



Housing Act 1985

CHAPTER 68

HOUSING ACT 1985

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Status: This is the original version (as it was originally enacted).

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- 585 Site value compensation for unfit houses.
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Status: This is the original version (as it was originally enacted).

- 587 Payments in respect of houses which are owner-occupied or used for business purposes.
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- 1 A tenancy is not a secure tenancy if it is...

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- 2 (1) A tenancy is not a secure tenancy if the...

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- 3 (1) A tenancy is not a secure tenancy if the...

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- 4 (1) A tenancy granted in pursuance of—

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- 5 (1) A tenancy is not a secure tenancy before the...

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- 6 A tenancy is not a secure tenancy if—

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- 7 A tenancy is not a secure tenancy if—

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- 8 A tenancy is not a secure tenancy if the dwelling-house...

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- 9 A tenancy is not a secure tenancy if the dwelling-house...

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- 10 (1) A tenancy of a dwelling-house is not a secure...

Status: This is the original version (as it was originally enacted).

1954 Act tenancies.

- 11 A tenancy is not a secure tenancy if it is...

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- 12 (1) A licence to occupy a dwelling-house is not a...

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- 1 For the purposes of section 84(2)(b) and (c) (case in...

- 2 In determining whether the accommodation is reasonably suitable to the...
- 3 Where possession of a dwelling-house is sought on ground 9...
- 4 (1) A certificate of the appropriate local housing authority that...

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Introductory.

- 1 The period to be taken into account—

Periods occupying accommodation subject to public sector tenancy.

- 2 A period qualifies under this paragraph if it is a...
- 3 For the purposes of paragraph 2 a person who, as...
- 4 (1) This paragraph applies where the public sector tenant of...

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- 5 A period qualifies under this paragraph if it is a...

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- 6 (1) In this Schedule a “public sector tenant” means a...

The landlord condition.

- 7 (1) The landlord condition is, subject to any order under...
- 8 (1) The landlord condition shall also be treated as having...

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- 9 The tenant condition is that the tenant was an individual...

Status: This is the original version (as it was originally enacted).

Application to certain housing association tenancies.

10 For the purpose of determining whether at any time a...

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1 The right to buy does not arise if the landlord...

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2 The right to buy does not arise if the landlord...

3 The right to buy does not arise if the landlord...

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4 The right to buy does not arise unless the landlord...

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5 (1) The right to buy does not arise if the...

Certain dwelling-houses for the disabled.

6 The right to buy does not arise if—

7 The right to buy does not arise if the dwelling-house...

8 The right to buy does not arise if the landlord...

9 (1) The right to buy does not arise if—

Certain dwelling-houses for persons of pensionable age.

10 (1) The right to buy does not arise if the...

11 (1) The right to buy does not arise if the...

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12 (1) The right to buy does not arise if the...

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Rights to be conveyed or granted—general.

1 The conveyance or grant shall not exclude or restrict the...

Rights of support, passage of water, etc..

2 (1) The conveyance or grant shall, by virtue of this...

Rights of way.

3 The conveyance or grant shall include— (a) such provisions (if...

Covenants and conditions.

4 The conveyance or grant shall include such provisions (if any)...

5 Subject to paragraph 6, and to Parts II and III...

No charge to be made for landlord's consent or approval.

- 6 A provision of the conveyance or lease is void in...

Meaning of "incumbrances" and "tenant's incumbrance".

- 7 In this Schedule— "incumbrances" includes personal liabilities attaching in respect...

PART II — CONVEYANCE OF FREEHOLD

General.

- 8 The conveyance shall not exclude or restrict the all estate...
9 (1) The conveyance shall be of an estate in fee...

Covenants.

- 10 The conveyance shall be expressed to be made by the...
PART III — LEASES

General.

- 11 A lease shall be for the appropriate term defined in...

The appropriate term.

- 12 (1) If at the time the grant is made the...

Common use of premises and facilities.

- 13 Where the dwelling house is a flat and the tenant...

Covenants by the landlord.

- 14 (1) This paragraph applies where the dwelling-house is a flat...
15 (1) This paragraph applies where the landlord's interest in the...

Covenant by tenant.

- 16 Unless otherwise agreed between the landlord and the tenant, there...

Avoidance of certain provisions.

- 17 (1) A provision of the lease, or of an agreement...
18 (1) Subject to the following provisions of this paragraph, where...
19 A provision of the lease, or of an agreement collateral...

PART IV — CHARGES

Grant of lease.

- 20 A charge (however created or arising) on the interest of...

Conveyance of freehold.

- 21 (1) This paragraph applies to a charge (however created or...

SCHEDULE 7 — Mortgage in Pursuance of Right to a Mortgage

- 1 The deed shall provide for repayment of the amount secured...
2 (1) The period over which repayment is to be made...

Status: This is the original version (as it was originally enacted).

- 3 (1) The Secretary of State may by order—
4 The deed may contain such other provisions as may be—...

SCHEDULE 8 — Terms of Shared Ownership Lease

Additional shares.

- 1 (1) The lease shall state the tenant's initial share of...
2 (1) Where the dwelling-house is a house and the landlord...

Additional contributions.

- 3 (1) The consideration for an additional share (referred to in...

Rent.

- 4 (1) The lease shall provide that, for any period for...
5 The lease shall provide that, for any period for which...

Payment for outstanding share on disposal.

- 6 (1) The lease shall contain a covenant binding on the...
7 The lease shall provide that, on the discharge of a...
8 (1) Where the dwelling-house is a house and the landlord...

No disposals of part while share outstanding.

- 9 (1) The lease shall contain a covenant binding on the...

Applications of provisions after disposal.

- 10 (1) The lease shall provide that in the event of...

Value of dwelling-house or part.

- 11 (1) For the purposes of paragraph 3 (additional contributions) and...

SCHEDULE 9 — Right to Further Advances

Right to further advances.

- 1 (1) The deed shall enable the tenant to require further...

Amount of further advance.

- 2 The amount which a tenant exercising the right to a...
3 (1) The limit is that the aggregate of that amount...
4 (1) The Secretary of State may by regulations make provision...

Notice of amount and terms of further advance.

- 5 As soon as practicable after the service on it of...

Terms of deed by which further mortgage is effected.

- 6 Schedule 7 (terms of mortgage granted in pursuance of right...

SCHEDULE 10 — Recovery of Expenses incurred by Local Housing Authority

Introductory.

- 1 The provisions of this Schedule have effect for enabling the...

Recovery of expenses.

- 2 (1) The expenses are recoverable by the authority from the...

Service of demand.

- 3 (1) A demand for the expenses, together with interest in...

Interest.

- 4 Expenses in respect of which a demand is served carry...

Order for payment by instalments.

- 5 (1) The authority may by order declare the expenses to...

Appeals.

- 6 (1) A person aggrieved by a demand for the recovery...

Expenses and interest to be a charge on the premises.

- 7 (1) The expenses recoverable by the authority, together with the...

Recovery of expenses and interest from other persons profiting from execution of works.

- 8 (1) This paragraph applies only to notices under section 352,...

SCHEDULE 11 — Rehabilitation Orders

PART I — THE MAKING OF THE ORDER AND ITS EFFECT

Introductory.

- 1 (1) This Schedule applies to a house comprised in a...

Power to make rehabilitation order.

- 2 (1) Where a house to which this Schedule applies—

Clearance procedure suspended on making of order.

- 3 (1) Where the local housing authority have made a rehabilitation...

Principal effects of rehabilitation order.

- 4 (1) On the date on which a rehabilitation order becomes...

Other effects of rehabilitation order.

- 5 (1) This paragraph applies where a rehabilitation order becomes operative...

- 6 Where a rehabilitation order becomes operative in respect of land...

- 7 (1) A rehabilitation order may be made and confirmed notwithstanding...

- 8 Where a rehabilitation order becomes operative in respect of land...

PART II — PROCEDURAL MATTERS

The form of the order.

- 9 A rehabilitation order shall be made in the prescribed form...

Notices to be given.

- 10 (1) Before submitting a rehabilitation order to the Secretary of...

Confirmation of the order.

- 11 (1) If no objection is duly made by any of...

Notice of confirmation of the order.

- 12 (1) So soon as may be after the order has...

Challenge to validity of order.

- 13 (1) If a person aggrieved by the order desires to...

Notice of order having become operative.

- 14 (1) The order becomes operative (subject to any order under...

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Introductory.

- 1 This Schedule has effect with respect to the provision which...

Treatment of expenditure or receipts of a capital nature.

- 2 (1) The regulations may require expenditure or receipts to be...

Approval of expenditure by Secretary of State.

- 3 The regulations may provide that expenditure of any class or...

Avoidance of double payment of subsidy, &c..

- 4 The regulations may, in order to prevent subsidy or other...

Expenditure or receipts in connection with land acquired before 1st April 1965.

- 5 The regulations shall not take into account expenditure or receipts...

Expenditure or receipts incurred or due before 1st April 1971.

- 6 (1) Except as mentioned in sub-paragraph (2), the regulations shall...

Miscellaneous.

- 7 The regulations may— (a) make different provision for different classes...

- 8 Nothing in paragraphs 3, 4 or 7 of this Schedule...

SCHEDULE 13 — Further Provisions Relating to Control Orders under Part XI

PART I — MANAGEMENT SCHEMES

Contents of management scheme.

- 1 (1) The scheme shall give particulars of all works which,...

The estimate in the scheme of surpluses on revenue account.

- 2 (1) References in this Schedule to the surpluses on revenue...

Appeal against scheme.

- 3 (1) A person having an estate or interest in a...

Expenditure on works to be set against surpluses on revenue account.

- 4 (1) An account shall be kept by the local housing...

Variation or review of surpluses on revenue accounts settled by the scheme.

- 5 The local housing authority may at any time vary a...

- 6 (1) The local housing authority, or a person having an...

PART II — COMPENSATION PAYABLE TO DISPOSSESSED PROPRIETOR

Rate of compensation.

- 7 The compensation payable by the local housing authority to the...

Ascertainment of gross value of house.

- 8 Subject to the following provisions, the gross value of a...

- 9 (1) If the house forms part only of a hereditament,...

- 10 If the house consists or forms part of more than...

- 11 (1) The gross value of a hereditament whose rateable value...

- 12 Where after the date on which the control order comes...

The appropriate multiplier.

- 13 (1) The appropriate multiplier for the purposes of this Part...

Apportionment of compensation between proprietors of different parts of house.

- 14 (1) If different persons are the dispossessed proprietors of different...

PART III — CESSATION OF CONTROL ORDER

General consequences of cessation of control order.

- 15 (1) On and after the date on which a control...

- 16 (1) When a control order ceases to have effect, a...

Revocation of order by county court on appeal against making of order.

- 17 (1) The provisions of this paragraph apply where a control...

- 18 (1) If a control order is revoked by the county...

- 19 (1) The provisions of this paragraph have effect for the...

Revocation of control order on further appeal.

- 20 (1) If on an appeal from a decision of the...

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Revocation of control order by county court on appeal against refusal to revoke.

- 21 (1) The provisions of this paragraph apply where a control...
PART IV — CONTROL ORDER FOLLOWED BY COMPULSORY PURCHASE
ORDER

Introductory.

- 22 The provisions of this Part of this Schedule apply where...

Preparation and service of management scheme.

- 23 (1) The local housing authority need not prepare or serve...

Control order ceases to have effect on acquisition of house.

- 24 Where the compulsory purchase order is confirmed by the Secretary...

Balances payable to dispossessed proprietor.

- 25 (1) Where a control order ceases to have effect by...

Recovery of capital expenditure incurred by local housing authority.

- 26 (1) The provisions of this paragraph have effect for the...

SCHEDULE 14 — The Keeping of the Housing Revenue Account
PART I — CREDITS TO THE ACCOUNT

Item 1: rents

Item 2: charges for services and facilities

Item 3: housing subsidy

Item 4: rent rebate subsidy

Item 5: certain contributions

Item 6: investment income

Item 7: income from proceeds of disposals

Item 8: sums transferred from the Housing Repairs Account

PART II — DEBITS TO THE ACCOUNT

Item 1: loan charges

Item 2: rents, rates, taxes and other charges

Item 3: expenditure on repairs, maintenance and management

Item 4: contributions to Housing Repairs Account

PART III — SUPPLEMENTARY PROVISIONS WITH RESPECT TO MATTERS
ARISING BEFORE 1972

Land acquired for re-development.

- 1 The reference in section 417(1) (d) to land acquired for...

*Houses and other property brought within the account
under s. 50 of the Housing (Financial Provisions) Act 1958.*

- 2 The houses and other property within an authority's Housing
Revenue...

Income arising from balance left on abolition of Housing Equalisation Account.

- 3 (1) For each year the authority shall carry to the...

Housing provided on or before 6th February 1919.

- 4 References in section 417 (the Housing Revenue Account) or this...

*Money borrowed for the execution of works assisted
under the Housing (Rural Workers) Act 1926.*

- 5 Section 417(4) (investment income to be carried to Housing Revenue...

Adjustments affecting the account.

- 6 (1) Where, but for the coming into force of the...

Proceeds from certain demolitions.

- 7 (1) The authority shall credit to the account an amount...

PART IV — RATE FUND CONTRIBUTIONS TO THE ACCOUNT

Amenities shared by the whole community.

- 1 (1) Where benefits or amenities arising from the exercise of...

Land disposed of at less than market value.

- 2 The Secretary of State in giving his consent under any...

Rent rebates in excess of subsidy.

- 3 There shall be credited to the account any contribution made...

Deficits in the account.

- 4 (1) If for any year a deficit is shown in...

PART V — OTHER SUPPLEMENTARY PROVISIONS

Credit balances in the account.

- 1 (1) An authority who keep a Housing Revenue Account may...

Ascertainment of loan charges.

- 2 (1) In this Schedule “loan charges”— (a) in relation to...

Use of estimated figures.

- 3 Any requirement of this Schedule as to the crediting or...

Status: This is the original version (as it was originally enacted).

Adjustment of accounts on appropriation of land.

- 4 (1) Where land is appropriated by a local housing authority...

Duty to supply information.

- 5 (1) A local housing authority, and any officer or employee...

Directions excluding or modifying statutory provisions.

- 6 (1) Where the Secretary of State is satisfied, on the...

Transfers of housing stock between authorities in London.

- 7 (1) Where houses and other property within the account have...

Contributions in respect of land in general improvement area.

- 8 Where a contribution under section 259 (contributions by Secretary of...

SCHEDULE 15 — Superseded Contributions, Grants, Subsidies, &c.
PART I — LOANS UNDER THE HOUSING (RURAL WORKERS) ACTS 1926 TO 1942
PART II — EXCHEQUER CONTRIBUTIONS FOR AGRICULTURAL HOUSING
(s. 46 of the Housing (Financial Provisions) Act 1958)

Contributions by Secretary of State to local housing authority.

- 1 (1) Contributions by the Secretary of State to a local...

Conditions of payment of contributions.

- 2 (1) It is a conditions of the payment of a...
3 (1) In the case of a house completed on or...

Grants payable to owners by local housing authority.

- 4 (1) Where a contribution is paid to a local housing...

No further payments if house vests in local housing authority.

- 5 Where a house which has been provided under arrangements under...
PART III — CONTRIBUTIONS FOR IMPROVEMENT OF DWELLINGS BY HOUSING AUTHORITIES

*(s. 9 of the Housing (Financial Provisions) Act 1958;
s. 13 of the House Purchase and Housing Act 1959).*

- 1 (1) Subject to sub-paragraph (2), contributions by the Secretary of...

(ss. 17 to 20 of the Housing Act 1969).

- 2 (1) Contributions by the Secretary of State to a housing...

(s. 79 of the Housing Act 1974).

- 3 (1) Subject to sub-paragraph (2), contributions by the Secretary of...
PART IV — TOWN DEVELOPMENT SUBSIDY

(s. 9 of the Housing Finance Act 1972; s. 5 of the Housing Rents and Subsidies Act 1975)

Transitional town development subsidy.

- 1 (1) Transitional town development subsidy is payable each year, subject...
- 2 (1) The subsidy is payable by the Secretary of State...

Reduction or discontinuance of subsidy.

- 3 (1) The Secretary of State may reduce or discontinue a...

Payments to receiving authority.

- 4 (1) Where transitional town development subsidy is payable, the sending...

Communication of subsidy and payments to receiving authority.

- 5 (1) The Secretary of State may, with the agreement of...

Meaning of "receiving authority".

- 6 In this part of this Schedule "receiving authority" means the...

SCHEDULE 16 — Local Authority Mortgage Interest Rates

The rate of interest.

- 1 (1) The rate of interest shall be whichever is for...

The standard national rate.

- 2 The standard national rate is the rate for the time...

The local average rate.

- 3 A local authority shall for every period of six months...
- 4 (1) The rate declared under paragraph 3(a) shall be a...

Variation of rate of interest.

- 5 (1) Where on a change of the standard national rate...
- 6 (1) On a variation of the rate of interest, the...

Directions by Secretary of State.

- 7 (1) The Secretary of State may by notice in writing...

SCHEDULE 17 — Vesting of Mortgaged House in Authority Entitled to Exercise Power of Sale

Vesting of house with leave of court.

- 1 (1) The authority may, if the county court gives it...

Effect of vesting.

- 2 (1) On the vesting of the house the authority's mortgage...

Status: This is the original version (as it was originally enacted).

Compensation and accounting.

- 3 (1) Where the authority has vested the house in itself...

Modifications in case of conveyance or grant before 8th August 1980.

- 4 In a case to which this Schedule applies by virtue...

SCHEDULE 18 — Provisions with Respect to Advances under the Small Dwellings
Acquisition Acts 1899 to 1923

Repayment of advance.

- 1 (1) The advance shall be repaid with interest within such...

The statutory conditions.

- 2 (1) The house of which the ownership was acquired by...

Condition as to residence may be dispensed with or suspended.

- 3 (1) The statutory condition as to residence may at any...

Personal liability and powers of the proprietor.

- 4 (1) The proprietor of the house of which the ownership...

Circumstances in which local authority may take possession or order sale.

- 5 (1) Where default is made in complying with the statutory...

Recovery of possession and disposal of house.

- 6 (1) Where a local authority take possession of a house,...

Procedure as to ordering sale.

- 7 (1) Where a local authority order the sale of a...

List of advances and accounts to be kept.

- 8 (1) A local authority shall keep at their offices a...

Meaning of “residence”, “ownership” and “proprietor”.

- 9 (1) A person shall not be treated for the purposes...

Date of advance.

- 10 For the purposes of this Schedule an advance shall be...

SCHEDULE 19 — Contributions Under Superseded Enactments

(Section 36 of the Housing (Financial Provisions) Act 1958).

- 1 (1) Contributions remain payable by the Secretary of State under...

(Section 16 of the Housing Act 1969).

- 2 (1) Contributions remain payable by the Secretary of State under...

SCHEDULE 20 — Assistance by Way of Repurchase
PART I — THE AGREEMENT TO REPURCHASE

The interest to be acquired.

1 In this Schedule “the interest to be acquired” means the...

Request for notice of proposed terms of acquisition.

2 (1) A person who is entitled to assistance by way...

Authority’s notice of proposed terms.

3 The purchasing authority shall, within the period of three months...

Settlement of terms.

4 Subject to the provisions of Part II of this Schedule...

Service of draft agreement.

5 The authority shall, within three months of all the provisions...

Notice to enter into agreement.

6 (1) The person entitled to assistance may, at any time...

PART II — PRICE PAYABLE AND VALUATION

The price.

7 (1) The price payable for the acquisition of an interest...

The value.

8 (1) For the purposes of this Schedule, the value of...

Determination of value.

9 (1) Any question arising under this Schedule as to the...

Service of amended draft agreement.

10 Where the value of an interest is determined, or redetermined,...

PART III — SUPPLEMENTARY PROVISIONS

Introductory.

11 (1) In this Part of this Schedule “the agreement” means...

Conveyance frees interest acquired from relevant charges.

12 (1) The conveyance is effective— (a) to discharge the interest...

Application of purchase price in satisfaction of relevant charges.

13 (1) The authority shall apply the purchase price in the...

14 If the authority do not apply an amount which under...

Status: This is the original version (as it was originally enacted).

Power to make payment into court in case of difficulty.

- 15 (1) Where a person is or may be entitled by...

Duty to pay into court in certain cases.

- 16 (1) The authority shall pay the purchase price into court...

Registration of title.

- 17 (1) Section 123 of the Land Registration Act 1925 (compulsory...

Interest acquired by local housing authority treated as acquired under Part II.

- 18 If the authority are a local housing authority, the interest...

Certain grant conditions cease to have effect.

- 19 (1) Where the interest acquired is or includes a dwelling...

Overreaching effect of conveyance.

- 20 The conveyance has effect under section 2(1) of the Law...

SCHEDULE 21 — Dwellings Included in More Than One Designation

Introductory.

- 1 This Schedule applies in relation to a defective dwelling where...

Cases in which later designation to be disregarded.

- 2 Where a person is already eligible for assistance in respect...

In other cases any applicable designation may be relied on.

- 3 Where a person is eligible for assistance in respect of...

Procedure to be followed where later designation comes into operation.

- 4 The following provisions of this Schedule apply where—

5 (1) The local housing authority shall, as soon as reasonably...

6 (1) This paragraph applies where it appears to the authority...

7 (1) This paragraph applies where a person entitled to assistance...

SCHEDULE 22 — Compulsory Purchase Orders Under Section 290

Introductory.

- 1 This Schedule applies to compulsory purchase orders under section 290...

Form of order.

- 2 The order shall be in the prescribed form, shall describe...

Notice of making of order.

- 3 (1) Before submitting the order to the Secretary of State...

Hearing of objections.

- 4 (1) If an objection duly made by a person on...

Confirmation of order.

- 5 (1) The Secretary of State may confirm the order, with...

Notice of confirmation of order.

- 6 So soon as may be after the order has been...

Challenge to validity of order.

- 7 (1) If a person aggrieved by the order desires to...

Notice of order having become operative.

- 8 (1) Subject to the provisions of paragraph 7, the order...

Costs of opposing orders, &c..

- 9 (1) The Secretary of State may make such order as...

SCHEDULE 23 — Payments in Respect of Well-Maintained Houses

Well-maintained houses subject to demolition or closing orders.

- 1 (1) Where a house— (a) is vacated in pursuance of...

Well-maintained houses purchased under s. 192 or 300.

- 2 (1) Where a house is purchased compulsorily under— section 192...

Well-maintained house subject to clearance.

- 3 (1) Where a house— (a) is made the subject of...

Amount of payment for well-maintained house.

- 4 (1) The amount of the payment to be made under...

Partially well-maintained houses.

- 5 (1) A house which apart from this paragraph would not...

Well-maintained flats and parts of buildings.

- 6 (1) Where— (a) a house comprises more than one dwelling,...

Notification required in case of house acquired for clearance.

- 7 (1) Where a house is made the subject of a...

Appeal against notification under paragraph 7.

- 8 (1) An owner, lessee, mortgagee or occupier of a house...

SCHEDULE 24 — Payments in Respect of Houses which are Owner-Occupied or Used for Business Purposes

PART I — PAYMENTS IN RESPECT OF OWNER-OCCUPIED HOUSES

Introductory.

- 1 (1) This Part of this Schedule applies where a house—...

Right to payment: main cases.

- 2 (1) Where this Part of this Schedule applies and—

Right to payment: occupation before 13th December 1955.

- 3 (1) Where this Part of this Schedule applies and—

Amount of payment.

- 4 (1) The amount of the payment to be made in...

Supplementary provisions.

- 5 (1) In this Part of this Schedule— “house” includes any...
6 (1) For the purposes of this Part of this Schedule...

PART II — PAYMENTS IN RESPECT OF HOUSES USED FOR BUSINESS
PURPOSES*Introductory.*

- 1 (1) This Part of this Schedule applies where a house—...

Right to payment: main case.

- 2 If at the relevant date and at all times during...

Right to payment: business use on 13th December 1955.

- 3 The authority shall also make such a payment if no...

Amount of payment.

- 4 (1) The amount of the payment to be made in...

Supplementary provisions.

- 5 In this Part of this Schedule— “business”, in relation to...

TABLE OF —
DERIVATIONS.

- 1 The following abbreviations are used in this Table— Acts of...
2 The Table does not show the effect of Transfer of...
3 The letter R followed by a number indicates that the...
4 A reference followed by “passim” indicates that the provision of...
5 The entry “drafting” indicates a provision of a mechanical or...