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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

F1<sub>1</sub> .....

##### Textual Amendments

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

F1<sub>2</sub> .....

##### Textual Amendments

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

F1<sub>3</sub> .....

##### Textual Amendments

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

F1<sub>4</sub> .....

##### Textual Amendments

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

F1<sub>5</sub> .....

##### Textual Amendments

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)

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F16 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F17 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F18 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F19 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F110 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F111 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

F112 .....

**Textual Amendments**  
F1 Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

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<sup>F1</sup>13 .....

**Textual Amendments**

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**PART II**

**AMENDMENTS OF PART IX**

<sup>F1</sup>14 .....

**Textual Amendments**

**F1** Sch. 9 paras. 1-14 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

15 Section 266 (power to make closing order as to part of building) shall cease to have effect.

<sup>F2</sup>16 .....

**Textual Amendments**

**F2** Sch. 9 para. 16 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

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”.

<sup>F3</sup>(2) .....

(3) In subsection (3) of that section, paragraph (b) and the word “and” immediately preceding it shall be omitted.

<sup>F4</sup>(4) .....

(5) Subsections (4) and (5) of that section shall cease to have effect.

**Textual Amendments**

**F3** Sch. 9 para. 17(2) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F4** Sch. 9 para. 17(4) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

18 (1) .....

(2) .....

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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”.

F<sup>5</sup>(2) .....

F<sup>6</sup>(3) .....

**Textual Amendments**  
F5 Sch. 9 para. 20(2) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))  
F6 Sch. 9 para. 20(3) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))

F<sup>7</sup>21 .....

**Textual Amendments**  
F7 Sch. 9 paras. 21-23 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))

F<sup>7</sup>22 .....

**Textual Amendments**  
F7 Sch. 9 paras. 21-23 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))

F<sup>7</sup>23 .....

**Textual Amendments**  
F7 Sch. 9 paras. 21-23 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))

24 Sections 280, 281 and 282 (which relate to the closing etc. of underground rooms) shall cease to have effect.

25 F<sup>8</sup>(1) .....

(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

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- 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.
- (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—

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“(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”.

#### Textual Amendments

**F8** Sch. 9 para. 25(1) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with [Sch.](#)); S.I. 2006/1535, art. 2(c) (with [Sch.](#))

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

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.

F<sup>9</sup>29 .....

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**Textual Amendments**

**F9** Sch. 9 para. 29 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with [Sch.](#)); [S.I. 2006/1535, art. 2\(c\)](#) (with [Sch.](#))

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—

“(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 ”.

<sup>F10</sup>32 .....

**Textual Amendments**

**F10** Sch. 9 para. 32 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with [Sch.](#)); [S.I. 2006/1535, art. 2\(c\)](#) (with [Sch.](#))

33 <sup>F11</sup>(1) .....

(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.”

**Textual Amendments**

**F11** Sch. 9 para. 33(1) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with [Sch.](#)); [S.I. 2006/1535, art. 2\(c\)](#) (with [Sch.](#))

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- 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 ”.

F1236 .....

**Textual Amendments**

**F12** Sch. 9 para. 36 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\), Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\) \(with Sch.\)](#); [S.I. 2006/1535, art. 2\(c\) \(with Sch.\)](#)

- 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.

F1342 .....

**Textual Amendments**

**F13** Sch. 9 para. 42 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\), Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\) \(with Sch.\)](#); [S.I. 2006/1535, art. 2\(c\) \(with Sch.\)](#)

- 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
  - F14(b) .....
  - (c) at the appropriate places in alphabetical order there shall be inserted the following entries—



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

**Textual Amendments**

**F14** Sch. 9 para. 43(b) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**PART III**

**AMENDMENTS OF PART XI**

F15<sub>44</sub> .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F15<sub>45</sub> .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F15<sub>46</sub> .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F15<sub>47</sub> .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

F15<sub>48</sub> .....

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**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**49 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**50 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**51 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**52 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**53 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**54 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**55 .....

*Status: Point in time view as at 25/03/2022.*

**Changes to legislation:** Local Government and Housing Act 1989, SCHEDULE 9 is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**56 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**57 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**58 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**59 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**60 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**61 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**62 .....

*Status: Point in time view as at 25/03/2022.*

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**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**63 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**64 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**65 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**66 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**67 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**68 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5) (f), [Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**69 .....

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**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by **Housing Act 2004** (c. 34), s. 270(4)(5) (f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**70 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by **Housing Act 2004** (c. 34), s. 270(4)(5) (f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F15**71 .....

**Textual Amendments**

**F15** Sch. 9 paras. 44-71 repealed (6.4.2006 for E., 16.6.2006 for W.) by **Housing Act 2004** (c. 34), s. 270(4)(5) (f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**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—

**“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.

**F16**75 .....

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**Textual Amendments**

**F16** Sch. 9 para. 75 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\), Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

- 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**

**F17**83 .....

**Textual Amendments**

**F17** Sch. 9 para. 83 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\), Sch. 16](#); S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)

**F18**84 .....

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**Textual Amendments**

**F18** Sch. 9 para. 84 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

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—
  - (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.”

<sup>F19</sup>86 .....

**Textual Amendments**

**F19** Sch. 9 para. 86 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\), s. 270\(4\)\(5\) \(f\)](#), [Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\)](#) (with Sch.); [S.I. 2006/1535, art. 2\(c\)](#) (with Sch.)

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);

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“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”
“flat	section 623”
“flat in multiple occupation	section 623”
“house in multiple occupation	section 623”



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