (1A)] Where the local housing authority are satisfied that a [<sup>F1</sup>dwelling-house][<sup>F3</sup>or house in multiple occupation] is unfit for human habitation, they shall serve a repair notice on the person having control of the [<sup>F1</sup>dwelling-house][<sup>F4</sup>or house in multiple occupation][<sup>F4</sup>if they are satisfied, in accordance with section 604A, that serving a notice under this subsection is the most satisfactory course of action].

[<sup>F5</sup>(1A) Where the local housing authority are satisfied that [<sup>F6</sup>either a dwelling-house which is a flat or a flat in multiple occupation] is unfit for human habitation [<sup>F6</sup>by virtue of section 604(2)], they shall serve a repair notice on the person having control of [<sup>F6</sup>the part of the building in question if they are satisfied, in accordance with section 604A, that serving a notice under this subsection is the most satisfactory course of action].]

[<sup>F7</sup>(1B) In the case of a house in multiple occupation, a repair notice may be served on the person managing the house instead of on the person having control; and where a notice is so served, then, subject to section 191, the person managing the house shall be regarded as the person having control of it for the purposes of the provisions of this Part following that section.]

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- (2) A repair notice under this section shall—
- (a) require the person on whom it is served to execute the works specified in the notice [F8(which may be works of repair or improvement or both)][F9]and to begin those works not later than such reasonable date, being not earlier than the [F10]twenty-eighth day after the notice is served], as is specified in the notice and to complete those works within such reasonable time as is so specified, and]
  - (b) state that in the opinion of the authority the works specified in the notice will render the [F11]dwelling-house][F8]or, as the case may be, house in multiple occupation] fit for human habitation.
- (3) The authority, in addition to serving the notice
- [F12](a) on the person having control of [F13]the dwelling-house or part of the building concerned][F14]or
  - (b) on the person having control of or, as the case may be, on the person managing the house in multiple occupation which is concerned],
- [F13]shall] serve a copy of the notice on any other person having an interest in [F13]the dwelling-house [F15]part of the building or house] concerned], whether as freeholder, mortgagee, [F13]or lessee].
- (4) The notice becomes operative, if no appeal is brought, on the expiration of 21 days from the date of the service of the notice and is final and conclusive as to matters which could have been raised on an appeal.
- [F16](5) A repair notice under this section which has become operative is a local land charge.]
- [F17](6) This section has effect subject to the provisions of section 190A.]

#### Textual Amendments

- F1** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(1)(b)**
- F2** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(1)(a)**
- F3** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(1)**
- F4** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(1)**
- F5** S. 189(1A) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(2)**
- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(2)(a)(b)(c)**
- F7** S. 189(1B) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(3)**
- F8** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(4)**
- F9** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(3)(a)**
- F10** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(4)**
- F11** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(3)(b)**
- F12** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(5)(a)**
- F13** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 1(4)**
- F14** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 1(5)(b)**

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- F15** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 1\(5\)\(c\)](#)
- F16** [S. 189\(5\) added by Housing Act 1988 \(c. 50, SIF 61\), s. 130\(1\)\(3\), Sch. 15 para. 1\(5\)](#)
- F17** [S. 189\(6\) added by Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 1\(6\)](#)

**190 Repair notice in respect of [<sup>F18</sup>dwelling-house][<sup>F19</sup>or house in multiple occupation] in state of disrepair but not unfit.**

- (1) [<sup>F20</sup>Subject to subsection (1B)] Where the local housing authority—
- (a) are satisfied that a [<sup>F18</sup>dwelling-house][<sup>F19</sup>or house in multiple occupation] is in such a state of disrepair that, although not unfit for human habitation, substantial repairs are necessary to bring it up to a reasonable standard, having regard to its age, character and locality, or
  - (b) are satisfied [<sup>F21</sup>whether] on a representation made by an occupying tenant [<sup>F21</sup>or otherwise] that a [<sup>F18</sup>dwelling-house][<sup>F19</sup>or house in multiple occupation] is in such a state of disrepair that, although not unfit for human habitation, its condition is such as to interfere materially with the personal comfort of the occupying tenant, [<sup>F22</sup>or, in the case of a house in multiple occupation, the persons occupying it (whether as tenants or licensees)]

they may serve a repair notice on the person having control of the [<sup>F18</sup>dwelling-house][<sup>F19</sup>or house in multiple occupation].

[<sup>F23</sup>(1A) [<sup>F24</sup>Subject to subsection (1B)] Where the local housing authority—

- (a) are satisfied that a building containing a flat [<sup>F25</sup>including a flat in multiple occupation] is in such a state of disrepair that, although the flat is not unfit for human habitation, substantial repairs are necessary to a part of the building outside the flat to bring the flat up to a reasonable standard, having regard to its age, character and locality, or
- (b) are satisfied, whether on a representation made by an occupying tenant or otherwise, that a building containing a flat is in such a state of disrepair that, although the flat is not unfit for human habitation, the condition of a part of the building outside the flat is such as to interfere materially with the personal comfort of the occupying tenant, [<sup>F26</sup>or, in the case of a flat in multiple occupation, the persons occupying it (whether as tenants or licensees)]

they may serve a repair notice on the person having control of the part of the building concerned.]

[<sup>F27</sup>(1B) The authority may not serve a notice under subsection (1) or subsection (1A) unless—

- (a) there is an occupying tenant of the dwelling-house or flat concerned; or
- (b) the dwelling-house or building concerned falls within a renewal area within the meaning of Part VII of the Local Government and Housing Act 1989.

(1C) In the case of a house in multiple occupation, a notice under subsection (1) or subsection (1A) may be served on the person managing the house instead of on the person having control of it; and where a notice is so served, then, subject to section 191, the person managing the house shall be regarded as the person having control of it for the purposes of the provisions of this Part following that section.]

- (2) A repair notice under this section shall require the person on whom it is served [<sup>F28</sup>to execute the works specified in the notice, not being works of internal decorative repair, and—

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- (a) to begin those works not later than such reasonable date, being not earlier than the [<sup>F29</sup>twenty-eighth day after the notice is served], as is specified in the notice; and
- (b) to complete those works within such reasonable time as is so specified.]
- (3) The authority, in addition to serving the notice
- [<sup>F30</sup>(a)] on the person having control of [<sup>F31</sup>the dwelling-house or part of the building concerned][<sup>F32</sup>or
- (b) on the person having control of or, as the case may be, on the person managing the house in multiple occupation which is concerned],
- [<sup>F31</sup>shall] serve a copy of the notice on any other person having an interest in [<sup>F31</sup>the dwelling-house [<sup>F33</sup>part of the building or house] concerned], whether as freeholder, mortgagee, [<sup>F31</sup>or lessee].
- (4) The notice becomes operative, if no appeal is brought, on the expiry of 21 days from the date of service of the notice and is final and conclusive as to matters which could have been raised on an appeal.
- [<sup>F34</sup>(5) A repair notice under this section which has become operative is a local land charge.]

#### Textual Amendments

- F18** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(1)(a)**
- F19** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(b)**
- F20** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(a)**
- F21** Words inserted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(1)(b)**
- F22** Words added by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(b)**
- F23** S. 190(1A) inserted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(2)**
- F24** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(a)**
- F25** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(c)**
- F26** Words added by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(1)(c)**
- F27** S. 190(1B)(1C) inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(2)**
- F28** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(3)**
- F29** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(3)**
- F30** “(a)” inserted by Local Government and Housing Act 1989 (c.42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(4)(a)**
- F31** Words substituted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(4)**
- F32** Word “or” and s.190(3)(b) inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(4)(b)**
- F33** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 2(4)(c)**
- F34** S. 190(5) added by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 2(5)**

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**[<sup>F35</sup>190A Effect on section 189 of proposal to include premises in group repair scheme.**

- (1) A local housing authority shall not be under a duty to serve a repair notice under subsection (1) or, as the case may be, subsection (1A) of section 189 if, at the same time as they satisfy themselves as mentioned in the subsection in question, they determine—
- (a) that the premises concerned form part of a building which would be a qualifying building in relation to a group repair scheme; and
  - (b) that, within the period of twelve months beginning at that time, they expect to prepare a group repair scheme in respect of the qualifying building (in this section referred to as a “relevant scheme”);
- but where, having so determined, the authority do serve such a notice, they may do so with respect only to those works which, in their opinion, will not be carried out to the premises concerned in pursuance of the relevant scheme.
- (2) Subject to subsection (3), subsection (1) shall apply in relation to the premises concerned from the time referred to in subsection (1) until the date on which the works specified in a relevant scheme are completed to the authority’s satisfaction (as certified under [<sup>F36</sup>subsection 66(1) of the Housing Grants, Construction and Regeneration Act 1996].)
- (3) Subsection (1) shall cease to have effect in relation to the premises concerned on the day when the first of the following events occurs, that is to say,—
- (a) the local housing authority determine not to submit a relevant scheme to the Secretary of State for approval; or
  - (b) the expiry of the period referred to in subsection (1)(b) without either the approval of a relevant scheme within that period or the submission of a relevant scheme to the Secretary of State within that period; or
  - (c) the Secretary of State notifies the authority that he does not approve a relevant scheme; or
  - (d) the authority ascertain that a relevant scheme, as submitted or approved, will not, for whatever reason, involve the carrying out of any works to the premises concerned.
- (4) In any case where, in accordance with subsection (1), the authority serve a repair notice under subsection (1) or, as the case may be, subsection (1A) of section 189 with respect only to certain of the works which would otherwise be specified in the notice, subsection (2)(b) of that section shall have effect with respect to the notice as if after the word “notice” there were inserted the words “when taken together with works proposed to be carried out under a group repair scheme”.
- (5) In this section and section 189 “group repair scheme” and “qualifying building” have the same meaning as in [<sup>F37</sup>Chapter II of Part I of the Housing Grants, Construction and Regeneration Act 1996 (group repair schemes).]

**Textual Amendments**

**F35** S. 190A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 3](#)

**F36** Words in s. 190A(2) substituted (17.12.1996) by virtue of [1996 c. 53, s. 103](#), [Sch. 1 para. 6\(a\)](#); [S.I. 1996/2842, art. 3](#)

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**F37** Words in s. 190A(5) substituted (17.12.1996) by 1996 c. 53, s. 103, **Sch. 1 para. 6(b)**; S.I. 1996/2842, **art. 3**

## 191 Appeals against repair notices.

- (1) A person aggrieved by a repair notice may within 21 days after the date of service of the notice, appeal to the county court.
- <sup>F38</sup>(1A) Without prejudice to the generality of subsection (1), it shall be a ground of appeal that some person other than the appellant, being a person who is an owner in relation to the dwelling-house [<sup>F39</sup>house in multiple occupation] or part of the building concerned, ought to execute the works or pay the whole or part of the cost of executing them.]
- <sup>F40</sup>(1B) Without prejudice to the generality of subsection (1), it shall be a ground of appeal, in the case of a repair notice under section 189, that making a closing order under section 264 or a demolition order under section 265 is the most satisfactory course of action; and, where the grounds on which an appeal is brought are or include that specified in this subsection, the court, on the hearing of the appeal, shall have regard to any guidance given to the local housing authority under section 604A.]
- (2) On an appeal the court may make such order either confirming, quashing or varying the notice as it thinks fit.
- (3) Where the appeal is allowed against a repair notice under section 189 . . . <sup>F41</sup>, [<sup>F42</sup>and the reason or one of the reasons for allowing the appeal is that making a closing order under section 264 or a demolition order under section 265 is the most satisfactory course of action, the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgement a finding to that effect].
- <sup>F43</sup>(3A) Where the grounds on which an appeal is brought are or include that specified in subsection (1A), the appellant shall serve a copy of his notice of appeal on each other person referred to; and on the hearing of the appeal the court may—
- (a) vary the repair notice so as to require the works to be executed by any such other person; or
  - (b) make such order as it thinks fit with respect to the payment to be made by any such other person to the appellant or, where the works are executed by the local housing authority, to the authority.
- (3B) In the exercise of its powers under subsection (3A), the court shall take into account, as between the appellant and any such other person as is referred to in that subsection,—
- (a) their relative interests in the dwelling-house [<sup>F44</sup>or house in multiple occupation] or part of the building concerned (considering both the nature of the interests and the rights and obligations arising under or by virtue of them);
  - (b) their relative responsibility for the state of the dwelling-house [<sup>F44</sup>or house in multiple occupation] or building which gives rise to the need for the execution of the works; and
  - (c) the relative degree of benefit to be derived from the execution of the works.
- (3C) If, by virtue of the exercise of the court powers under subsection (3A), a person other than the appellant is required to execute the works specified in a repair notice, then, so long as that other person continues to be an owner in relation to the premises to which the notice relates, he shall be regarded as the person having control of those premises for the purposes of the following provisions of this Part.]



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- (4) If an appeal is brought the notice does not become operative until—
- (a) a decision on the appeal confirming the notice (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
  - (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the notice (with or without variation);
- and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the notice or decision appealed against.

**Textual Amendments**

- F38** S. 191(1A) inserted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 3(1)**
- F39** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 4(1)**
- F40** S. 191(1B) inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 4(1)**
- F41** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(a), 194(4), Sch. 9 Pt. I para. 4(2), **Sch. 12 Pt. II**
- F42** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 4(2)**
- F43** S. 191(3A)(3B)(3C) inserted by Housing Act 1988 (c. 50, SIF 61), s. 130(1)(3), **Sch. 15 para. 3(3)**
- F44** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 4(3)**

**Modifications etc. (not altering text)**

- C3** S. 191(1A)(1B) amended (17.12.1996) by S.I. 1996/2885, **art. 4(2)**

[<sup>F45</sup>191A Execution of works by local housing authority by agreement

- (1) The local housing authority may by agreement with the person having control of any premises execute at his expense any works which he is required to execute in respect of the premises in pursuance of a repair notice served under section 189 or section 190.
- (2) For that purpose the authority shall have all such rights as that person would have against any occupying tenant of, and any other person having an interest in, the premises (or any part of the premises).]

**Textual Amendments**

- F45** S. 191A inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 5**

192 ..... <sup>F46</sup>

**Textual Amendments**

- F46** S. 192 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(a), 194(4), Sch. 9 Pt. I para. 6, **Sch. 12 Pt. II**

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### Enforcement

#### 193 Power of local housing authority to execute works.

- (1) If a repair notice is not complied with the local housing authority may themselves do the work required to be done by the notice.
- [<sup>F47</sup>(2) For the purpose of this Part compliance with the notice means beginning and completing the works specified in the notice,—
- (a) if no appeal is brought against the notice, not later than such date and within such period as is specified in the notice;
  - (b) if an appeal is brought against the notice and is not withdrawn, not later than such date and within such period as may be fixed by the court determining the appeal; and
  - (c) if an appeal brought against the notice is withdrawn, not later than the twenty-first day after the date on which the notice becomes operative and within such period (beginning on that twenty-first day) as is specified in the notice.
- (2A) If, before the expiry of the period which under subsection (2) is appropriate for completion of the works specified in the notice, it appears to the local housing authority that reasonable progress is not being made towards compliance with the notice, the authority may themselves do the work required to be done by the notice.]
- (3) The provisions of Schedule 10 apply with respect to the recovery by the local housing authority of expenses incurred by them under this section.
- [<sup>F48</sup>(4) If, after the local housing authority have given notice under section 194 of their intention to enter and do any works, the works are in fact carried out by the person having control of the dwelling-house [<sup>F49</sup>house in multiple occupation] or part of the building in question, any administrative and other expenses incurred by the authority with a view to doing the works themselves shall be treated for the purposes of Schedule 10 as expenses incurred by them under this section in carrying out works [<sup>F50</sup>in a case where the repair notice has not been complied with].]

#### Textual Amendments

- F47** S. 193(2)(2A) substituted for s. 193(2) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 5(1)**
- F48** S. 193(4) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 5(2)**
- F49** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 7**
- F50** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 7**

#### 194 Notice of authority's intention to execute works.

- (1) Where the local housing authority are about to enter upon [<sup>F51</sup>any premises] under the provisions of section 193 for the purpose of doing any work, they [<sup>F51</sup>shall] give notice in writing of their intention to do so to the person having control of [<sup>F51</sup>the premises] and, if they think fit, to any owner of [<sup>F51</sup>the premises].



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- (2) If at any time after the expiration of seven days from the service of the notice on him and whilst any workman or contractor employed by the local housing authority is carrying out works in [<sup>F52</sup>the premises]—
- (a) the person on whom the notice was served is in [<sup>F52</sup>the premises] for the purpose of carrying out any works, or
  - (b) any workman employed by him or by any contractor employed by him is in [<sup>F52</sup>the premises] for such purpose,
- the person on whom the notice was served shall be deemed for the purpose of section 198 (penalty for obstruction) to be obstructing the authority in the execution of this Part unless he shows that there was urgent necessity to carry out the works in order to obviate danger to occupants of [<sup>F52</sup>the premises].

#### Textual Amendments

- F51** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 6\(1\)](#)  
**F52** Words substituted by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 6\(2\)](#)

### 195 Power of court to order occupier or owner to permit things to be done.

- (1) If a person, after receiving notice of the intended action—
- (a) being the occupier of premises, prevents the owner or person having control of the premises, or his officers, servants or agents, from carrying into effect with respect to the premises any of the provisions of this Part, or
  - (b) being the occupier, owner or person having control of premises, prevents an officer, servant or agent of the local housing authority from so doing,
- a magistrates' court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions.
- (2) A person who fails to comply with an order of the court under this section commits a summary offence and is liable on conviction to a fine not exceeding £20 in respect of each day during which the failure continues.

### 196 Power of court to authorise owner to execute works on default of another owner.

- (1) If it appears to a magistrates' court, on the application of an owner of premises in respect of which a repair notice has been served, that owing to the default of another owner of the premises in executing works required to be executed, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the premises and execute the works within a period fixed by the order.
- (2) Where the court makes such an order, the court may, where it seems to the court just to do so, make a like order in favour of any other owner.
- (3) Before an order is made under this section, notice of the application shall be given to the local housing authority.

### 197 Powers of entry.

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving [<sup>F53</sup>seven days] notice of his intention to the occupier,

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and to the owner if the owner is known, enter premises for the purpose of survey and examination—

- (a) where it appears to the authority that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises, [<sup>F54</sup>or]
  - (b) where a repair notice has been served in respect of the premises, . . . <sup>F55</sup>
  - (c) . . . . . <sup>F55</sup>
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised [<sup>F56</sup>and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

#### Textual Amendments

- F53** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 8\(1\)\(a\)](#)
- F54** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 8\(1\)\(b\)](#)
- F55** Word; or and s. 197(1)(c) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), ss. 165\(1\)\(a\), 194\(4\), Sch. 9 Pt. I para. 8\(1\)\(c\), Sch. 12 Pt. II](#)
- F56** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 8\(2\)](#)

#### Modifications etc. (not altering text)

- C4** [Ss. 197, 198](#) applied (17.12.1996) by [1996 c. 53, s. 84\(2\); S.I. 1996/2842, art. 3](#)

### 198 Penalty for obstruction.

- (1) It is a summary offence [<sup>F57</sup>intentionally] to obstruct an officer of the local housing authority or of the Secretary of State, or a person authorised in pursuance of this Part to enter premises, in the performance of anything which that officer, authority or person is required or authorised by this Part to do.
- (2) A person who commits such an offence is liable on conviction to a fine not exceeding [<sup>F58</sup>level 3] on the standard scale.

#### Textual Amendments

- F57** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(a\), Sch. 9 Pt. I para. 9](#)
- F58** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\), s. 130\(1\)\(3\), Sch. 15 para. 7](#)

#### Modifications etc. (not altering text)

- C5** [Ss. 197, 198](#) applied (17.12.1996) by [1996 c. 53, s. 84\(2\); S.I. 1996/2842, art. 3](#)

### [<sup>F59</sup>198A] Penalty for failure to execute works.

- (1) A person having control of premises to which a repair notice relates who intentionally fails to comply with the notice commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.

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- (2) The obligation to execute the works specified in the notice continues notwithstanding that the period for completion of the works has expired.
- (3) Section 193(2) shall have effect to determine whether a person has failed to comply with a notice and what is the period for completion of any works.
- (4) The provisions of this section are without prejudice to the exercise by the local housing authority of the powers conferred by the preceding provisions of this Part.]

**Textual Amendments**

**F59** S. 198A inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 8](#)

*Provisions for protection of owner and others*

**199**— ..... <sup>F60</sup>  
**201.**

**Textual Amendments**

**F60** Ss. 199 - 201 repealed with saving by [Housing Act 1988 \(c. 50, SIF 61\)](#), ss. 130(1)(3), 140(2), [Sch. 15 para. 9](#), [Sch. 18](#)

**202 Owner not in receipt of rents, &c. to receive notice of proceedings.**

If an owner of premises who is not the person in receipt of the rents and profits gives notice to the local housing authority of his interest in the premises, the authority shall give him notice of any proceedings taken by them in pursuance of this Part.

**203 Saving for rights arising from breach of covenant, &c.**

- (1) Nothing in this Part prejudices or interferes with the rights or remedies of an owner for breach of any covenant or contract entered into by a lessee in reference to premises in respect of which a repair notice is served.
- (2) If an owner is obliged to take possession of premises in order to comply with a repair notice the taking possession does not affect his right to avail himself of any such breach which occurred before he took possession.
- (3) No action taken under this Part prejudices or affects any remedy available to the tenant of [<sup>F61</sup>any premises] against his landlord, either at common law or otherwise.

**Textual Amendments**

**F61** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 10](#)

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**204 Effect of approved proposals for re-development.**

Where the local housing authority have under section 308 (owner’s re-development proposals) approved proposals for the re-development of land, no action shall be taken in relation to the land under this Part if and so long as the re-development is being proceeded with in accordance with the proposals and within the time limits specified by the authority, subject to any variation or extension approved by the authority.

*Supplementary provisions*

**205** ..... F62

**Textual Amendments**  
F62 S. 205 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(a), 194(4), Sch. 9 Pt. I para. 10, Sch. 12 Pt. II

**206** ..... F63

**Textual Amendments**  
F63 S. 206 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(a), 194(4), Sch. 9 Pt. I para. 11, Sch. 12 Pt. II

**207 Minor definitions.**

In this Part—

[<sup>F64</sup>“dwelling-house” and “flat”<sup>F65</sup>other than in the expression “flat in multiple occupation”] shall be construed in accordance with subsection (2) and “the building”, in relation to a flat, means the building containing the flat]

[<sup>F66</sup>“house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI]

[<sup>F67</sup>“occupying tenant”, in relation to a dwelling-house, means a person (other than an owner-occupier) who—

- (a) occupies or is entitled to occupy the dwelling-house as a lessee; or
  - (b) is a statutory tenant of the dwelling-house; or
  - (c) occupies the dwelling-house as a residence under a restricted contract; or
  - (d) is a protected occupier, within the meaning of the Rent (Agriculture) Act 1976; or
  - (e) is a licensee under an assured agricultural occupancy;]
- “owner” in relation to premises—
- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or reversion, and
  - (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years;

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[<sup>F68</sup>“owner-occupier”, in relation to a dwelling-house, means the person who, as owner or lessee under a long tenancy, within the meaning of Part I of the Leasehold Reform Act 1967, occupies or is entitled to occupy the dwelling-house;

“person managing” has the same meaning as in Part XI]

“person having control”, [<sup>F69</sup>[<sup>F70</sup>subject to sections 189(1B), 190(1C) and 191],—

- (a) in relation to a dwelling-house][<sup>F71</sup>or house in multiple occupation], means the person who receives the rack-rent of the premises (that is to say, a rent which is not less than 2/3rds of the full net annual value of the premises), whether on his own account or as agent or trustee for another person, or who would so receive it if the [<sup>F72</sup>premises] were let at such a rack-rent [<sup>F73</sup>and
- (b) in relation to a part of a building to which relates a repair notice served under subsection (1A) of section 189 or section 190, means a person who is an owner in relation to that part of the building (or the building as a whole) and who, in the opinion of the authority by whom the notice is served, ought to execute the works specified in the notice].

[<sup>F74</sup>“premises” includes a dwelling-house [<sup>F75</sup>house in multiple occupation] or part of a building and, in relation to any premises, any reference to a person having control shall be construed accordingly]

[<sup>F76</sup>(2) For the purposes of this Part a “dwelling-house” [<sup>F77</sup>or house in multiple occupation] includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.]

#### Textual Amendments

- F64** Definition substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 12(1)(a)**
- F65** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(1)**
- F66** Definition inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(1)**
- F67** Definition substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(2)**
- F68** Definitions inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(3)**
- F69** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 12(1)(b)**
- F70** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(4)**
- F71** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(4)**
- F72** Word substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), **Sch. 5 Pt. I para. 10(2)(9)**
- F73** Word “and” and para. (b) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 12(1)(c)**
- F74** Definition inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 12(1)(d)**
- F75** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(5)**
- F76** [S. 207\(2\)](#) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 12(2)**
- F77** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 12(6)**

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**Modifications etc. (not altering text)**

C6 S. 207 applied (17.12.1996) by 1996 c. 53, s. 82(1)(a)(2); S.I. 1996/2842, art. 3

**208 Index of defined expressions: Part VI.**

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section or paragraph):—

district (of a local housing authority)	section 2(1)
[ <sup>F78</sup> dwelling-house]	[ <sup>F78</sup> sections 205 and 207]
fit for human habitation	section 604
[ <sup>F78</sup> flat]	[ <sup>F78</sup> section 207]
[ <sup>F78</sup> house in multiple occupation (and flat in multiple occupation)]	[ <sup>F78</sup> section 345]
<sup>F79</sup>	<sup>F79</sup>
lease, lessee and lessor	section 621
local housing authority	section 1, 2(2)
occupying tenant	[ <sup>F80</sup> section 207]
owner	section 207
[ <sup>F78</sup> owner-occupier]	[ <sup>F78</sup> section 207]
person having control	section 207
[ <sup>F78</sup> person managing]	[ <sup>F78</sup> section 398]
[ <sup>F78</sup> premises]	[ <sup>F78</sup> section 207]
<sup>F79</sup>	<sup>F79</sup>
repair notice	sections 189 and 190
[ <sup>F78</sup> restricted contract]	[ <sup>F78</sup> section 622]
standard scale (in reference to the maximum fine on summary conviction)	section 622
[ <sup>F78</sup> statutory tenant]	[ <sup>F78</sup> section 622]
unfit for human habitation	section 604

**Textual Amendments**

**F78** Entries inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(a), **Sch. 9 Pt. I para. 13(c)**

**F79** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(a), 194(4), Sch. 9 Pt. I para. 13(a), **Sch. 12 Pt. II**



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**F80** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I Para. 13\(b\)](#)

**Status:**

Point in time view as at 17/12/1996.

**Changes to legislation:**

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