

Status: Point in time view as at 01/04/2002.

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SCHEDULES

SCHEDULE 9

Section 165.

AMENDMENTS OF PARTS VI, IX, XI, XVII AND XVIII OF THE HOUSING ACT 1985

PART I

AMENDMENTS OF PART VI

- 1 (1) In section 189 (repair notice in respect of unfit house), in subsection (1), after the words “dwelling-house”, in the first two places where they occur, there shall be inserted “ or house in multiple occupation ” and for the words from “unless they are satisfied” onwards there shall be substituted “ if they are satisfied, in accordance with section 604A, that serving a notice under this subsection is the most satisfactory course of action ”.
- (2) In subsection (1A) of that section—
 - (a) for the words “a dwelling-house which is a flat” there shall be substituted “ either a dwelling-house which is a flat or a flat in multiple occupation ”;
 - (b) for the words from “by reason” to “outside the flat” there shall be substituted “ by virtue of section 604(2) ”; and
 - (c) for the words from “that part of the building” onwards there shall be substituted “ 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 ”.
- (3) After subsection (1A) there shall be inserted the following subsection—

“(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.”
- (4) In subsection (2) of that section, in paragraph (a) after the words “works specified in the notice” there shall be inserted “ (which may be works of repair or improvement or both) ” and for the words “seventh day after the notice becomes operative” there shall be substituted “ twenty-eighth day after the notice is served ”, and in paragraph (b) after the words “dwelling-house” there shall be inserted “ or, as the case may be, house in multiple occupation ”.
- (5) In subsection (3) of that section—
 - (a) after the words “serving the notice” there shall be inserted “ (a) ”;
 - (b) after the words “building concerned” there shall be inserted “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”; and

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(c) in the words following paragraph (b), as set out above, for the words “or part of the building” there shall be substituted “ part of the building or house ”.

(6) After subsection (5) there shall be added the following subsection—

“(6) This section has effect subject to the provisions of section 190A.”

2 (1) In section 190 (repair notice in respect of house in state of disrepair but not unfit)—

- (a) at the beginning of each of subsections (1) and (1A) there shall be inserted the words “ Subject to subsection (1B) ”;
- (b) in subsection (1), after the words “dwelling-house”, in each place where they occur, there shall be inserted “ or house in multiple occupation ” and at the end of paragraph (b) of that subsection there shall be added “ or, in the case of a house in multiple occupation, the persons occupying it (whether as tenants or licensees) ”; and
- (c) in subsection (1A) after the words “a flat” there shall be inserted “ including a flat in multiple occupation ” and at the end of paragraph (b) of that subsection there shall be added “ or, in the case of a flat in multiple occupation, the persons occupying it (whether as tenants or licensees) ”.

(2) After subsections (1A) there shall be inserted the following subsections—

“(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.”

(3) In subsection (2)(a) of that section for the words “seventh day after the notice becomes operative” there shall be substituted “ twenty-eighth day after the notice is served ”.

(4) In subsection (3) of that section—

- (a) after the words “serving the notice” there shall be inserted “ (a) ”;
- (b) after the words “building concerned” there shall be inserted “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”; and
- (c) in the words following paragraph (b), as set out above, for the words “or part of the building” there shall be substituted “ part of the building or house ”.

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After that section there shall be inserted the following section—

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“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 section 130(1) of the Local Government and Housing Act 1989).
- (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 Part VIII of the Local Government and Housing Act 1989.”

- 4 (1) In section 191 (appeals against repair notices), in subsection (1A) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ” and after that subsection there shall be inserted the following subsection—

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“(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) In subsection (3) of that section the words “(repair notice in respect of unfit dwelling-house)” shall be omitted and for the words from “the judge shall” onwards there shall be substituted— “ 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 ”.
- (3) In subsection (3B) of that section after the words “dwelling-house”, in both places where they occur, there shall be inserted “ or house in multiple occupation ”.
- 5 After that section there shall be inserted the following section—

“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).”
- 6 Section 192 (power to purchase house found on appeal to be unfit and beyond repair at reasonable expense) shall cease to have effect.
- 7 In section 193 (power of local housing authority to execute works), in subsection (4) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ” and for the words “in default of the person on whom the repair notice was served” there shall be substituted “ in a case where the repair notice has not been complied with ”.
- 8 (1) In section 197 (powers of entry), in subsection (1)—
- (a) for the words “24 hours” there shall be substituted “ seven days ’ ”;
- (b) at the end of paragraph (a) there shall be inserted “ or ”; and
- (c) paragraph (c) and the word “or” immediately preceding it shall be omitted.
- (2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 9 In section 198 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.
- 10 Section 205 (application of provisions to temporary or movable structures) shall cease to have effect.

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- 11 Section 206 (repair at reasonable expense) shall cease to have effect.
- 12 (1) In section 207 (minor definitions), in subsection (1) in the definition beginning “dwelling-house” after the word “flat”, in the first place where it occurs, there shall be inserted “ other than in the expression “flat in multiple occupation” ” and after that definition there shall be inserted—
- ““house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI”.
- (2) In that subsection for the definition beginning “occupying tenant” there shall be substituted—
- ““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;”
- (3) In that subsection after the definition of “owner” there shall be inserted—
- ““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”.
- (4) In that subsection in the definition beginning “person having control” for the words “subject to section 191(3A)” there shall be substituted “ subject to sections 189(1B), 190(1C) and 191 ” and in paragraph (a) after the words “dwelling-house” there shall be inserted “ or house in multiple occupation ”.
- (5) In that subsection in the definition beginning “premises” after the words “dwelling-house” there shall be inserted “ house in multiple occupation ”.
- (6) In subsection (2) of that section after the words “dwelling-house”, in the first place where they occur, there shall be inserted “ or house in multiple occupation ”.
- 13 In section 208 (index of defined expressions for Part VI)—
- (a) the entries beginning “house” and “reasonable expense” shall be omitted;
- (b) in the entry beginning “occupying tenant” for the words in the second column there shall be substituted “ section 207 ”; and
- (c) at the appropriate places in alphabetical order there shall be inserted the following entries—

“dwelling-house	sections 205 and 207
flat	section 207
house in multiple occupation (and flat in multiple occupation)	section 345

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owner-occupier	section 207
person managing	section 398
premises	section 207
restricted contract	section 622
statutory tenant	section 622”

PART II

AMENDMENTS OF PART IX

- 14 For sections 264 (power to accept undertaking as to reconstruction or use of unfit house) and 265 (demolition or closing order to be made where no undertaking accepted or undertaking broken) there shall be substituted the following sections—

“264 Power to make closing order.

- (1) Where the local housing authority are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the dwelling-house or house in multiple occupation.
- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the whole or part of the building.
- (3) In deciding for the purposes of subsection (2)—
 - (a) whether to make a closing order with respect to the whole or part of the building; or
 - (b) in respect of which part of the building to make a closing order;
 the authority shall have regard to such guidance as may from time to time be given by the Secretary of State under section 604A.
- (4) This section has effect subject to section 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed).

265 Power to make demolition order.

- (1) Where the local housing authority are satisfied that—
 - (a) a dwelling-house which is not a flat, or
 - (b) a house in multiple occupation which is not a flat in multiple occupation,
 is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the dwelling-house or house concerned.

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- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the building.
- (3) This section has effect subject to sections 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed) and 304(1) (listed buildings and buildings protected by notice pending listing).”
- 15 Section 266 (power to make closing order as to part of building) shall cease to have effect.
- 16 (1) In section 268 (service of notice of order), in subsection (1), paragraph (a) shall be omitted and in paragraph (b) the word “other” shall be omitted.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) Where the premises in respect of which a demolition or closing order is made is a building or part of a building containing flats, any reference in paragraphs (b) and (c) of subsection (1) to “the premises” includes a reference to the flats in the building or part of the building concerned.”
- 17 (1) In section 269 (right of appeal against order), in subsection (2) after the word “premises” there shall be inserted “or part of the premises”.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) Without prejudice to the generality of subsection (1), it shall be a ground of appeal—
- (a) in the case of a closing order, that serving a repair notice under section 189 or making a demolition order under section 265 is the most satisfactory course of action; and
- (b) in the case of a demolition order, that serving a repair notice under section 189 or making a closing order under section 264 is the most satisfactory course of action;
- and, where the grounds on which an appeal is brought are or include that specified in paragraph (a) or paragraph (b), the court, on hearing the appeal, shall have regard to any guidance given to the local housing authority under section 604A.”
- (3) In subsection (3) of that section, paragraph (b) and the word “and” immediately preceding it shall be omitted.
- (4) After that subsection there shall be inserted the following subsection—
- “(3A) Where an appeal is allowed against a closing or demolition order and the reason or one of the reasons for allowing the appeal is that specified in paragraph (a) or, as the case may be, paragraph (b) of subsection (2A), 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.”
- (5) Subsections (4) and (5) of that section shall cease to have effect.
- 18 (1) In section 270 (demolition orders: recovery of possession of building to be demolished), in subsection (1)—

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- (a) after the word “operative” there shall be inserted “ with respect to any premises ”;
 - (b) for the words from “the occupier” to “relates” there shall be substituted “ any occupier of the premises or any part of the premises ”;and
 - (c) in paragraphs (b) and (c) for the word “building” there shall be substituted “ premises ”.
- (2) In subsections (2), (3), (4) and (5) of that section—
- (a) for the words “the building”, in each place where they occur, there shall be substituted “ the premises ”;
 - (b) for the word “it”, in each place where it occurs, there shall be substituted “ them ”; and
 - (c) for the words “a building”, in each place where they occur, there shall be substituted “ any premises ”.
- 19 In section 273 (demolition orders: cleansing before demolition), in subsection (4) for the word “house” there shall be substituted “ premises ”.
- 20 (1) In section 274 (demolition orders: power to permit reconstruction of condemned house), in subsection (1) for the word “house”, in each place where it occurs, there shall be substituted “ premises ”.
- (2) In subsection (2) of that section—
- (a) for the word “houses” there shall be substituted “ dwelling-houses or houses in multiple occupation ”;
 - (b) for the word “house” there shall be substituted “ premises ”; and
 - (c) for the word “it” there shall be substituted “ them ”.
- (3) In subsection (4) of that subsection—
- (a) for the words “a house” there shall be substituted “ any premises ”;
 - (b) for the word “it” there shall be substituted “ them ”; and
 - (c) for the words “the house” there shall be substituted “ the premises or part of the premises ”.
- 21 (1) In section 275 (demolition orders: substitution of closing order to permit use otherwise than for human habitation), in subsection (1)—
- (a) for the words “a house” there shall be substituted “ any premises ”; and
 - (b) for the words “the house”, in each place where they occur, there shall be substituted “ the premises ”.
- (2) In subsection (2) of that section, for the words following “on” there shall be substituted “ every person on whom they would be required by section 268 to serve a copy of a closing order made under section 264 ”.
- 22 In section 278 (closing orders: determination of order on premises being rendered fit), in subsection (1) for the words “premises”, in the first place where they occur, there shall be substituted “ dwelling-house, house in multiple occupation or, in the case of a building containing flats, the flats concerned ”.
- 23 (1) In section 279 (closing orders: substitution of demolition order), in subsection (1) for the words “subsection (2)” there shall be substituted “ subsections (2) and (2A) ”.
- (2) In subsection (2) of that section the words “section 266 (parts of buildings and underground rooms)” shall be omitted.

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- (3) After that subsection there shall be inserted the following subsection—
- “(2A) The power conferred by subsection (1) is not exercisable in relation to a closing order made under section 264(1) where the dwelling-house concerned is a flat or, as the case may be, where the house in multiple occupation is a flat in multiple occupation.”
- 24 Sections 280, 281 and 282 (which relate to the closing etc. of underground rooms) shall cease to have effect.
- 25 (1) In section 289 (declaration of clearance area), in subsection (2)—
- (a) at the beginning there shall be inserted the words “Subject to subsections (2B) to (2F), (4) and (5B)”;
 - (b) in paragraph (a) for the words “houses in the area” there shall be substituted “buildings in the area which are dwelling-houses or houses in multiple occupation or contain one or more flats (in this section referred to as “residential buildings”)”; and
 - (c) in the words following paragraph (b) after the word “and” there shall be inserted “in accordance with subsection 604A ” and for the words “method of dealing with the conditions in the area” there shall be substituted “course of action ”.
- (2) After that subsection there shall be inserted the following subsections—
- “(2A) A residential building containing one or more flats shall be treated for the purposes of this section as unfit for human habitation if some or all of the flats within it are unfit for human habitation.
- (2B) Before declaring an area to be a clearance area, the authority shall—
- (a) serve notice of their intention to include a building in the clearance area on every person who has an interest in the building (whether as freeholder, lessee or mortgagee) and also, in the case of a residential building, on every person who has such an interest in any flat in the building; and
 - (b) take reasonable steps to inform any occupiers of a residential building who do not have such an interest in the building or a flat in the building as is referred to in paragraph (a) of their intention to include the building in the clearance area; and
 - (c) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) notice of their intention to declare the area to be a clearance area.
- (2C) A notice served under paragraph (a) of subsection (2B) shall invite representations from the person on whom the notice was served within such reasonable period, being not less than twenty-eight days after the date on which the notice is served, as may be specified in the notice.
- (2D) The authority shall, by the steps taken in relation to occupiers of a residential building as mentioned in paragraph (b) of subsection (2B), invite representations from those occupiers within such reasonable period, expiring not less than twenty-eight days after the date on which the steps are taken, as may be specified by the authority.

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(2E) A notice published in accordance with paragraph (c) of subsection (2B) shall invite representations from any interested persons within such reasonable period, being not less than twenty-eight days after the date on which the notice is published, as may be specified in the notice.

(2F) The authority shall consider all representations made under subsections (2C), (2D) and (2E) and, in the light of the representations, shall take whichever of the following decisions they think appropriate, that is to say—

- (a) they may decide to declare the area to be a clearance area; or
- (b) they may decide to declare the area to be a clearance area but exclude such residential buildings which are unfit for human habitation as they think fit; or
- (c) they may decide not to declare the area to be a clearance area.”

(3) In subsection (3) of that section,—

- (a) for the words “If the authority are so satisfied” there shall be substituted the words “ Subject to subsection (5B), where the authority decide to declare an area to be a clearance area in accordance with paragraph(a) or paragraph (b) of subsection (2F) ”; and
- (b) in paragraph (a), for the words from “any building” onwards there shall be substituted—

- “(i) any residential building which is not unfit for human habitation or dangerous or injurious to health;
- (ii) any other building which is not dangerous or injurious to health; and
- (iii) any residential buildings which, by virtue of subsection (2F)(b), they have decided to exclude from the area; and”

(4) After subsection (5) there shall be inserted the following subsections—

“(5A) Where a residential building which is unfit for human habitation is not included within a clearance area, whether by virtue of paragraph (b) or paragraph (c) of subsection (2F), the authority shall forthwith, in accordance with section 604A (disregarding guidance under that section in respect of this section), take action in respect of the building (and any flat contained within it) under whichever of sections 189, 264 and 265 it considers to be the most satisfactory course of action.

(5B) Subject to section 578A, a clearance area may not include any parcel of land which is not contiguous with another parcel of land within the area; and, where the effect of subsection (3) would otherwise be that a clearance area would comprise two or more separate and distinct areas, paragraph (b) of that subsection shall have effect as if for the words “pass a resolution declaring the area so defined” there were substituted “ if the effect of paragraph (a) would otherwise be that the area would comprise two or more separate and distinct areas, pass a separate resolution in respect of each of those areas declaring each of them ”.”

In section 291 (method of dealing with land acquired for clearance), in subsection (3) the words “Schedule 11 (rehabilitation orders)” shall be omitted.

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- 27 (1) In section 294 (extinguishment of public rights of way over land acquired), at the end of subsection (1) there shall be added the words “ as from such date as the Secretary of State in approving the order may direct ”.
- (2) In subsection (2) of that section for the words from “they may make” onwards there shall be substituted “ an order made by the authority in advance of the purchase and approved by the Secretary of State (whether before or after the purchase) shall extinguish that right as from such date as the Secretary of State in approving the order may direct ”.
- (3) In subsection (3) of that section—
- (a) for the word “six” there shall be substituted “ four ”; and
 - (b) after the word “publication” there shall be inserted “ then, subject to subsection (4) ”.
- (4) After that subsection there shall be inserted the following subsection—
- “(4) The Secretary of State may dispense with such an inquiry as is referred to in subsection (3) if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.”
- 28 Section 299 and Schedule 11 (rehabilitation orders in respect of houses in clearance areas) shall cease to have effect.
- 29 (1) In section 300 (purchase of houses liable to be demolished or closed), in subsection (1)—
- (a) after the word “under” there shall be inserted “ section 264 or ”;
 - (b) for the word “house”, in the first place where it occurs, there shall be substituted “ dwelling-house (not being a flat), a house in multiple occupation (not being a flat in multiple occupation) or the whole of a building ”; and
 - (c) for the word “house”, in the second place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or, as the case may be, building ”.
- (2) In subsection (2) of that section—
- (a) for the words “a house” there shall be substituted “ any premises ”; and
 - (b) in paragraph (b) for “269” there shall be substituted “ 269(1), (2), (3) and (6) ”.
- (3) In subsection (3) of that section for the word “house” there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 30 (1) In section 301 (retention of houses acquired for clearance), in subsection (1) for the word “houses”, in each place where it occurs, there shall be substituted “ residential buildings ”.
- (2) In subsection (2) of that section for the word “house”, in each place where it occurs, there shall be substituted “ residential building ”.
- (3) In subsection (3) of that section for the word “houses”, in each place where it occurs, there shall be substituted “ residential buildings ”.
- (4) After that subsection there shall be inserted the following subsection—

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- “(4) In this section and section 302 “residential building” has the same meaning as it has in section 289.”
- 31 In section 302 (management and repair of house acquired under s. 300 or retained under s. 301)—
- (a) for the word “house”, in each place where it occurs except in paragraph (c), there shall be substituted “ residential building ”; and
- (b) in paragraph (c) for the word “house” there shall be substituted “ residential building or any flat in the building ”.
- 32 (1) In section 304 (closing order to be in respect of listed building), in subsection (1)—
- (a) for the words from “(unfit” to “cost)” there shall be substituted “ (power to make demolition order) ”; and
- (b) for the words “that section” there shall be substituted “ section 264 ”.
- (2) In subsection (2) of that section—
- (a) for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”;and
- (b) for the words “section 265” there shall be substituted “ section 264 ”.
- (3) In subsection (3) of that section for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 33 (1) In section 305 (building becoming listed when subject to compulsory purchase for clearance), in subsection (5)—
- (a) for the word “building”, in the first place where it occurs, there shall be substituted “ residential building ”; and
- (b) for the words from “take whichever” onwards there shall be substituted the words “ in accordance with section 604A (disregarding guidance under that section in respect of sections 265 and 289), take action under whichever of sections 189 and 264 it considers to be the most satisfactory course of action. ”
- (2) In subsection (6) of that section for the word “house”, in each place where it occurs, there shall be substituted “ residential building ”.
- (3) After subsection (7) of that section there shall be inserted the following subsection—
- “(8) In this section “residential building” has the same meaning as in section 289; and subsection (2A) of that section shall apply in determining whether a residential building containing one or more flats is unfit for human habitation for the purposes of subsection (4) as it applies for the purposes of that section.”
- 34 In section 306 (building becoming listed when acquired by agreement for clearance), in subsection (2), in paragraph (b) for the word “house” there shall be substituted “ residential building (within the meaning of section 289) ”.
- 35 In section 309 (recovery of possession of premises for purposes of approved re-development), in subsection (2) for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house ”.
- 36 (1) In section 310 (certificate of fitness resulting from owner’s improvements or alterations), in subsection (1)—

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- (a) for the word “house”, in the first place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building containing one or more flats ”; and
 - (b) for the word “house”, in the second place where it occurs, there shall be substituted “ dwelling-house, the house or the flat or flats in the building ”.
 - (2) In subsection (3) of that section for the words “house is” there shall be substituted “ dwelling-house or house is or, as the case may be, the flat or flats in the building is or are ”.
 - (3) In subsection (4) of that section for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house, house in multiple occupation or building ”.
- 37 In section 315 (power of court to order occupier or owner to permit things to be done), in subsection (1)—
- (a) in paragraph (a) the words “or person having control” shall be omitted; and
 - (b) in paragraph (b) for the words “owner or person having control” there shall be substituted “ or owner ”.
- 38 In section 318 (power of court to authorise execution of works on unfit premises or for improvement), in subsection (1) for the word “houses” there shall be substituted “ dwelling-houses or houses in multiple occupation or both ”.
- 39 (1) In section 319 (powers of entry), in subsection (1) for the words “24 hours” there shall be substituted “ seven days ”.
- (2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.
- 40 (1) In section 320 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.
- (2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.
- 41 Section 321 (repair at reasonable expense) shall cease to have effect.
- 42 In section 322 (minor definitions)—
- (a) for the definition of “house” there shall be substituted—
 - ““dwelling-house” and “flat”, except 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;
 - “house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI”
 - (b) the definition of “person having control” shall be omitted; and
 - (c) at the end there shall be added—
 - ““premises”, in relation to a demolition or closing order, means the dwelling-house, house in multiple occupation, building or part of a building in respect of which the closing order or, as the case may be, demolition order is made.

Status: Point in time view as at 01/04/2002.

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- (2) For the purposes of this Part, “dwelling-house” 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.
- (3) Except where the context otherwise requires, any reference in this Part (other than this section) to a flat is a reference to a dwelling-house which is a flat or to a flat in multiple occupation.”

43 In section 323 (index of defined expressions: Part IX)—

- (a) the entries beginning “the full standard”, “general improvement area”, “house”, “land liable to be cleared”, “person having control”, “slum clearance functions”, “slum clearance subsidy” and “year” shall be omitted
- (b) in the entries beginning “fit (or unfit) for human habitation” and “unfit (or fit) for human habitation” for the words in the second column there shall be substituted “ section 604 ”; and
- (c) at the appropriate places in alphabetical order there shall be inserted the following entries—

“dwelling-house	sections 266 and 322
flat	section 322
house in multiple occupation	section 322
premises	section 322”

PART III

AMENDMENTS OF PART XI

44 At the end of section 345 (meaning of “multiple occupation”) there shall be added the following subsection—

- “(2) For the purposes of this section “house”, in the expression “house in multiple occupation”, includes any part of a building which—
- (a) apart from this subsection would not be regarded as a house; and
 - (b) was originally constructed or subsequently adapted for occupation by a single household;

and any reference in this Part to a flat in multiple occupation is a reference to a part of a building which, whether by virtue of this subsection or without regard to it, constitutes a house in multiple occupation.”

F145

Textual Amendments	
F1	Sch. 9 para. 45 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

F246

Status: Point in time view as at 01/04/2002.

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Textual Amendments

F2 Sch. 9 para. 46 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

^{F3}47

Textual Amendments

F3 Sch. 9 para. 47 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

48 (1) In section 350 (power to require information for purposes of scheme), in subsection (1) the words “or building”, in each place where they occur, shall be omitted.

(2) In subsection (2) of that section after the word “exceeding” there shall be inserted “(a)” and at the end there shall be added “in the case of such a failure; or
(b) level 3 on the standard scale in the case of such a mis-statement”

49 (1) In section 352 (power to require execution of works to render premises fit for number of occupants), in subsection (1) at the beginning there shall be inserted “ Subject to section 365 ” and for the words from “the condition of a house” onwards there shall be substituted—

“in the opinion of the authority, a house in multiple occupation fails to meet one or more of the requirements in paragraphs (a) to (e) of subsection (1A) and, having regard to the number of individuals or households or both for the time being accommodated on the premises, by reason of that failure the premises are not reasonably suitable for occupation by those individuals or households.

(1A) The requirements in respect of a house in multiple occupation referred to in subsection (1) are the following, that is to say,—

- (a) there are satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
- (b) it has an adequate number of suitably located water-closets for the exclusive use of the occupants;
- (c) it has, for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
- (d) subject to section 365, there are adequate means of escape from fire; and
- (e) there are adequate other fire precautions.”

(2) In subsection (2) of that section, at the beginning there shall be inserted “ Subject to subsection (2A) ”, for the word “premises”, in both places where it occurs, there shall be substituted “ house ” and at the end of that subsection there shall be added — “ but the notice shall not specify any works to any premises outside the house ”

(3) After that subsection there shall be inserted the following subsection—

“(2A) Where the authority have exercised or propose to exercise their powers under section 368 to secure that part of the house is not used for human habitation, they may specify in the notice such work only as in their opinion is required

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to meet such of the requirements in subsection (1A) as may be applicable if that part is not so used.”

- (4) In subsection (3) of that section for paragraph (b) there shall be substituted—
- “(e) on the person managing the house;”; and in the words following that paragraph after the word “lessee” there shall be inserted “occupier”.
- (5) After subsection (5) of that section there shall be inserted the following subsections—
- “(5A) A notice served under this section is a local land charge.
- (5B) Each local housing authority shall—
- (a) maintain a register of notices served by the authority under subsection (1) after the coming into force of this subsection;
- (b) ensure the register is open to inspection by the public free of charge at all reasonable hours; and
- (c) on request, and on payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any person.”
- (6) Subsection (6) of that section shall cease to have effect.
- 50 In each of the following provisions, that is to say—
- (a) section 352, in subsection (4) (effect of notice), and
- (b) section 372 (power to require execution of works to remedy neglect of management), in subsection (3) (effect of notice),
- for the words from “within such period” onwards there shall be substituted the words “as follows, namely,—
- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
- (b) to complete those works within such reasonable period as is so specified.”
- 51 In section 353 (appeal against notice under section 352), in subsection (2)—
- (a) in paragraph (a) for the words “considerations set out in subsection (1)” there shall be substituted “requirements set out in subsection (1A)”; and
- (b) after paragraph (d) there shall be inserted—
- “(dd) that the date specified for the beginning of the works is not reasonable”
- 52 In section 354 (power to limit number of occupants of house), in subsection (1), in paragraph (a) for the words “considerations set out in subsection (1)” there shall be substituted “requirements set out in subsection (1A)”.
- 53 (1) In section 365 (means of escape from fire: general provisions as to exercise of powers) for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) In any case where—
- (a) the local housing authority have the power to serve a notice under subsection (1) of section 352 in respect of a house in multiple occupation, and

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- (b) the reason, or one of the reasons, by virtue of which that power arises is a failure to meet the requirement in paragraph (d) of subsection (1A) of that section,

the authority shall in addition have the power for that reason to accept an undertaking or make a closing order under section 368 in respect of the house.

- (2) Where by virtue of subsection (1) the local housing authority have powers in respect of a house in multiple occupation to serve a notice under section 352(1) for the reason mentioned in subsection (1)(b) and to accept an undertaking or make a closing order under section 368, they may exercise such of those powers as appear to them appropriate; and where the house is of such description or is occupied in such manner as the Secretary of State may specify by order for the purposes of this subsection, the authority shall be under a duty to so exercise those powers.

- (2A) The local housing authority shall not serve a notice under section 352(1) for the reason mentioned in subsection (1)(b) or accept an undertaking or make a closing order under section 368 if the house is of such description or is occupied in such manner as the Secretary of State may specify by order for the purposes of this subsection.”

^{F4}(2)

- (3) In subsection (4) of that section ^{F5} . . . at the end ^{F5} . . . there shall be inserted the following subsection—

“(5) Nothing in this section affects the power of the local housing authority to serve a notice under subsection (1) of section 352 if the house also fails to meet one or more of the requirements in paragraphs (a) to (c) and (e) of subsection (1A) of that section.”

Textual Amendments

- F4** Sch. 9 para. 53(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2
- F5** Words in Sch. 9 para. 53(3) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

54 Sections 366 and 367 (means of escape from fire: power by notice to require execution of works and appeals against notice) shall cease to have effect.

55 (1) In section 368 (means of escape from fire: power to secure that part of house not used for human habitation), in subsection (1) at the beginning there shall be inserted “ Subject to section 365 ”.

^{F6}(2)

- (3) In subsection (5) of that section—
 - (a) for the words from “section 265” to “unfit for human habitation” there shall be substituted “ section 264 ”;
 - (b) for the words “the modification that” there shall be substituted “with the following modifications—
 - (i) the reference in section 278(1) (premises rendered fit) to the house in multiple occupation shall be construed as a

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reference to the part of the house in respect of which the closing order under subsection (4) is made;

(b)”

; and

(c) at the end there shall be added “and

(i) section 279 (substitution of demolition orders) shall be omitted”

Textual Amendments

F6 Sch. 9 para. 55(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

- 56 (1) In section 369 (the management code for houses in multiple occupation) at the beginning of subsection (2) there shall be inserted “ Subject to subsection (2A) ” and after the words “all means of water supply and drainage in the house” there shall be inserted— “ all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions; ”;and at the end of that subsection there shall be added the words “ and to ensure that all means of escape from fire are kept clear of obstructions ”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) The person managing the house shall only be liable by virtue of the regulations under subsection (2) to ensure the repair, maintenance, cleansing and good order of any premises outside the house if and to the extent that he has power or is otherwise liable to ensure those matters in respect of any such premises.”
- (3) In subsection (3) of that section, paragraphs (b) and (f) and in paragraph (c) the words from “and in particular” onwards shall be omitted.
- (4) In subsection (5) of that section the words “as applied under section 370 in relation to a house” shall be omitted.
- 57 Sections 370 and 371 (application of the management code to a house by order of the local housing authority and appeals relating to such orders) shall cease to have effect; and in section 381(4) of that Act “370” shall be omitted.
- 58 In section 372 (power of local housing authority to require execution of works to remedy neglect of management), in subsection (1)—
- (a) the words from “to which” to “management code)” in the first place where they occur, and
- (b) paragraph (b) and the word “or” immediately preceding it, shall be omitted.
- 59 In section 373 (appeal against notice under section 372), in subsection (2), after paragraph (c) there shall be inserted—
- “(cc) that the date specified for the beginning of the works is not reasonable”.
- 60 Section 374 (application of code etc. to buildings other than houses) shall cease to have effect.

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61 In section 375 (carrying out of works by local housing authority), for subsections (2) and (3) (compliance with notice and carrying out of works in default) there shall be substituted the following subsections—

“(2) Compliance with a 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 of withdrawal of the appeal and within such period (beginning on that twenty-first day) as is specified in the notice.

(3) 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.

(3A) Not less than seven days before a local housing authority enter any house for the purpose of doing any works by virtue of subsection (1) or subsection (3), they shall serve notice of their intention to do so on the person on whom the notice referred to in subsection (1) was served and, if they think fit, also on any other owner of the house.

(3B) If, after a local housing authority have served notice under subsection (3A), the works are in fact carried out (otherwise than by the authority), any administrative and other expenses incurred by the authority with a view to doing the work themselves in accordance with subsection (1) or subsection (3) shall be treated for the purposes of subsection (4) (and Schedule 10) as expenses incurred by them under this section in carrying out the works in a case where the notice referred to in subsection (1) has not been complied with.”

62 In section 376 (penalty for failure to execute works), in subsection (2) (further offence), for the words “that the period for compliance has expired” there shall be substituted “ the expiry of the period which under section 375(2) is appropriate for completion of the works in question ”.

F763

Textual Amendments

F7 Sch. 9 para. 63 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

64 In section 378 (provisions for protection of owners), in subsection (2) for paragraph (b) there shall be substituted—

“(e) to which regulations under section 369 (the management code) apply”.

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65 In section 379 (making of control order), in subsection (1) paragraph (c) except for the final “or” shall be omitted.

^{F8}66

Textual Amendments
F8 Sch. 9 para. 66 repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

67 In section 395 (power of entry), at the end of subsection (3), there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

68 (1) In section 396 (penalty for obstruction), in subsection (1) after the words “offence” there shall be inserted “ intentionally ”.

^{F9}(2)

Textual Amendments
F9 Sch. 9 para. 68(2) repealed (3.3.1997) by 1996 c. 52, s. 227, Sch. 19 Pt. II; S.I. 1997/596, art. 2

69 In section 400 (index of defined expressions: Part XI), at the appropriate place in alphabetical order there shall be inserted the following entry—

“flat in multiple occupation section 345”.

70 (1) In Schedule 10 (recovery of expenses incurred by local housing authority), in paragraph 1 (introductory) for the words “in default of the person on whom the notice was served” there shall be substituted “ in a case where the notice has not been complied with ”.

- (2) In paragraph 2 of that Schedule (recovery of expenses), in sub-paragraph(1)—
 - (a) in paragraph (a) after the words “dwelling-house” there shall be inserted “ house in multiple occupation ”; and
 - (b) for paragraph (b) there shall be substituted—
 - “(b) where the works were required by a notice under section 352 or 372 (notices relating to houses in multiple occupation), from the person having control of the house or the person managing the house, as the authority think fit;”.

(3) Paragraph 5 of that Schedule (order for payment by instalments) shall cease to have effect and in paragraph 6 (appeals) after sub-paragraph (1A) there shall be inserted the following sub-paragraph—

“(1B) Where the demand for recovery of expenses relates to works carried out by virtue of subsection (3) of section 375, it shall be a ground of appeal that, at the time the local housing authority served notice under subsection (3A) of that section, reasonable progress was being made towards compliance with the notice in question.”

(4) After paragraph 6 of that Schedule there shall be inserted the following paragraph—

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“ Expenses and interest recoverable from occupiers

- 6A (1) Where a demand becomes operative by virtue of paragraph 3(3) or 6(3), the local housing authority may serve notice on any person—
- (a) who occupies the premises concerned, or part of those premises, as the tenant or licensee of the person on whom the demand was served under paragraph 3(1), and
 - (b) who, by virtue of his tenancy or licence, pays rent or any sum in the nature of rent to the person on whom the demand was served, stating the amount of expenses recoverable by the authority and requiring all future payments of rent or sums in the nature of rent, whether already accrued due or not, by such tenant or licensee to be made direct to the authority until the expenses recoverable by the authority, together with interest accrued due, have been duly paid.
- (2) In the case of a demand which was served on any person as agent or trustee for another person (in this sub-paragraph referred to as “the principal or beneficiary”) sub-paragraph (1) shall have effect as if the reference in each of paragraphs (a) and (b) to the person on whom the demand was served were a reference to that person or the principal or beneficiary.
- (3) Subject to sub-paragraph (4), where a notice is served under sub-paragraph (1) then, unless the authority by further notice served on the tenant or licensee otherwise direct, it shall operate to transfer to the authority the right to recover, receive and give a discharge for the rent or sums in the nature of rent.
- (4) The right of the authority to recover, receive and give a discharge for any rent or sums in the nature of rent by virtue of this paragraph shall be postponed to any right in respect of that rent or those sums which may at anytime be vested in a superior landlord by virtue of a notice under section 6 of the Law of Distress Amendment Act 1908.”
- 71 In Schedule 13 (further provision relating to control orders under Part XI of that Act) in sub-paragraph (4) of paragraph 21—
- (a) in paragraph (a) the word “366” shall be omitted;
 - (b) at the end of paragraph (a) there shall be inserted “ or ”;
 - (c) paragraph (c) and the word “or” immediately preceding it shall be omitted; and
 - (e) in the words following paragraph (c) the words “or order” shall be omitted.

PART IV

AMENDMENTS OF PART XVII

- 72 After section 578 (general enactments relating to compulsory purchase etc. apply subject to this Part) there shall be inserted the following section—

Status: Point in time view as at 01/04/2002.

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“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 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.”

73 Sections 579 to 581 (special provision as regards acquisition of land for clearance, incorporation of enactments relating to mineral rights and acquisition of commons, open spaces etc.) shall cease to have effect.

74 In section 582 (restriction on recovery of possession after making compulsory purchase order), in subsection (1), in paragraph (a) the words from “section 192” to “beyond repair) or” shall be omitted.

75 After section 584 there shall be inserted the following sections—

“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—

Status: Point in time view as at 01/04/2002.

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“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).

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 which ever 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)

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(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.

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

76 Sections 585 to 595 (which concern site value compensation for unfit houses and related matters and certain other land compensation matters) shall cease to have effect.

77 Section 598 (disregard of things done to obtain increased compensation) shall cease to have effect.

78 In section 599 (application of compensation due to another local authority) the words from “section 192” to “beyond repair” shall be omitted.

79 (1) In section 600 (powers of entry), in subsection (1) for the words “24 hours” there shall be substituted “ seven days ”.

(2) At the end of subsection (2) of that section there shall be added the words “ and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf ”.

80 (1) In section 601 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “ intentionally ”.

(2) In subsection (2) of that section for the words “level 2” there shall be substituted “ level 3 ”.

81 In section 602 (minor definitions)—

(a) the definition of “house” shall be omitted; and

(b) in paragraph (b) of the definition of “owner” after the word “premises” there shall be inserted “ or part of the premises ”.

82 For section 603 (index of defined expressions: Part XVII) there shall be substituted the following section—

“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):—

PART V

AMENDMENTS OF PART XVIII

83 For section 604 there shall be substituted the following section—

“604 Fitness for human habitation.

(1) Subject to subsection (2) below, a dwelling-house is fit for human habitation for the purposes of this Act unless, in the opinion of the local housing authority, it fails to meet one or more of the requirements in paragraphs (a) to (i) below and, by reason of that failure, is not reasonably suitable for occupation,—

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- (a) it is structurally stable;
- (b) it is free from serious disrepair;
- (c) it is free from dampness prejudicial to the health of the occupants (if any);
- (d) it has adequate provision for lighting, heating and ventilation;
- (e) it has an adequate piped supply of wholesome water;
- (f) there are satisfactory facilities in the dwelling-house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (g) it has a suitably located water-closet for the exclusive use of the occupants (if any);
- (h) it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- (i) it has an effective system for the draining of foul, waste and surface water;

and any reference to a dwelling-house being unfit for human habitation shall be construed accordingly.

- (2) Whether or not a dwelling-house which is a flat satisfies the requirements in subsection (1), it is unfit for human habitation for the purposes of this Act if, in the opinion of the local housing authority, the building or a part of the building outside the flat fails to meet one or more of the requirements in paragraphs (a) to (e) below and, by reason of that failure, the flat is not reasonably suitable for occupation,—
 - (a) the building or part is structurally stable;
 - (b) it is free from serious disrepair;
 - (c) it is free from dampness;
 - (d) it has adequate provision for ventilation; and
 - (e) it has an effective system for the draining of foul, waste and surfacewater.
- (3) Subsection (1) applies in relation to a house in multiple occupation with the substitution of a reference to the house for any reference to a dwelling-house.
- (4) Subsection (2) applies in relation to a flat in multiple occupation with the substitution for any reference to a dwelling-house which is a flat of a reference to the flat in multiple occupation.
- (5) The Secretary of State may by order amend the provisions of subsection (1) or subsection (2) in such manner and to such extent as he considers appropriate; and any such order—
 - (a) may contain such transitional and supplementary provisions as the Secretary of State considers expedient; and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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“604A Authority to consider guidance given by Secretary of State in deciding whether to take action under section 189, section 264, section 265 or section 289.

- (1) In deciding for the purposes of sections 189, 264, 265 and 289 whether the most satisfactory course of action, in respect of any dwelling-house, house in multiple occupation or building, is, if applicable,—
- (a) serving notice under subsection (1) of section 189; or
 - (b) serving notice under subsection (1A) of that section; or
 - (c) making a closing order under subsection (1) of section 264; or
 - (d) making a closing order under subsection (2) of that section with respect to the whole or a part of the building concerned; or
 - (e) making a demolition order under subsection (1) of section 265; or
 - (f) making a demolition order under subsection (2) of that section; or
 - (g) declaring the area in which the dwelling-house, house in multiple occupation or building is situated to be a clearance area in accordance with section 289;

the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.

- (2) The Secretary of State may give guidance under subsection (1) to authorities generally or may give different guidance to different descriptions of authority or to authorities in different areas; and, without prejudice to the matters in respect of which the Secretary of State may give guidance, he may, in particular, give guidance in respect of financial and social considerations to be taken into account by authorities.
- (3) Where the Secretary of State proposes to give guidance under subsection (1), or to revise guidance already given, he shall lay a draft of the proposed guidance or alterations before each House of Parliament and—
- (a) he shall not give the guidance or revise the guidance until after the expiration of the period of forty days beginning with the day on which the draft is laid (or, if copies are laid before each House of Parliament on different days, with the later of those days); and
 - (b) if within that period either House resolves that the guidance or alterations be withdrawn he shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).
- (4) In computing for the purposes of subsection (3) the period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

85 For section 605 there shall be substituted the following section—

“605 Consideration by local housing authority of housing conditions in their district.

- (1) The local housing authority shall at least once in each year consider the housing conditions in their district with a view to determining what action to take in performance of their functions under—

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- (a) Part VI (repair notices);
 - (b) Part IX (slum clearance);
 - (c) Part XI (houses in multiple occupation);
 - (d) Part VII of the Local Government and Housing Act 1989 (renewal areas); and
 - (e) Part VIII of that Act (grants towards cost of improvements and repairs etc.).
- (2) For the purposes of carrying out their duty under subsection (1), the authority and their officers shall comply with any directions the Secretary of State may give and shall keep such records and supply him with such information as he may specify.”
- 86 In section 606 (reports on particular houses or areas), for the word “house”, in each place where it occurs, there shall be substituted “ dwelling-house or house in multiple occupation ”.
- 87 In section 608 (acquisition of ancient monuments etc.), in paragraph (a) the words from “section 192” to “beyond repair) or” shall be omitted.
- 88 In section 610 (power of court to authorise conversion of houses into flats), in subsection (1)—
- (a) for the words “a house” there shall be substituted “ any premises ”;
 - (b) for the word “house”, in each subsequent place where it occurs, there shall be substituted “ premises ”; and
 - (c) in paragraph (a) for the words “is situated, it” there shall be substituted “ are situated, they ” and for the words “tenement” and “tenements” there shall be substituted “ dwelling-house ” and “ dwelling-houses ” respectively.
- 89 In section 612 (exclusion of Rent Act protection) for the word “house” there shall be substituted “ dwelling-house ”.
- 90 (1) In section 623 (minor definitions: Part XVIII), for the definition of “house” there shall be substituted—
- ““dwelling-house” and “flat”, except in the expression “flat in multiple occupation”, shall be construed in accordance with subsection (2);
 - “house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI;”.
- (2) At the end of that section there shall be inserted the following subsection—
- “(2) For the purposes of this Part, “dwelling-house” 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.”
- 91 In section 624 (index of defined expressions: Part XVIII)—
- (a) the entry beginning “house” shall be omitted; and
 - (b) at the appropriate places in alphabetical order there shall be inserted the following entries—

“dwelling-house	section 623”
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“flat	section 623”
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“flat in multiple occupation	section 623”
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“house in multiple occupation	section 623”
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Status:

Point in time view as at 01/04/2002.

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