



Housing Act 1957

1957 CHAPTER 56

PART VII

GENERAL

Powers of the court for housing purposes

162 Power of court to determine lease where premises demolished

- (1) Where any premises in respect of which a demolition or closing order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order under this section:

Provided that this subsection shall not apply to a closing order made under section eighteen of this Act.

- (2) Upon any such application as aforesaid, the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.
- (3) In this section the expression " lease " includes an underlease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions " lessor," " lessee," and " sub-lessee " shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

163 Power of court to authorise owner to execute works on default of another owner

- (1) If it appears to a magistrates' court, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served under Part II of this Act, or a demolition order or a clearance order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.
- (2) Before an order is made under this section, notice of the application shall be given to the local authority.

164 Power of court to authorise examination of works on unfit premises or for improvement

- (1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses—
 - (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced ; or
 - (b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate ;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.
- (2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.
- (3) For the purposes of this section, " court " means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.
- (4) As respects the administrative county of London other than the City of London—
 - (a) the local authority for the purposes of the provisions of this section relating to such premises as are mentioned in paragraph (a) of subsection (1) thereof shall be the metropolitan borough council; and
 - (b) both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of the provisions of this section relating to schemes of improvement or reconstruction.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

165 Power of court to authorise conversion of houses into several tenements

Where the local authority or any person interested in a house applies to the county court and—

- (a) it is proved to the satisfaction of the court that, owing to changes in the character of the neighbourhood in which the house is situated, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements ; or
- (b) planning permission has been granted under Part III of the Town and Country Planning Act, 1947, for the use of the house as converted into two or more separate dwelling-houses instead of as a single dwelling-house,

and it is proved to the satisfaction of the court that by reason of the provisions of the lease of or any restrictive covenant affecting the house, or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.