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Housing Act 1985

1985 CHAPTER 68

PART XVII

COMPULSORY PURCHASE AND LAND COMPENSATION

Modifications etc. (not altering text)

- C1** Pt. XVII (ss. 578-603): power to apply certain functions (with modifications) conferred by [Housing Act 1988 \(c. 50, SIF 61\), s. 65\(6\)](#)
- C2** Pt. XVII (ss. 578-603) applied (1.4.1990) by [Local Government and Housing Act 1989 \(c.42, SIF 61\), ss. 100\(2\), 195\(2\); S.I. 1990/431, art. 4](#) (subject to [Sch. 1](#))

Introductory

578 General enactments relating to compulsory purchase, &c., apply subject to this Part.

The ^{M1}Acquisition of Land Act 1981, the ^{M2}Compulsory Purchase Act 1965 and the ^{M3}Land Compensation Act 1961 apply to the compulsory purchase of land under this Act subject to the following provisions of this Part.

Marginal Citations

- M1** 1981 c. 67.
M2 1965 c. 56.
M3 1961 c. 33.

[^{F1}578A Modification of compulsory purchase order in case of acquisition of land for clearance.

- (1) Subsection (2) applies where the local housing authority make a compulsory purchase order, within the meaning of the Acquisition of Land Act 1981, in respect of land

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they have determined to purchase under section 290 (acquisition of land comprised, surrounded by or adjoining a clearance area).

- (2) Where this subsection applies, the Secretary of State may, in accordance with section 13 of the Acquisition of Land Act 1981 (confirmation of order), confirm the order with modifications notwithstanding that the effect of the modifications made by him in excluding any land or buildings from the clearance area concerned is to sever the area into two or more separate and distinct areas; and, in such a case, the severance shall not prevent those areas from continuing to be treated as one clearance area for the purposes of the provisions of Part IX.]

Textual Amendments

F1 S. 578A inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(d), Sch. 9 Pt. IV para 72

579 F2

Textual Amendments

F2 Ss. 579–581 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1), 194(4), Sch. 9 Pt. IV para. 73, Sch. 12 Pt. II

Compulsory purchase

580— F3
581.

Textual Amendments

F3 Ss. 579–581 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1), 194(4), Sch. 9 Pt. IV para. 73, Sch. 12 Pt. II

582 Restriction on recovery of possession after making of compulsory purchase order.

- (1) This section applies where a local housing authority have made a compulsory purchase order authorising—

- (a) the acquisition of a house in multiple occupation under—
section 17 (provision of housing),

..... F4
section 300 (purchase of condemned house for temporary housing use), or

- (b) the acquisition of land under [^{F5}section 93(2) of the Local Government and Housing Act 1989 (land in renewal area] on which there are premises consisting of or including housing accommodation),

and within the period specified in subsection (2) proceedings for possession of premises forming part of the house or land in question are brought in the county court

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against a person who was the lessee of the premises when the order was made, or became the lessee after the order was made, but is no longer the lessee.

- (2) The period referred to in subsection (1) is the period beginning with the making of the compulsory purchase order and ending with—
 - (a) the third anniversary of the date on which the order became operative, or
 - (b) any earlier date on which the Secretary of State notifies the authority that he declines to confirm the order or the order is quashed by a court.
- (3) Where this section applies the court may suspend the execution of any order for possession for such period, and subject to such conditions, as it thinks fit.
- (4) The period of suspension ordered by the court shall not extend beyond the end of the period of three years beginning with the date on which the court makes its order or, if earlier, the date on which the compulsory purchase order became operative.
- (5) The court may from time to time vary the period of suspension (but not so as to enlarge it beyond the end of the period of three years referred to in subsection (4)), or terminate it, or vary the terms of the order in other respects.
- (6) If at any time—
 - (a) the Secretary of State notifies the authority that he declines to confirm the compulsory purchase order, or the order is quashed by a court, or
 - (b) the authority decide, whether before or after the order has been submitted to the Secretary of State for confirmation, not to proceed with it,the authority shall notify the person entitled to the benefit of the order for possession and that person shall be entitled, on applying to the court, to obtain an order terminating the period of suspension, but subject to the exercise of the same discretion in fixing the date on which possession is to be given as the court might exercise if it were then making an order for possession for the first time.
- (7) This section does not apply—
 - (a) where the person entitled to possession of the premises is the local housing authority;
 - ^{F6}(b)
- (8) In this section “house in multiple occupation” has the same meaning as in Part XI.

Textual Amendments

- F4** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), [Sch. 9 Pt. IV para. 74](#), [Sch. 12 Pt. II](#)
- F5** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 85](#)
- F6** [S. 582\(7\)\(b\)](#) omitted (1.7.1991) by virtue of [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#) (with art. 12)

583 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes.

- (1) Where a local housing authority—
 - (a) are authorised to purchase compulsorily a house which is to be used for housing purposes, and

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- (b) have acquired the right to enter on and take possession of the house by virtue of having served a notice under section 11 of the ^{M4}Compulsory Purchase Act 1965,
- they may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house, or part of it, authorising him to continue in occupation upon terms specified in the notice or on such other terms as may be agreed.
- (2) Where the authority proceed in accordance with subsection(1)—
- (a) the like consequences follow with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house, or a part of it, and
- (b) the authority may deal with the premises in all respects,
- as if they had taken actual possession on the date of the notice.
- (3) A person who by virtue of this section ceases to be entitled to receive rent in respect of the premises shall be deemed for the purposes of section 20 of the ^{M5}Compulsory Purchase Act 1965 (compensation of tenants, &c.) to have been required to give up possession of the premises.
- (4) In this section “house” includes—
- (a) any part of a building which is occupied as a separate dwelling, and
- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

Marginal Citations

M4 1965 c. 56.

M5 1965 c. 56.

584 Power to enter and determine short tenancies of land acquired or appropriated.

- (1) This section applies where a local housing authority have agreed to purchase or have determined to appropriate land for the purposes of—
- Part II (provision of housing),
 Part VIII (area improvement), . . . ^{F7}
 the provisions of Part IX relating to clearance areas [^{F8}or
 Part VII of the Local Government and Housing Act 1989 (renewal areas)],
- subject to the interest of the person in possession of the land.
- (2) If that person’s interest is not greater than that of a tenant for a year, or from year to year, the authority may, after giving him not less than 14 days’ notice, enter on and take possession of the land, or such part of the land as is specified in the notice, without previous consent.
- (3) The power conferred by subsection (2) may be exercised at any time after the making of the agreement or determination, except where the appropriation requires Ministerial consent in which case the power is not exercisable until that consent has been given.

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- (4) The exercise of the local housing authority’s power under subsection (2) is subject to the payment to the person in possession of the like compensation, and interest on the compensation awarded, as would be payable if—
- (a) the authority had been authorised to acquire the land compulsorily, and
 - (b) that person had been required in pursuance of their powers in that behalf to quit possession before the expiry of his term or interest in the land;
- but without any necessity for compliance with section 11 of the Compulsory Purchase Act 1965 (which prohibits entry on the land acquired before the compensation has been ascertained and paid or secured).

Textual Amendments

- F7** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 86](#)
- F8** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 86](#)

[^{F9}584A Compensation payable in case of closing and demolition orders.

- (1) Subject to subsection (3), where a closing order under section 264 or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner’s interest in the premises as a result of the making of the closing order or, as the case may be, the demolition order; and that amount—
- (a) shall be determined as at the date of the making of the order in question; and
 - (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.
- (3) In any case where—
- (a) a closing order has been made in respect of any premises, and
 - (b) by virtue of section 279 (closing orders: substitution of demolition order), the closing order is revoked and a demolition order is made in its place,
- the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the closing order.
- (4) For the purposes of this section—
- “compulsory purchase value”, in relation to an owner’s interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961; and
- “premises” has the meaning assigned by section 322 (minor definitions for the purposes of Part IX).]

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Textual Amendments

F9 Ss. 584A, 584B inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), [Sch. 9 Pt. IV para. 75](#)

[^{F10} 584B] Repayment on revocation of demolition or closing order.

(1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition or closing order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the closing order is determined under section 278 (determination of closing order on premises being rendered fit),

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

(2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a closing order, and
- (b) by virtue of section 278, the order is determined as respects part of the premises, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had, at the time the payment was made, an owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),

then, if at the time of the determination of the closing order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (3), (4) and (5).

(3) The amount referred to in subsection (2) is whichever is the less of—

- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the determination of the closing order; and
- (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;

and the amount referred to in paragraph (a) shall be determined as at the date of the determination of the closing order.

(4) For the purpose of assessing the amount referred to in subsection (3)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(5) Any dispute as to the amount referred to in subsection (3)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1)(a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.

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(6) In this section “premises” has the same meaning as in section 584A.]

Textual Amendments

F10 Ss. 584A, 584B inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), [Sch. 9 Pt. IV para. 75](#)

585— **F11**

592.

Textual Amendments

F11 Ss.585—595 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), [Sch. 9 Pt. IV para. 76](#), [Sch. 12 Pt. II](#)

Other land Compensation Matters

593— **F12**

595

Textual Amendments

F12 Ss.585—595 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), [Sch. 9 Pt. IV para. 76](#), [Sch. 12 Pt. II](#)

596 Power to compensate shop-keepers in areas affected by clearance.

Where, as a result of action taken by a local housing authority under the provisions of Part IX relating to clearance areas, the population of the locality is materially decreased, the authority may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship which in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

597 Compensation payable on demolition of obstructive building.

- (1) Where a building is demolished under section 287 (execution of obstructive building order), whether by the owner or by the local housing authority, compensation shall be paid by the authority to the owner in respect of loss arising from the demolition.
- (2) The compensation shall be assessed in accordance with Part I of the Land Compensation Act 1961 (determination of questions of disputed compensation).
- (3) In assessing the compensation no allowance shall be made on account of the demolition being compulsory.

598 **F13**

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Textual Amendments

- F13** S. 598 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), Sch. 9 Pt. IV para. 77, **Sch. 12 Pt. II**

599 Application of compensation due to another local authority.

Compensation payable in respect of land of another local authority in pursuance of a compulsory purchase under—

section 17 (provision of housing),

.....^{F14},

section 290 (acquisition of land for clearance), or

section 300 (purchase of condemned house for temporary housing use)

which would otherwise be paid into court in accordance with Schedule 1 to the Compulsory Purchase Act 1965 (purchase from persons not having power to dispose) may, if the Secretary of State consents, instead be paid and applied as he may determine.

Textual Amendments

- F14** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), Sch. 9 Pt. IV para. 78, **Sch. 12 Pt. II**

Supplementary provisions

600 Powers of entry.

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving [^{F15}seven days] notice of his intention to the occupier, and to the owner if the owner is known, enter premises for the purpose of survey and examination where it appears to the authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises.
- (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 [^{F16}and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

Textual Amendments

- F15** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), **Sch. 9 Pt. IV para. 79(1)**
- F16** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), **Sch. 9 Pt. IV para. 79(2)**

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601 Penalty for obstruction.

- (1) It is a summary offence [^{F17}intentionally] to obstruct an officer of the local housing authority or of the Secretary of State, or any person authorised to enter premises in pursuance of this Part, in the performance of anything which he is by this Part required or authorised to do.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding [^{F18}level 3] on the standard scale.

Textual Amendments

- F17** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(d\), Sch. 9 Pt. IV para. 80\(1\)](#)
- F18** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(d\), Sch. 9 Pt. IV para. 80\(2\)](#)

602 Minor definitions.

In this Part—

..... ^{F19}
“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 in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises [^{F20}or part of the premises] under a lease of which the unexpired term exceeds three years.

Textual Amendments

- F19** Definition repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), ss. 165\(1\)\(d\), 194\(4\), Sch. 9 Pt. IV para. 81\(a\), Sch. 12 Pt. II](#)
- F20** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(d\), Sch. 9 Pt. IV para. 81\(b\)](#)

[^{F21}603 Index of defined expressions: Part XVII.

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

clearance area	section 289
closing order	section 264
demolition order	section 265
compulsory purchase value	section 584A
lease and lessee	section 621
local housing authority	section 1, 2(2).]

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Textual Amendments

F21 S. 603 substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), **Sch. 9 Pt. IV para. 82**

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