



Housing Act 1957

1957 CHAPTER 56

PART II

PROVISIONS FOR SECURING THE REPAIR,
MAINTENANCE AND SANITARY CONDITION OF HOUSES

Definition of Standard of Fitness

4 Matters to be taken into account in determining whether a house is unfit

(1) In determining for any of the purposes of this Act whether a house is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say—

- (a) repair;
- (b) stability;
- (c) freedom from damp ;
- (d) natural lighting;
- (e) ventilation;
- (f) water supply;
- (g) drainage and sanitary conveniences ;
- (h) facilities for storage, preparation and cooking of food and for the disposal of waste water ;

and the house shall be deemed to be unfit for human habitation if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.

(2) So much of any local enactment—

- (a) as specifies defects by reason of which a house is to be deemed for the purposes of section nine of this Act not to be in all respects fit for human habitation, or

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- (b) as regulates the matters to be taken into consideration on an appeal under this Part of this Act in respect of a notice requiring the execution of works to remedy any defects so specified,
 shall cease to have effect.

5 Prohibition of back-to-back houses

- (1) Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house shall for the purposes of this Act be deemed to be unfit for human habitation:

Provided that nothing in this section shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the borough or district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

- (2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets, the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, on the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

Obligation of Lessors of Small Houses

6 Conditions to be implied on the letting of small houses

- (1) This section applies—
- (a) to a contract made before the thirty-first day of July, nineteen hundred and twenty-three, for letting for human habitation a house at a rent not exceeding—
 - (i) in the case of a house situate in the administrative county of London, forty pounds;
 - (ii) in the case of a house situate in a borough or urban district outside the administrative county of London, being a borough or district which at the date of the contract had according to the last published census a population of fifty thousand or upwards, twenty-six pounds;
 - (iii) in the case of a house situate elsewhere, sixteen pounds, and
 - (b) to a contract made on or after the said thirty-first day of July and before the sixth day of July, nineteen hundred and fifty-seven, for letting for human habitation a house at a rent not exceeding—
 - (i) in the case of a house situate in the administrative county of London, forty pounds ;
 - (ii) in the case of a house situate elsewhere, twenty-six pounds, and
 - (c) to a contract made on or after the said sixth day of July, nineteen hundred and fifty-seven, for letting for human habitation a house at a rent not exceeding—
 - (i) in the case of a house situate in the administrative county of London, eighty pounds ;
 - (ii) in the case of a house situate elsewhere, fifty-two pounds.

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- (2) Subject to the provisions of this Act, in any contract to which this section applies there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, fit for human habitation:

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for human habitation, and the lease is not determinable at the option of either party before the expiration of three years.

- (3) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.
- (4) In this section the expression " landlord" means any person who lets for human habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression " house " includes part of a house.

7 Application of foregoing section to houses occupied by agricultural workers otherwise than as tenants

Notwithstanding any stipulation to the contrary, where under a contract of employment of a workman employed in agriculture the provision of a house or part of a house for his occupation forms part of his remuneration, and the provisions of the last foregoing section are inapplicable by reason only of the house or part of the house not being let to him, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly, with the substitution of " employer " for " landlord ", and such other modifications as may be necessary:

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

8 Information to be given to tenants of working-class houses

In the case of any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in the rent book, or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and, where there has been any failure to comply with the provisions of this section in respect of any house, any person who while the default continues demands or collects any rent in respect of the house as aforesaid shall on summary conviction be liable to a fine not exceeding forty shillings.

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Unfit premises capable of repair at reasonable cost

9 Power of local authority to require repair of unfit house

- (1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house is unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice—
 - (a) requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice, and
 - (b) stating that, in the opinion of the authority, those works will render the house fit for human habitation.
- (2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.
- (3) In this and the three next following sections references to a house include a reference to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same inclosure for a period of two years next before action is taken under this section.

10 Enforcement of notice requiring execution of works

- (1) If a notice under the last foregoing section requiring the person having control of a house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.
- (2) Where the local authority are about to enter upon a house under the provisions of the foregoing subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of the notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the works in order to obviate danger to occupants of the house.
- (3) Any expenses incurred by the local authority under this section, together with interest from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the house or, if he receives the rent of the house as

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agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person:

Provided that, if the person having control of the house proves that he—

- (a) is receiving the rent merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority ;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

- (4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.
- (5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.
- (6) Any interest payable under subsection (3) or subsection (5) of this section shall be at such rate as the Minister may, with the approval of the Treasury, from time to time fix for the purposes of either or both of those subsections by order contained in a statutory instrument.
- (7) The amount Of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (8) The power of appointing a receiver under the last foregoing subsection shall be exercisable at any time after the expiration of one month from the date of the service under subsection (3) of this section of a demand for the expenses charged on the premises.
- (9) No action taken under this or the last foregoing section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

11 Right of appeal

- (1) Any person aggrieved by—
 - (a) a notice under the foregoing provisions of this Part of this Act requiring the execution of works,
 - (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice,
 - (c) an order made by a local authority with respect to any such expenses,
 may, within twenty-one days of the service of the notice, demand or order, appeal to the county court within the jurisdiction of which the premises to which the notice, demand

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or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order in relation to which an appeal is brought before the appeal has been finally determined.

- (2) On an appeal under paragraph (b) or paragraph (c) of the foregoing subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of works.
- (3) On an appeal to the county court under this section the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit and where the judge allows an appeal against a notice requiring the execution of works to a house, he shall, if requested by the local authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

12 Power of local authority to buy house found on appeal not to be capable of repair at reasonable cost

- (1) Where a person has appealed against a notice under this Part of this Act requiring the execution of works to a house, and the judge or court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement or may be authorised by the Minister to purchase it compulsorily ; and the First Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) The Minister shall not confirm an order for the compulsory purchase of a house under this section unless the order is submitted to the Minister within six months after the determination of the appeal and if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister, within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.
- (3) If the local authority purchase the house compulsorily they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.
- (4) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district, but the payment of compensation on a compulsory purchase in pursuance of this section shall be without prejudice to the making of such payment, if any, in respect of the compulsory purchase as is authorised by sections thirty and thirty-one of this Act.

13 Recovery by lessees of proportion of cost of execution of works

- (1) Where any person who incurs expenditure in complying with a notice under the foregoing provisions of this Part of this Act requiring the execution of works or in defraying expenses incurred by a local authority under those provisions in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined by the county court to be just having regard—

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- (a) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house,
 - (b) to the length of the unexpired term of the lease,
 - (c) to the rent payable under the lease, and
 - (d) to all other relevant circumstances.
- (2) Where a person from whom any sum is recoverable under the foregoing subsection is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure as mentioned in that subsection.
- (3) The foregoing provisions of this section shall not apply in relation to any expenditure in respect of which a charging order is in force under this Part of this Act, or in respect of which an application for such an order is for the time being pending.
- (4) In this section " lease " includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy, and the expressions " lessee" and " lessor" shall be construed accordingly.

14 Charging orders in favour of owner executing works

- (1) Where any owner has completed in respect of a house any works required to be executed by a notice of a local authority under this Part of this Act, he may apply to the local authority for a charging order.
- (2) An applicant for a charging order under this section shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and accounts of and vouchers for the expenses of the works; and the local authority, when satisfied that the owner has duly executed the required works, and of the amount of the expenses, and of the costs properly incurred in obtaining the charging order, shall make an order accordingly charging on the house an annuity to repay the amount.
- (3) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in the order, his executors, administrators, or assigns.
- (4) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk to the authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the house is situate, and be by him filed and recorded.
- (5) Any person aggrieved by a charging order made by a local authority under this section may appeal to Quarter Sessions against the order by a notice of appeal given within one month after notice of the charging order has been served upon him, and where a notice of appeal is so given, no proceedings shall be taken under the order until the appeal is determined or ceases to be prosecuted.
- (6) Section thirty-one of the Summary Jurisdiction Act, 1879, and section eighty-four of the Magistrates' Courts Act, 1952 (which relate to appeals from courts of summary jurisdiction to courts of quarter sessions), shall apply in relation to an appeal under this section with the necessary modifications as if the charging order were an order of a magistrates' court.

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- (7) A court of quarter sessions to which an appeal is brought under this section shall, at the request of either party to the appeal, state the facts in the form of a special case for the opinion of the High Court.

15 Form, effect, etc. of charging orders

- (1) Every charge created by a charging order under this Part of this Act shall be in such form as the Minister may prescribe, and shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—
- (a) tithe commutation rent charge, and
 - (b) any charge on the premises created or arising under any provision of the Public Health Act, 1875, the Public Health Act, 1936, or the Public Health (London) Act, 1936, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority ; and
 - (c) any charge created under any Act authorising advances of public money;
- and where more charges than one are charged under this Part of this Act on any premises such charges shall, as between themselves, take order according to their respective dates.
- (2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this Part of this Act directed with reference to, or consequent on, the obtaining of such an order or the making of such a charge, have been duly served, done, and taken, and that the charge has been duly created, and is a valid charge on the premises declared to be subject thereto.
- (3) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.
- (4) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred; and any such transfer may be in such form as the Minister may prescribe.
- (5) Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Minister.
- (6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last mentioned Act, every charging order under this Part of this Act which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered.

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Unfit premises beyond repair at reasonable cost

16 Power of local authority to accept undertaking as to reconstruction or use of unfit house

- (1) Where a local authority, on consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house—
 - (a) is unfit for human habitation, and
 - (b) is not capable at a reasonable expense of being rendered so fit,they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them.
- (2) Every person upon whom such a notice is served under subsection (1) of this section shall be entitled to be heard when the matter is so taken into consideration.
- (3) A person upon whom such a notice is served under subsection (1) of this section shall, if he intends to submit an offer with respect to the carrying out of works,—
 - (a) within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer, and
 - (b) within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.
- (4) The local authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.
- (5) Nothing in the Rent Acts shall prevent possession being obtained of any premises by any owner thereof in a case where an undertaking has been given under this section that those premises shall not be used for human habitation.
- (6) Any person who knowing that an undertaking has been given under this section that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.
- (7) In this section references to a house include references to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same inclosure for a period of two years next before action is taken under this Part of this Act.

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17 Duty of local authority to make demolition or closing order or to purchase house where no undertaking is accepted

- (1) If no such undertaking as is mentioned in the last foregoing section is accepted by the local authority, or if, in a case where they have accepted such an undertaking,—
- (a) any work to which the undertaking relates is not carried out within the specified period, or
 - (b) the premises are at any time used in contravention of the terms of the undertaking,

then, subject to the provisions of this section, the local authority shall forthwith make a demolition order for the demolition of the premises to which the notice given under the last foregoing section relates:

Provided that if in the case of any house the local authority consider it inexpedient to make a demolition order having regard to the effect of the demolition of that house upon any other house or building, they may make a closing order as respects that house instead of a demolition order.

- (2) Where a local authority would under the foregoing subsection be required to make a demolition or closing order in respect of a house they may, if it appears to them that the house is or can be rendered capable of providing accommodation which is adequate for the time being, purchase the house instead of making a demolition or closing order.
- (3) If in the case of any house—
- (a) a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947, is in force as respects that house, or
 - (b) the house is included in a list compiled or approved under section thirty of that Act by the Minister, or
 - (c) a notice is in force given by the Minister to the local authority and stating that the architectural or historic interest of the house is sufficient to render it inexpedient that the house should be demolished pending determination of the question whether or not it should be made the subject of such a building preservation order as aforesaid or included in such a list as aforesaid,
- subsection (2) of this section shall not apply and the order to be made under subsection (1) of this section shall be a closing order and not a demolition order.

18 Power to make a closing order as to part of a building

- (1) A local authority may under the foregoing provisions of this Part of this Act take the like proceedings in relation to—
- (a) any part of a building which is used, or is suitable for use, as a dwelling, or
 - (b) any underground room which is deemed for the purposes of this section to be unfit for human habitation,

as they are empowered to take in relation to a house subject, however, to this qualification that in circumstances in which, in the case of a house, they would have taken action under the last foregoing section (whether by making a demolition or closing order or by purchasing the house) they shall make a closing order as respects the part of the building or, as the case may be, as respects the room.

- (2) Subject to the provisions of section four of this Act as to the circumstances under which a house is to be deemed unfit for human habitation, a room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or

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nearest to the room, or more than three feet below the surface of any ground within nine feet of the room, shall for the purposes of this section be deemed to be unfit for human habitation, if either—

- (a) the average height of the room from floor to ceiling is not at least seven feet, or
- (b) the room does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia or exhalation:

Provided that, if the local authority, after being required to do so by the Minister, fail to make regulations, or such regulations as the Minister approves, the Minister may himself by statutory instrument make regulations which shall have effect as if they had been made by the local authority with the consent of the Minister.

19 Service of notice of demolition or closing order or intention to purchase

Where a local authority—

- (a) have made a demolition or closing order under either of the two last foregoing sections, or
- (b) have determined to purchase a house under the former of those sections,

they shall serve a copy of the order or, as the case may be, a notice of their determination to purchase the house on every person on whom they would be required under subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

20 Right of appeal against demolition order, etc.

(1) Any person aggrieved by—

- (a) a demolition or closing order made under this Part of this Act, or
- (b) a notice of the determination of a local authority to purchase a house served under the last foregoing section,

may, within twenty-one days after the date of the service of the order or notice, appeal to the county court within the jurisdiction of which the premises to which the order or notice relates are situate, and no proceedings shall be taken by the local authority to enforce any order or notice in relation to which an appeal is brought before the appeal has been finally determined.

(2) No appeal shall lie under this section at the instance of a person who is in occupation of the premises to which the order or notice relates under a lease or agreement of which the unexpired term does not exceed three years.

(3) On an appeal to the county court under this section the judge may make such order either confirming or quashing or varying the order or notice as he thinks fit and may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the local authority under this Part of this Act:

Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section sixteen of this Act was served an undertaking to carry out any works unless the appellant complied with the requirements of subsection (3) of that section.

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21 Content of demolition order

A demolition order made under this Part of this Act with respect to any premises shall require—

- (a) that the premises shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and
- (b) that the premises shall be demolished within six weeks after the expiration of that period, or, if the premises are not vacated before the expiration of that period, within six weeks after the date on which they are vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify.

22 Demolition orders: recovery of possession of building to be demolished

- (1) Where a demolition order under this Part of this Act has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
 - (a) stating the effect of the order, and
 - (b) specifying the date by which the order requires the building to be vacated, and
 - (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a magistrates' court and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.
- (3) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.
- (4) Any person who, knowing that a demolition order under this Part of this Act has become operative and applies to a building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (5) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

23 Demolition orders: enforcement

- (1) Subject to the provisions of this Part of this Act, when a demolition order under this Part of this Act has become operative, the owner or owners of the premises to which it applies shall demolish those premises within the time limited in that behalf by the order; and if the premises are not demolished within that time, the local authority shall enter and demolish the premises and sell the materials thereof.

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- (2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the premises or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.
- (3) Any surplus in the hands of the authority shall be paid by them to the owner of the premises, or if there is more than one owner, shall be paid as those owners may agree.

If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the premises, and section sixty-three of the Trustee Act, 1925 (which relates to payment into court by trustees), shall have effect accordingly.
- (4) The county court within the jurisdiction of which the premises are situate shall have jurisdiction to hear and determine any proceedings under subsection (2) of this section, and shall have jurisdiction under section sixty-three of the Trustee Act, 1925, in relation to any such surplus as is mentioned in subsection (3) of this section.
- (5) A county court judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any premises, shall have regard to their respective interests in the premises, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

24 Demolition orders: power to permit reconstruction of condemned house

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of the last foregoing section to demolish it, in order that the said owner may have an opportunity of carrying out the works.
- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under this Part of this Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

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25 Demolition orders: cleansing before demolition

- (1) If it appears to the local authority that premises to which a demolition order made under this Part of this Act applies require to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which it becomes operative in relation to the premises, serve notice in writing on the owner or owners of the premises that the authority intend to cleanse them before they are demolished.
- (2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the premises and they have been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the premises have been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from the receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition whether the work has then been completed or not.

- (3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section twenty-three of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

26 Demolition orders: substitution of closing order in case of house included in building preservation order, etc.

Where a house with respect to which a demolition order made under this Part of this Act by a local authority applies (whether or not that order has become operative) becomes one to which paragraph (a), (b) or (c) of subsection (3) of section seventeen of this Act applies, the local authority shall determine the demolition order and make a closing order as respects the house ; and the local authority shall serve notice that the demolition order has been determined and a copy of the closing order on every person on whom they would be required by subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

27 Closing orders: general provisions

- (1) A closing order shall be an order prohibiting the use of the premises as respects which the order is made for any purpose other than a purpose approved by the local authority, and any person who, knowing that a closing order has become operative and applies to any premises, uses those premises in contravention of the order, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

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- (2) The approval of the local authority under the foregoing subsection shall not be unreasonably withheld and they shall determine the order on being satisfied that the premises as respects which it was made have been rendered fit for human habitation.
- (3) Any person aggrieved by—
 - (a) the withholding of approval by the local authority of any use of the premises to which the closing order relates, or
 - (b) a refusal by the local authority to determine the closing order,may, within twenty-one days after the refusal, appeal to the county court within the jurisdiction of which the premises to which the closing order relates are situated.
- (4) No appeal shall lie under paragraph (b) of the last foregoing subsection at the instance of a person who is in occupation of the premises to which the closing order relates under a lease or agreement of which the unexpired term does not exceed three years.
- (5) Nothing in the Rent Acts shall prevent possession being obtained by the owner of premises in a case where a closing order under the proviso to subsection (1) of section seventeen or under section eighteen of this Act is in force in respect thereof.

28 Closing orders: substitution of demolition order

Where a local authority have made a closing order under the proviso to subsection (1) of section seventeen of this Act, they may at any time revoke it and make a demolition order; and, when the demolition order has been made, the provisions of this Act relating to demolition orders (including the provisions relating to the service of copies of demolition orders and to appeals against demolition orders) shall apply as if the demolition order had been made under the said section seventeen.

29 Provisions as to purchase of condemned houses

- (1) At any time after a notice of the determination of a local authority to purchase a house under section nineteen of this Act has become operative, the local authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the First Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district but the payment of compensation on a compulsory purchase in pursuance of this section shall be without prejudice to the making of such payment, if any, in respect of the compulsory purchase as is authorised by sections thirty and thirty-one of this Act.
- (3) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing accommodation of a standard which is adequate for the time being pending its demolition by the authority.
- (4) In respect of any house purchased under this section the local authority shall have the like powers as they have in respect of houses provided under Part V of this Act, and section six of this Act shall not apply to a contract for the letting by a local authority of any such house.

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30 Payments in respect of condemned houses which have been well maintained

- (1) Within three months of the service by a local authority under section nineteen of this Act of a copy of a demolition order or of a notice of their determination to purchase a house any person may represent to them that the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense.
- (2) This section shall apply to a closing order made under the proviso to subsection (1) of section seventeen of this Act as it applies to a demolition order.
- (3) If—
 - (a) the house is vacated in pursuance of the demolition or closing order or purchased compulsorily in pursuance of the notice, and
 - (b) leaving out of account any defects in the house in respect of any such matters as are mentioned in paragraphs (b) to (h) of subsection (1) of section four of this Act, the representation made as respects the house is correct,

the local authority shall make to the person by whom the representation was made in respect of the house such payment, if any, as is authorised by Part I of the Second Schedule to this Act.
- (4) If, on receiving the representation, the local authority consider that the condition specified in paragraph (b) of the last foregoing subsection is not satisfied they shall serve on the person by whom the representation was made notice that no payment falls to be made to him under that subsection.
- (5) Any person aggrieved by a notice under the last foregoing subsection may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the house to which the notice relates is situated, and on the appeal to the county court the judge may make such order either confirming or quashing or varying the notice as he thinks fit:

Provided that if the persons who would be entitled to appear and be heard on such an appeal so agree in writing any matter in dispute which might have been the subject of such an appeal shall instead be submitted to arbitration.
- (6) For the purposes of this section a house which might have been the subject of a demolition order under this Part of this Act but which has without the making of such an order been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.
- (7) In this section references to a demolition order do not include such an order in respect of a house already subject to a closing order so far as it affects any part of the house in relation to which a payment under this section or under the Second Schedule to this Act has fallen to be made in respect of the closing order.

31 Temporary provisions for payments to owner-occupiers and others

The provisions of Part II of the Second Schedule to this Act shall have effect as respects payments to be made in certain circumstances in respect of houses affected by action taken under this Part of this Act.

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32 Payments to persons displaced

A local authority may pay to any person displaced from a house to which a demolition order made under this Part of this Act, or a closing order, applies, or which has been purchased by them under this Part of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Protection of owners

33 Provisions for protection of owners of houses

- (1) If an owner of any house who is not the person in receipt of the rents and profits thereof gives notice to the local authority of his interest in the house the local authority shall give to him notice of any proceedings taken by them in relation to the house in pursuance of the foregoing provisions of this Part of this Act or of the provisions of Part III of this Act relating to demolition orders.
- (2) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the right or remedies of any owner for breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority under this Part of this Act; and if any owner is obliged to take possession of a house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance which has occurred before he so took possession.

Transitory provisions as respects existing demolition orders

34 Temporary occupation of houses subject to existing demolition orders

- (1) If it appears to a local authority that any house in respect of which—
 - (a) a demolition order was made by that authority under Part II of the Housing Act, 1936, before the thirtieth day of August, nineteen hundred and fifty-four, or
 - (b) a closing order was made by them under section ten or section eleven of the Local Government (Miscellaneous Provisions) Act, 1953, before that date,is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section twenty-two of this Act and the provisions of Part III of this Act as to the vacation of buildings subject to clearance orders or demolition orders shall not apply to it.

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- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid ; and every such licence shall, unless previously revoked, cease to have effect on the thirtieth day of August, nineteen hundred and fifty-seven, or on such later date as the Minister may in any particular case allow in pursuance of an application made by the local authority before the said date in the year nineteen hundred and fifty-seven.
- (5) On the revocation or determination of a licence granted under this section in respect of a house, the local authority may, if they think fit, revoke the demolition order and purchase the house; and section twenty-nine of this Act shall apply as if notice of a determination to buy the house under section nineteen of this Act had become operative.
- (6) Any licence issued under Regulation 68A or 68AA of the Defence (General) Regulations, 1939, and in force immediately before the commencement of this Act in respect of a house subject to a demolition or closing order shall continue in force and have effect as if granted under this section, and may be revoked thereunder accordingly.

35 Retention of houses subject to existing demolition orders and required to support other buildings

- (1) Where a demolition order was made under Part II of the Housing Act, 1936, at any time before the fourteenth day of August, nineteen hundred and fifty-three, and it appears to the local authority by whom the order was made that compliance therewith is inexpedient having regard to the effect of the demolition of that house on any other house or building, they may, whether or not that order has become operative and whether or not the period within which the house is thereby required to be demolished has expired, revoke the demolition order and make a closing order in respect of the house.
- (2) On the making of a closing order under this section the provisions of this Part of this Act shall apply as if the order had been made under the proviso to section seventeen of this Act so, however, that a notice of the revocation of the demolition order shall be served under section nineteen of this Act together with a copy of the closing order.

Houses let in lodgings

36 Power to require execution of works or reduction of number of occupants of house

- (1) Where it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that with respect to any such matters as are specified in paragraphs (d) to (h) of subsection (1) of section four of this Act the premises are so far defective, having regard to the number of individuals or households, or both, accommodated for

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the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the local authority may serve on the person having control of the house a notice—

- (a) specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for such occupation as aforesaid, and
 - (b) requiring that person, in default of the execution of those works within a period specified in the notice, to take such steps as are reasonably open to him (including if necessary the taking of legal proceedings) for securing that the number of individuals accommodated on the premises or the number of households accommodated there, or both, is limited in any manner so specified.
- (2) A person aggrieved by a notice under this section may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the premises to which the notice relates are situated and on an appeal to the county court under this section—
- (a) the judge may make such order confirming or quashing or varying the notice as he thinks fit, and
 - (b) the judge shall, if requested by the local authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.
- (3) Nothing in the Rent Acts shall prevent possession being obtained of any house or part of a house possession of which is required for the purpose of complying with a requirement under paragraph (b) of subsection (1) of this section.
- (4) A person who fails to comply with any requirement of a notice under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds; and if the failure continues after conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding two pounds for every day on which the failure so continues.
- (5) In the administrative county of London, other than the City of London, both the metropolitan borough council and the London County Council shall be local authorities for the purposes of this section.

Supplemental

37 Date of operation of notices, demands and orders subject to appeal

- (1) Any notice, demand or order against which an appeal might be brought to a county court under this Part of this Act shall, if no such appeal is brought, become operative on the expiration of twenty-one days from the date of the service of the notice, demand or order, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by a county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.
- (2) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision

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of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, on the expiration of the period within which such an appeal might have been brought.

38 Provisions as to appeals under Part II

- (1) The rules made under section ninety-nine of the County Courts Act, 1934, for regulating the procedure and practice as respects appeals to the county court under this Part of this Act shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that inspection is desirable.
- (2) No appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings originating in an appeal to the county court under this Part of this Act.

39 Interpretation of Part II

- (1) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.
- (2) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression " rack-rent" means rent which is not less than two-thirds of the full net annual value of the house.

40 Saving for certain restrictions in Part III

The powers of a local authority exercisable under this Part of this Act shall be subject to the provisions of Part III of this Act with respect to redevelopment and reconditioning by owners of premises.

41 Local authority for Part II in London

As respects the administrative county of London, other than the City of London, the local authority for the purposes of this Part of this Act shall, save as otherwise expressly provided, be the council of the metropolitan borough.