



# Housing Act 1974

## 1974 CHAPTER 44

### PART VIII

#### COMPULSORY IMPROVEMENT OF DWELLINGS

##### *General provisions as to improvement notices*

#### **90 Improvement notices: content and registration**

- (1) Subject to the following provisions of this section, a notice under this section (in this Part of this Act referred to as an "improvement notice") shall—
  - (a) specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard;
  - (b) state the authority's estimate of the cost of carrying out those works; and
  - (c) require the person having control of the dwelling to carry out to the authority's satisfaction the works specified in the notice within the period of 12 months beginning with the date when the improvement notice becomes operative or such longer period as the authority may by permission in writing from time to time allow.
- (2) The works specified in an improvement notice may be different from the works specified in the provisional notice but shall not require the improvement of a dwelling to the full standard if the provisional notice specified works for improving the dwelling only to the reduced standard.
- (3) In an improvement notice which requires the improvement of a dwelling only to the reduced standard the local authority may, if they think fit, substitute for the period of 12 months specified in paragraph (c) of subsection (1) above such shorter period as appears to them to be appropriate.
- (4) As soon as may be after an improvement notice has been served it shall be registered in the register of local land charges—

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- (a) by the proper officer, for the purposes of section 15 of the Land Charges Act 1925, of the council in whose area the dwelling concerned is situated, and
- (b) in such manner as may be prescribed by rules under section 19 of that Act, and in this subsection "council" means a district council, a London borough council or the Common Council of the City of London.

## 91 Appeals against improvement notices

- (1) Within 6 weeks from the service on the person having control of the dwelling of an improvement notice, that person, the occupying tenant (if any) of the dwelling or any other person having an estate or interest in the dwelling may appeal to the county court against the improvement notice in accordance with the following provisions of this section.
- (2) Subject to subsection (3) below, the grounds on which an appeal may be brought under this section are all or any of the following.—
  - (a) that it is not practicable to comply with the requirements of the improvement notice at reasonable expense;
  - (b) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works specified in the notice are otherwise unreasonable in character or extent;
  - (c) that the dwelling is within an area declared to be a clearance area under Part III of the Housing Act 1957 and, having regard to all the circumstances of the case, it would be unreasonable for the local authority to require the works specified in the improvement notice to be carried out;
  - (d) that the dwelling is not, or is no longer, without one or more of the standard amenities ;
  - (e) that, in a case where the improvement notice requires the improvement of the dwelling to the full standard, the works specified in the notice are inadequate to secure that the dwelling will attain that standard;
  - (f) that some person other than the appellant will, as the holder of an estate or interest in the dwelling (whether or not that estate or interest entitles him to occupation), derive a benefit from the execution of the works and that that person ought to pay the whole or part of the cost of the execution of the works;
  - (g) that the improvement notice is invalid on the ground that any requirement of this Part of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the improvement notice.
- (3) Without prejudice to the grounds on which he may appeal by virtue of subsection (2) above,—
  - (a) an owner-occupier may bring an appeal under this section on the ground that the local authority are in error in considering that the circumstances specified in section 85(3) above exist in relation to the dwelling; and
  - (b) the occupying tenant may bring an appeal under this section on the ground that the condition in section 88(2)(d) above or, as the case may be, section 89(6)(b) above for the service of the improvement notice is not fulfilled.
- (4) Subject to the following provisions of this section, on an appeal under this section the court may make such order either confirming or quashing or varying the improvement notice as the court thinks fit.
- (5) An improvement notice shall not be varied on an appeal under this section—

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- (a) so as to extend the period within which the works specified in the notice are to be carried out; or
  - (b) so as to require the carrying out of works to improve a dwelling to the full standard if the works specified in the notice were works to improve the dwelling to the reduced standard ; or
  - (c) so as to require the carrying out of works to improve a dwelling to the reduced standard if the work specified in the notice were works to improve the dwelling to the full standard.
- (6) Where an appeal is brought under this section on the grounds specified in paragraph (f) of subsection (2) above (with or without other grounds), the court may on hearing of the appeal make such order as it thinks fit with respect to the payment to be made by the other person referred to in that paragraph to the appellant or where, by virtue of section 93 below, the works are carried out by the local authority to the local authority.
- (7) In so far as an appeal under this section is based on the ground that the improvement notice is invalid, the court shall confirm the improvement notice unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.

## **92 Operative effect and withdrawal of improvement notices**

- (1) If no appeal is brought against an improvement notice under section 91 above, the notice shall become operative at the expiry of the period of 6 weeks beginning with the date of the service of the notice on the person having control of the dwelling, and any improvement notice against which an appeal is so brought shall, if and so far as it is confirmed by the county court, or on appeal from the county court, become operative on the final determination of the appeal.
- (2) For the purposes of subsection (1) above the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the improvement notice or decision appealed against.
- (3) An improvement notice shall, subject to the right of appeal conferred by section 91 above, be final and conclusive as to any matters which could be raised on any such appeal.
- (4) A local authority may, if they think fit, at any time withdraw an improvement notice by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of any such notice on the occupier of the dwelling (if different from the person having control of it) and on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling.

## **93 Enforcement of improvement notices**

- (1) If the works to be carried out in compliance with an improvement notice have not been carried out in whole or in part within the period specified in the notice, or within such longer period as the local authority by whom the notice was served may by permission in writing have allowed, the authority may themselves carry out so much of the works as has not been completed.
- (2) If before the expiry of the period mentioned in subsection (1) above the person who is for the time being the person having control of the dwelling notifies the local authority

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in writing that he does not intend or is unable to do the works in question, the authority may, if they think fit, do the works before the expiry of that period.

- (3) If the local authority by whom an improvement notice was served have reason to believe that the person who is for the time being the person having control of the dwelling does not intend or is unable to do the works in question in compliance with the notice,—
- (a) the authority may, before the expiry of the period mentioned in subsection (1) above, but not earlier than 6 months after the date on which the improvement notice becomes operative, serve on that person a notice requiring him to furnish them, within 21 days of the service of the notice, with evidence of his intentions with respect to the carrying out of the works; and
  - (b) if, from any evidence furnished to them in pursuance of a notice under paragraph (a) above or otherwise, the authority are not satisfied that that person intends to carry out the works in compliance with the notice, they may, if they think fit, do the works before the expiry of the period mentioned in subsection (1) above.
- (4) Not less than 21 days before beginning to do the works the local authority shall serve notice of their intention on the occupier of the dwelling, on the person having control of the dwelling and on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling.

**94 Recovery of expenses incurred by local authority on default under improvement notice**

- (1) Subject to subsections (2) and (3) below, any expenses reasonably incurred by a local authority under section 93 above in carrying out works may, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by them by action from the person having control of the dwelling.
- (2) A demand for the expenses recoverable by a local authority under subsection (1) above, together with interest thereon in accordance with subsection (3) below, shall be served on the person having control of the dwelling; and on the date on which a demand is so served, the local authority shall serve a copy of the demand on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling concerned.
- (3) Expenses in respect of which a demand is served under subsection (2) above shall carry interest—
- (a) from the date on which the demand is so served until payment of all sums due thereunder, and
  - (b) at the rate fixed by section 171(2) of the Local Government Act 1972 (rates of interest in relation to various sums due to local authorities).
- (4) The amount of any expenses and interest thereon due to an authority under this section shall, as from the date when the demand under subsection (2) above becomes operative, be a charge on the premises in respect of which the expenses were incurred, and on all estates and interests in those premises, and the 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; and the power of appointing a receiver under this subsection shall be exercisable at any time after the expiry of one month from the date when the said demand becomes operative.

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- (5) Within 21 days from the date of service of a demand under subsection (2) above, any person on whom the demand or a copy thereof was so served may appeal to the county court against the demand, but on such an appeal no question may be raised which might have been raised on an appeal against the improvement notice relating to the dwelling in question.
- (6) A demand served under subsection (2) above—
- (a) against which no appeal is brought under subsection (5) above shall become operative on the expiry of 21 days from the date of service of the demand,
  - (b) against which an appeal is so brought shall, if and so far as it is confirmed on appeal, become operative on the final determination of the appeal,
- and for the purposes of this subsection the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the demand appealed against.
- (7) A demand served under subsection (2) above shall, subject to the right of appeal conferred by subsection (5) above, be final and conclusive as to any matters which can be raised on such an appeal.

## **95 Charging orders in favour of persons carrying out works**

Sections 14 and 15 of the Housing Act 1957 (charging orders in favour of owner executing works) shall apply as if any reference to works required to be executed by a notice under Part II of that Act included a reference to works required to be carried out by an improvement notice, and in the application of those sections by virtue of this section any reference to a house or the owner of a house shall be construed as a reference to a dwelling, within the meaning of this Part of this Act, or, as the case may require, the person having control of it, within the meaning of this Part.