



Housing Act 1974

1974 CHAPTER 44

PART VIII

COMPULSORY IMPROVEMENT OF DWELLINGS

Dwellings outside general improvement areas and housing action areas

89 Compulsory improvement of dwellings outside general improvement areas and housing action areas

- (1) An occupying tenant of a dwelling which—
 - (a) is not in a general improvement area or a housing action area, and
 - (b) is without one or more of the standard amenities, whether or not it is also in a state of disrepair, and
 - (c) was provided (by erection or by the conversion of a building already in existence) before 3rd October 1961,may make representations in writing to the local authority for the area in which the dwelling is situated with a view to the exercise by the authority of their powers under this section.
- (2) A local authority shall notify the person having control of the dwelling of any representations made to them under subsection (1) above.
- (3) If, on taking the representations into consideration, the local authority are satisfied—
 - (a) that the person making the representations is an occupying tenant of the dwelling in question, and
 - (b) that the provisions of paragraphs (a) to (c) of subsection (1) above apply in relation to the dwelling, and
 - (c) that the dwelling is capable at reasonable expense of improvement to the full standard or, failing that, to the reduced standard, and
 - (d) that, having regard to all the circumstances, the dwelling ought to be improved to the full standard or, as the case may be, to the reduced standard, and that it

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is unlikely that it will be so improved unless the local authority exercise their powers under this section,

the following provisions of this section shall apply.

(4) If the local authority are satisfied as mentioned in subsection (3) above, they shall either—

- (a) serve a provisional notice on the person having control of the dwelling, or
- (b) notify the occupying tenant of the dwelling of their decision not to serve a provisional notice and give him a written statement setting out their reasons for making that decision,

and where a provisional notice is served by virtue of paragraph (a) above, the provisions of subsections (4) and (5) of section 85 above shall apply accordingly and the dwelling shall be treated for the purposes of section 86 above as being one falling within section 85(1) above.

(5) Subject to subsection (6) below, in any case where—

- (a) representations have been made to a local authority under subsection (1) above, and
- (b) as a result of those representations, a provisional notice has been served by virtue of subsection (4)(a) above,

the local authority may, at any time before the expiry of the period of 12 months beginning with the date on which the representations were received by them, serve an improvement notice on the person having control of the dwelling; and subsection (4) of section 88 above shall apply as it applies in relation to an improvement notice served by virtue of subsection (1) of that section.

(6) Before serving an improvement notice in respect of a dwelling by virtue of subsection (5) above, a local authority shall satisfy themselves—

- (a) that the provisions of paragraphs (b) to (d) of subsection (3) above still apply in relation to the dwelling; and
- (b) that the housing arrangements are satisfactory or that no housing arrangements are required or that the occupying tenant has unreasonably refused to enter into any housing arrangements.

(7) The power of serving a provisional notice by virtue of subsection (4)(a) above and of taking any further steps authorised under this Part of this Act may be exercised by a local authority notwithstanding that the occupying tenant who made representations under subsection (1) above quits the dwelling and notwithstanding that, after the occupying tenant has made those representations, the authority pass a resolution declaring an area in which the dwelling is situated to be a general improvement area or a housing action area.