



Housing Act 1964

1964 CHAPTER 56

PART IV

HOUSES IN MULTIPLE OCCUPATION

Amendments of Part II of Act of 1961

64 Recovery of local authority's expenses under Part II of Act of 1961

- (1) Subject to this section, any expenses recoverable by a local authority under section 18(3) of the Act of 1961 (default powers of local authority as respects work to be carried out under Part II of that Act) together with interest accrued due thereon, shall, until recovered, be a charge on the premises to which the notice relates and on all estates and interests therein.

The provisions of this subsection shall be in substitution for the provisions of section 18(4) of the Act of 1961 (which charges the expenses on the estate or interest of the person on whom the notice was served), and subsection (5) of that section (which prelates to the enforcement of a charge) shall apply as if the reference to that subsection (4) were a reference to this subsection.

- (2) On the date on which a local authority under the said section 18(3) serve a demand for expenses incurred by them, they shall also serve a copy of the demand on every person who is to their knowledge an owner or lessee or mortgagee of the house or building; and within twenty-one days from that date any person may appeal to the county court against the demand.

On the appeal no question may be raised which might have been raised on an appeal against the relevant notice under section 14(5) or 17(1) of the Act of 1961.

- (3) Until the demand becomes operative in accordance with this section the charge under subsection (1) of this section shall not take effect, and accordingly in section 18(5) of the Act of 1961 for the words from " date " to the end of the subsection there shall be substituted the words " date when the charge takes effect ".

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- (4) Any such demand shall, if no appeal is brought under this section, become operative on the expiration of twenty-one days from the date of service of the demand on the person on whom the relevant notice was served; and any such demand against which an appeal is brought shall, if and so far as it is confirmed on appeal, become operative on the final determination of the appeal.
- (5) Any such demand shall, subject to the right of appeal conferred by this section, be final and conclusive as to any matters which can be raised on any such appeal and as to any matters which could have been raised on an appeal against the relevant notice under section 14(5) or 17(1) of the Act of 1961.
- (6) In section 14(4) of the Act of 1961 (under which a local authority are to inform any owner or lessee of the serving of a notice under that section), and in section 15(4) of that Act (which, as extended by section 16 of that Act, contains corresponding provisions for sections 15 and 16) after the words " or lessee " there shall be inserted the words " or mortgagee ".
- (7) The right of appeal conferred by sections 14(5) and 17(1) of the Act of 1961 (appeal against notices under sections 14, 15 and 16) shall be exercisable not only by the person on whom the notice was served but also by any other person who is an owner, lessee or mortgagee of the house or building to which the notice relates.
- (8) So much of section 18 of the Act of 1961 as authorises the recovery of expenses incurred by a local authority summarily as a civil debt shall cease to have effect.
- (9) This section shall have effect as respects any notice served after the coming into force of this section.
- (10) This section shall be construed as one with Part II of the Act of 1961.

65 Penalty for failure to execute works under Part II of Act of 1961

- (1) Subject to this section, if a person on whom a notice has been served under section 14, section 15 or section 16 of the Act of 1961 (power to require execution of works) wilfully fails to comply with the notice, he shall be liable on summary conviction—
 - (a) in the case of a first offence under this subsection, to a fine not exceeding one hundred pounds, and
 - (b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.
- (2) In section 18(2) of the Act of 1961 (under which the local authority can carry out works specified in such a notice before the time limited by the notice if notified by the person on whom the notice was served that he does not intend to do the work) for the words " does not intend " there shall be substituted the words " is not able " , and if the local authority on being so notified serve notice that they propose to do the work and relieve the person served with the notice from liability under this section, no liability shall arise under this section in respect of the notice requiring the execution of works.
- (3) Subsection (1) of this section shall be without prejudice to the exercise by the local authority of their powers of carrying out the works under the said section 18.
- (4) Section 159 of the Act of 1957 (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been an offence under this section, but so much of the said section 159 as

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requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

The provisions of this subsection are without prejudice to section 28(2) of the Act of 1961 (under which Part II of that Act is construed as one with the Act of 1957).

- (5) For the purposes of this section, and of section 18(1) of the Act of 1961.—
- (a) where no appeal is brought against a notice under section 14, section 15 or section 16 of that Act, the notice is not complied with if the works specified in the notice are not completed within the period so specified, with any extension duly permitted by the local authority, and
 - (b) where an appeal is brought against any such notice, the notice, in so far as it is confirmed on appeal, is not complied with if the works specified in the notice are not completed within twenty-eight days from the final determination of the appeal, or such longer period as the court in determining the appeal may fix.
- (6) Subsections (4) and (5) of section 23 of the Act of 1961 (criminal liability of directors and other officers of body corporate) shall apply in relation to an offence punishable under this section.

66 Execution of works under Part II of Act of 1961

Section 161 of the Act of 1957 (penalty for preventing execution of repairs) shall apply as if any reference in that section to Part II of that Act included a reference to Part II of the Act of 1961.

67 Overcrowded houses and execution of works for overcrowded houses

- (1) If the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is, in the opinion of the local authority, defective in one or more of the ways described in section 15(1) of the Act of 1961, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, the notice which the local authority may serve under that subsection may be a notice specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for occupation by a number of individuals or households smaller than the number accommodated for the time being on the premises.
- (2) A notice served in pursuance of the foregoing subsection shall specify the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, and one of the grounds on which an appeal may be brought under section 17 of the Act of 1961 against such a notice shall be that the number so specified in the notice is unreasonably low.
- (3) Where the local authority have in pursuance of the foregoing provisions of this section served a notice specifying the number of individuals or households, or both, which in the opinion of the local authority the premises could reasonably accommodate if the works specified in the notice were carried out, the local authority may adopt that number of individuals (or a number of individuals determined by reference to that number of households) in fixing a limit under section 19(1) of the Act of 1961 (directions to prevent or reduce overcrowding in houses in multiple occupation) as respects the house.

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- (4) No notice shall be served under section 15(1) of the Act of 1961 in pursuance of subsection (1) of this section as respects a building which is not a house but to which the said section 15 is applied by section 21 of the Act of 1961.
- (5) In section 19(2) of the Act of 1961 (which imposes certain duties on the occupier for the time being of a house in respect of which a direction is given under that section fixing a limit as regards the numbers who should live there) the reference to the occupier for the time being of the house shall include a reference to any person who is for the time being entitled or authorised to permit individuals to take up residence in the house or any part of the house.

68 Warrant to authorise entry for purposes of Part II of Act of 1961

- (1) Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person employed by, or acting on the instructions of, a local authority for the purpose—
 - (a) of survey and examination to determine whether any powers under Part II of the Act of 1961 should be exercised in respect of the premises, or
 - (b) of ascertaining whether there has been a contravention of any regulations or direction made or given under the said Part II,
 the justice, subject to this section, may by warrant under his hand authorise that person to enter on the premises for the purposes mentioned in paragraphs (a) and (b) above, or for such of those purposes as may be specified in the warrant.
- (2) A justice of the peace shall not grant a warrant under this section unless he is satisfied—
 - (a) that admission to the premises has been refused and, except where the purpose specified in the information—
 - (i) is the survey and examination of premises to determine whether there has been a failure to comply with a notice under section 14, section 15 or section 16 of the Act of 1961, or
 - (ii) is to ascertain whether there has been a contravention of any regulations or direction made or given under Part II of the Act of 1961, that admission was sought after not less than twenty-four hours' notice of the intended entry had been given to the occupier, or
 - (b) that an application for admission to the premises would defeat the object of the entry.
- (3) Every warrant granted under this section shall continue in force until the purpose for which the entry is required has been satisfied.
- (4) Any person who, in the exercise of a right of entry under this section, enters any premises which are unoccupied, or premises of which the occupier is temporarily absent, shall leave the premises as effectually secured against trespassers as he found them.
- (5) Any power of entry conferred by this section—
 - (a) shall include power to enter, if need be, by force, and
 - (b) may be exercised by the person on whom it is conferred either alone or together with any other persons.

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69 Management code to be available for certain tenement blocks

- (1) If on 13th November 1963 all or any of the dwellings in a tenement block are without one or more of the standard amenities, sections 12 to 14 of the Act of 1961 shall, after the coming into force of this section, apply to the tenement block as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to the tenement block.
- (2) If a local authority make an order under the said section 12 as applied by the foregoing subsection as respects a tenement block at a time when another order under that section is in force as respects one of the dwellings in the tenement block, they shall revoke the last-mentioned order.
- (3) References to a house in sections 18 and 23 of the Act of 1961 shall include references to a tenement block to which this section applies.
- (4) Expressions in this section to which meanings are given in Part II of this Act shall have the same meanings in this section.

70 Registers of houses in multiple occupation

- (1) In section 22(1) of the Act of 1961 (registers of houses in multiple occupation) the words " At any time not less than three years from the commencement of this Act" shall cease to have effect.
- (2) In section 22(3)(b) of the Act of 1961 (under which a duty of notifying the local authority that a house is registrable may be imposed as regards houses and buildings first becoming registrable after the compilation of the register) the words " as regards houses and buildings first becoming registrable after the compilation of the register " shall cease to have effect.