



# Housing Act 1985

## 1985 CHAPTER 68

### PART IX

#### SLUM CLEARANCE

##### Modifications etc. (not altering text)

- C1** Pt. IX (ss. 264–323) extended by [Housing \(Consequential Provisions\) Act 1985](#) (c. 71, SIF 61), s. 5(2), [Sch. 4 para. 11](#)
- C2** Pt. IX (ss. 264–323): power to apply certain functions conferred by [Housing Act 1988](#) (c. 50, SIF 61), [s. 65\(2\)\(a\)\(4\)](#)
- C3** Pt. IX (ss. 264–323) extended by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), [Sch. 25 para. 1\(2\)\(xxxii\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)

*Demolition or closing of unfit premises beyond repair at reasonable cost*

#### [<sup>F1</sup>264 Power to make closing order.

- (1) Where the local housing authority are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the dwelling-house or house in multiple occupation.
- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a closing order with respect to the whole or part of the building.
- (3) In deciding for the purposes of subsection (2)—

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- (a) whether to make a closing order with respect to the whole or part of the building; or
  - (b) in respect of which part of the building to make a closing order;
- the authority shall have regard to such guidance as may from time to time be given by the Secretary of State under section 604A.

(4) This section has effect subject to section 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed).]

**Textual Amendments**

**F1** Ss. 264, 265 substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 14](#)

**[<sup>F2</sup>265 Power to make demolition order.**

- (1) Where the local housing authority are satisfied that—
  - (a) a dwelling-house which is not a flat, or
  - (b) a house in multiple occupation which is not a flat in multiple occupation,
 is unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the dwelling-house or house concerned.
- (2) Where the local housing authority are satisfied that, in a building containing one or more flats, some or all of the flats are unfit for human habitation and that, in accordance with section 604A, taking action under this subsection is the most satisfactory course of action, they shall make a demolition order with respect to the building.
- (3) This section has effect subject to sections 300(1) (power to purchase for temporary housing use houses liable to be demolished or closed) and 304(1) (listed buildings and buildings protected by notice pending listing).]

**Textual Amendments**

**F2** Ss. 264, 265 substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 14](#)

**266** ..... <sup>F3</sup>

**Textual Amendments**

**F3** S. 266 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 15](#), [Sch. 12 Pt. II](#)

**267 Content of demolition and closing orders.**

- (1) A demolition order is an order requiring that the premises—

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- (a) be vacated within a specified period (of at least 28 days) from the date on which the order becomes operative, and
  - (b) be demolished within six weeks after the end of that period or, if it is not vacated before the end of that period, after the date on which it is vacated or, in either case, within such longer period as in the circumstances the local housing authority consider it reasonable to specify.
- (2) A closing order is an order prohibiting the use of the premises to which it relates for any purpose not approved by the local housing authority.
- (3) The approval of the local housing authority shall not be unreasonably withheld, and a person aggrieved by the withholding of such approval by the authority may, within 21 days of the refusal, appeal to the county court.

## 268 Service of notice of order.

- (1) Where a local housing authority have made a demolition or closing order, they shall serve a copy of the order on—
- (a) . . . . .<sup>F4</sup>
  - (b) any . . .<sup>F5</sup> person who is an owner of the premises, and
  - (c) every mortgagee of the premises whom it is reasonably practicable to ascertain.

[<sup>F6</sup>(1A) Where the premises in respect of which a demolition or closing order is made is a building or part of a building containing flats, any reference in paragraphs (b) and (c) of subsection (1) to “the premises” includes a reference to the flats in the building or part of the building concerned.]

- (2) An order against which no appeal is brought becomes operative at the end of the period of 21 days from the date of service of the order and is final and conclusive as to matters which could have been raised on an appeal.

### Textual Amendments

- F4** S. 268(1)(a) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 16\(1\)](#), [Sch. 12 Pt. II](#)
- F5** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 16\(1\)](#), [Sch. 12 Pt. II](#)
- F6** S. 268(1A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 16\(2\)](#)

## 269 Right of appeal against order.

- (1) A person aggrieved by a demolition or closing order may, within 21 days after the date of the service of the order, appeal to the county court.
- (2) No appeal lies at the instance of a person who is in occupation of the premises [<sup>F7</sup>or part of the premises] under a lease or agreement with an unexpired term of three years or less.

[<sup>F8</sup>(2A) Without prejudice to the generality of subsection (1), it shall be a ground of appeal—

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- (a) in the case of a closing order, that serving a repair notice under section 189 or making a demolition order under section 265 is the most satisfactory course of action; and
- (b) in the case of a demolition order, that serving a repair notice under section 189 or making a closing order under section 264 is the most satisfactory course of action;

and, where the grounds on which an appeal is brought are or include that specified in paragraph (a) or paragraph (b), the court, on hearing the appeal, shall have regard to any guidance given to the local housing authority under section 604A.]

(3) On an appeal the court—

- (a) may make such order either confirming or quashing or varying the order as it thinks fit, . . . <sup>F9</sup>
- (b) . . . . . <sup>F9</sup>

[<sup>F10</sup>(3A) Where an appeal is allowed against a closing or demolition order and the reason or one of the reasons for allowing the appeal is that specified in paragraph (a) or, as the case may be, paragraph (b) of subsection (2A), the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgement a finding to that effect.]

(4) . . . . . <sup>F11</sup>

(6) If an appeal is brought the order does not become operative until—

- (a) a decision on the appeal confirming the order (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
- (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the order (with or without variation);

and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the order or decision appealed against.

<b>Textual Amendments</b>	
<b>F7</b>	Words inserted by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 61)</a> , s. 165(1)(b), <b>Sch. 9 Pt. II para. 17(1)</b>
<b>F8</b>	s. 269(2A) inserted by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 61)</a> , s. 165(1)(b), <b>Sch. 9 Pt. II para. 17(2)</b>
<b>F9</b>	Word;and and s. 269(3)(b) repealed by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 61)</a> , ss. 165(1)(b), 194(4), <b>Sch. 9 Pt. II para. 17(3)</b> , <b>Sch. 12 Pt. II</b>
<b>F10</b>	S. 269(3A) inserted by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 61)</a> , s. 165(1)(b), <b>Sch. 9 Pt. II para. 17(4)</b>
<b>F11</b>	s. 269(4)(5) repealed by <a href="#">Local Government and Housing Act 1989 (c. 42, SIF 61)</a> , ss. 165(1)(b), 194(4), <b>Sch. 9 Pt. II para. 17(5)</b> , <b>Sch. 12 Pt. II</b>
<b>Modifications etc. (not altering text)</b>	
<b>C4</b>	<a href="#">S. 269(2A)</a> amended (17.12.1996) by <a href="#">S.I. 1996/2885</a> , <b>art. 4(3)</b>

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### [<sup>F12</sup>269A Appeals suggesting certain other courses of action

- (1) One ground of appeal under section 269 in relation to a demolition order made under section 265 is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.
- (2) The courses of action are—
  - (a) serving an improvement notice under section 11 or 12 of the Housing Act 2004;
  - (b) making a prohibition order under section 20 or 21 of that Act;
  - (c) serving a hazard awareness notice under section 28 or 29 of that Act; or
  - (d) declaring the area in which the premises concerned are situated to be a clearance area in accordance with section 289 of this Act.
- (3) Subsection (4) applies where—
  - (a) a residential property tribunal is hearing an appeal under section 269 in relation to a demolition order made under section 265; and
  - (b) the grounds on which the appeal is brought are or include the ground that a course of action mentioned in subsection (2) is the best course of action in relation to each hazard concerned.
- (4) The tribunal shall have regard to any guidance given to the local housing authority under section 9 of the Housing Act 2004.
- (5) Subsection (6) applies where—
  - (a) an appeal under section 269 is allowed against a demolition order made under section 265; and
  - (b) the reason or one of the reasons for allowing the appeal is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.
- (6) The tribunal shall, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.
- (7) Subsection (1) of this section is without prejudice to the generality of section 269.]

#### Textual Amendments

**F12** S. 269A inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 15](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

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### Demolition orders

#### 270 Demolition orders: recovery of possession of building to be demolished.

- (1) Where a demolition order has become operative [<sup>F13</sup>with respect to any premises], the local housing authority shall serve on [<sup>F14</sup>any occupier of the premises or any part of the premises] a notice—
  - (a) stating the effect of the order,
  - (b) specifying the date by which the order requires the [<sup>F15</sup>premises] to be vacated, and
  - (c) requiring him to quit the [<sup>F15</sup>premises] before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.
- (2) If any person is in occupation of [<sup>F16</sup>the premises], or any part of [<sup>F17</sup>them], at any time after the date on which the notice requires [<sup>F16</sup>the premises] to be vacated, the local housing authority or an owner of [<sup>F16</sup>the premises] may apply to the county court which shall thereupon order vacant possession of [<sup>F16</sup>the premises] or part to be given to the applicant within such period, of not less than two or more than four weeks, as the court may determine.
- (3) Nothing in the Rent Acts [<sup>F18</sup>or Part I of the Housing Act 1988] affects the provisions of this section relating to the obtaining possession of [<sup>F19</sup>any premises].
- (4) Expenses incurred by the local housing authority under this section in obtaining possession of [<sup>F19</sup>any premises], or part of [<sup>F19</sup>any premises], may be recovered by them by action from the owner, or from any of the owners, of [<sup>F16</sup>the premises].
- (5) A person who, knowing that a demolition order has become operative and applies to [<sup>F19</sup>any premises]—
  - (a) enters into occupation of [<sup>F16</sup>the premises], or a part of [<sup>F17</sup>them], after the date by which the order requires [<sup>F17</sup>them] to be vacated, or
  - (b) permits another person to enter into such occupation after that date,
 commits a summary offence and is liable on conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £5 for every day or part of a day on which the occupation continues after conviction.

#### Textual Amendments

- F13** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(1)(a)**
- F14** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(1)(b)**
- F15** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(1)(c)**
- F16** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(2)(a)**
- F17** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(2)(b)**
- F18** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 47**
- F19** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 18(2)(c)**

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## **271 Demolition orders: execution of order.**

- (1) When a demolition order has become operative, the owner of the premises to which it applies shall demolish the premises within the time limited by the order, and if the premises are not demolished within that time the local housing authority shall enter and demolish them and sell the materials.
- (2) Subsection (1) has effect subject to—
  - section 273 (cleansing before demolition),
  - section 274 (power to permit reconstruction), and
  - section 275 (use otherwise than for human habitation).

## **272 Demolition orders: expenses of local housing authority, &c.**

- (1) Expenses incurred by the local housing authority under section 271 (execution of demolition order), after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the premises.
- (2) If there is more than one owner—
  - (a) the expenses may be recovered by the local housing authority from the owners in such shares as the court may determine to be just and equitable, and
  - (b) an owner who pays to the authority the full amount of their claim may recover from any other owner such contribution, if any, as the court may determine to be just and equitable.
- (3) A surplus in the hands of the authority shall be paid by them to the owner of the premises or, if there is more than one owner, as the owners may agree.
- (4) If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall, by virtue of this subsection, be trustees of the surplus for the owners of the premises and section 63 of the <sup>M1</sup>Trustee Act 1925 (which relates to payment into court by trustees) has effect accordingly.
- (5) The county court has jurisdiction to hear and determine proceedings under subsection (1) or (2), and has jurisdiction under section 63 of the <sup>M2</sup>Trustee Act 1925 in relation to such a surplus as is referred to in subsection (4).
- (6) In determining for the purposes of this section the shares in which expenses are to be paid or contributed by, or a surplus divided between, two or more owners of premises, the court shall have regard to all the circumstances of the case, including—
  - (a) their respective interests in the premises, and
  - (b) their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether express or implied.

### **Marginal Citations**

**M1** 1925 c. 19

**M2** 1925 c. 19.

## **273 Demolition orders: cleansing before demolition.**

- (1) If it appears to the local housing authority that premises to which a demolition order applies require to be cleansed from vermin, they may, at any time between the date on

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which the order is made and the date on which it becomes operative, serve notice in writing on the owner or owners of the premises that they intend to cleanse the premises before they are demolished.

- (2) Where the authority have served such a notice—
  - (a) they may, at any time after the order has become operative and the premises have been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and
  - (b) the demolition shall not be begun or continued by an owner after service of the notice on him, except as mentioned in subsection (3), until the authority have served on him a further notice authorising him to proceed with the demolition.
- (3) An owner on whom a notice has been served under subsection (1) may, at any time after the premises have been vacated, serve notice in writing on the authority requiring them to carry out the work within 14 days from the receipt of the notice served by him, and at the end of that period shall be at liberty to proceed with the demolition whether the work has been completed or not.
- (4) Where the local housing authority serve a notice under subsection (1), they shall not take action under section 271 (under which they are to demolish the [<sup>F20</sup>premises] if the owners do not) until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) or (3) to proceed with the demolition.

#### Textual Amendments

**F20** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 19](#)

### 274 Demolition orders: power to permit reconstruction of condemned house.

- (1) Where a demolition order has become operative—
  - (a) the owner of the [<sup>F21</sup>premises], or
  - (b) any other person who in the opinion of the local housing authority is or will be in a position to put his proposals into effect,

may submit proposals to the authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the [<sup>F21</sup>premises], or of buildings including the house.
- (2) If the authority are satisfied that the result of the works will be the provision of one or more [<sup>F22</sup>dwelling-houses or houses in multiple occupation] fit for human habitation, they may, in order that the person submitting the proposals may have an opportunity of carrying out the works, extend for such period as they may specify the time within which the owner of the [<sup>F23</sup>premises] is required under section 271 to demolish [<sup>F24</sup>them].
- (3) That time may be further extended by the authority, once or more often as the case may require, if—
  - (a) the works have begun and appear to the authority to be making satisfactory progress, or
  - (b) though they have not begun, the authority think there has been no unreasonable delay.



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- (4) Where the authority determine to extend, or further extend, the time within which the owner of [<sup>F25</sup>any premises] is required under section 271 to demolish [<sup>F26</sup>them], notice of the determination shall be served by the authority on every person having an interest in [<sup>F27</sup>the premises or part of the premises], whether as freeholder, mortgagee or otherwise.
- (5) If the works are completed to the satisfaction of the authority they shall revoke the demolition order (but without prejudice to any subsequent proceedings under this Part).

#### Textual Amendments

- F21** Word substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(1)**
- F22** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(2)(a)**
- F23** Word substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(2)(b)**
- F24** Word substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(2)(c)**
- F25** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(3)(a)**
- F26** Word substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(3)(b)**
- F27** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 20(3)(c)**

VALID FROM 06/04/2006

#### **[<sup>F28</sup>274A] Effect of certain enforcement action under the Housing Act 2004**

A demolition order which has been made in respect of any premises shall cease to have effect if a management order under Chapter 1 or 2 of Part 4 of the Housing Act 2004 comes into force in relation to the premises.]

#### Textual Amendments

- F28** S. 274A inserted (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 265(1), 270(4)(5), **Sch. 15 para. 17**; S.I. 2006/1060, **art. 2(1)(d)** (with Sch.); S.I. 2006/1535, **art. 2(b)** (with Sch.)

#### **275 Demolition orders: substitution of closing order to permit use otherwise than for human habitation.**

- (1) If an owner of [<sup>F29</sup>any premises] in respect of which a demolition order has become operative, or any other person who has an interest in [<sup>F30</sup>the premises], submits proposals to the local housing authority for the use of [<sup>F30</sup>the premises] for a purpose other than human habitation, the authority may if they think fit to do so determine the demolition order and make a closing order as respects [<sup>F30</sup>the premises].

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- (2) The authority shall serve notice that the demolition order has been determined, and a copy of the closing order, on <sup>[F31]</sup>every person on whom they would be required by section 268 to serve a copy of a closing order made under section 264].

**Textual Amendments**

- F29** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 21(1)(a)**
- F30** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 21(1)(b)**
- F31** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 21(2)**

**Modifications etc. (not altering text)**

- C5** [S. 275\(1\)](#) extended by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 58, **Sch. 2 para. 1(1)**

*Closing orders*

**276 Closing orders: recovery of possession of house.**

Nothing in the Rent Acts <sup>[F32]</sup>or Part I of the Housing Act 1988] prevents possession being obtained by the owner of premises in respect of which a closing order is in force.

**Textual Amendments**

- F32** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 47**

**277 Closing orders: enforcement.**

If a person, knowing that a closing order has become operative and applies to premises, uses the premises in contravention of the order, or permits them to be so used, he commits a summary offence and is liable on conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £20 for every day or part of a day on which he so uses them or permits them to be so used after conviction.

**278 Closing orders: determination of order on premises being rendered fit.**

- (1) The local housing authority shall determine a closing order on being satisfied that the <sup>[F33]</sup>dwelling-house, house in multiple occupation or, in the case of a building containing flats, the flats concerned] have been rendered fit for human habitation, and if so satisfied as respects part of the premises they shall determine the order so far as it relates to that part.
- (2) A person aggrieved by a refusal by the local housing authority to determine a closing order, either wholly or as respects part of the premises to which it relates, may, within 21 days after the refusal, appeal to the county court.
- (3) No appeal lies at the instance of a person who is in occupation of the premises, or a relevant part of the premises, under a lease or agreement of which the unexpired term is three years or less.

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**Textual Amendments**

**F33** By [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 22](#) it is provided that for the words “premises” in the first place where they occur there is substituted words beginning “dwelling-house,”

**279 Closing orders: substitution of demolition order.**

- (1) Where a local housing authority have made a closing order, they may, subject to [<sup>F34</sup>subsections (2) and (2A)], at any time revoke it and make a demolition order.
- (2) The power conferred by subsection (1) is not exercisable in relation to a closing order made under or by virtue of—  
.....<sup>F35</sup>,  
section 304(1) (listed buildings), or  
section 304(2) (building subject to demolition order becoming listed),  
or where the closing order has been determined under section 278 as respects part of the premises to which it relates.
- [<sup>F36</sup>(2A) The power conferred by subsection (1) is not exercisable in relation to a closing order made under section 264(1) where the dwelling-house concerned is a flat or, as the case may be, where the house in multiple occupation is a flat in multiple occupation.]
- (3) The provisions of this Part relating to demolition orders, including the provisions relating to service of copies of the order and appeals, apply to an order under this section as they apply to a demolition order under section 265.

**Textual Amendments**

- F34** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 23](#)
- F35** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 23\(2\)](#), [Sch. 12 Pt. II](#)
- F36** S. 279(2A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 23\(3\)](#)

**280**— .....<sup>F37</sup>  
**282.**

**Textual Amendments**

**F37** Ss. 280–282 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 24](#), [Sch. 12 Pt. II](#)

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### *Demolition of obstructive buildings*

#### **283 Buildings liable to be demolished as “obstructive buildings”.**

- (1) In this Part “obstructive building” means a building which, by virtue only of its contact with or proximity to other buildings, is dangerous or injurious to health.
- (2) A building is not liable to be demolished as an obstructive building under the following provisions of this Part if it is—
  - (a) the property of statutory undertakers (unless the building is used for the purposes of a dwelling, showroom or office), or
  - (b) the property of a local authority.
- (3) In subsection (2) “statutory undertakers” means persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, . . . <sup>F38</sup>, . . . <sup>F39</sup> or other public undertaking.

#### **Textual Amendments**

**F38** Word repealed by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18 Pt. I**

**F39** Word repealed by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

#### **Modifications etc. (not altering text)**

**C6** Ss. 283, 296 extended by [Airports Act 1986](#) (c. 31, SIF 9), s. 58, **Sch. 2 para. 1(1)**

**C7** S. 283 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(2)(o)** (with s. 106); S.I. 2001/869, **art. 2**

**C8** Ss. 283(2), 296 extended by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xlviii), **Sch. 8 para. 33**

**C9** S. 283(2) extended by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(xl), **Sch. 17 para. 35(1)**

**C10** S. 283(2) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxvi)**; S.I. 1996/218, **art. 2**

#### **284 Obstructive building order.**

- (1) The local housing authority may serve upon every owner of a building which appears to them to be an obstructive building, notice of a time (not being less than 21 days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority.
- (2) Every owner of the building is entitled to be heard when the matter is so taken into consideration.
- (3) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building, or a part of it, ought to be demolished, they shall make an obstructive building order, that is to say, an order requiring—
  - (a) that the building, or part of it, be demolished, and
  - (b) that the building, or such part of it as is required to be vacated for the purposes of the demolition, be vacated within two months from the date on which the order becomes operative.

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- (4) The authority shall serve a copy of the order on every owner of the building.
- (5) The order becomes operative, if no appeal is brought against it, on the expiration of 21 days from the date of the service of the order and is final and conclusive as to matters which could have been raised on such an appeal.

### **285 Right of appeal against obstructive building order.**

- (1) A person aggrieved by an obstructive building order may, within 21 days after the date of the service of the order, appeal to the county court.
- (2) No appeal lies at the instance of a person who is in occupation of the building to which the order relates under a lease or agreement of which the unexpired term is three years or less.
- (3) On an appeal the court may make such order either confirming, quashing or varying the order as it thinks fit.
- (4) If an appeal is brought, the order does not become operative until—
  - (a) a decision on the appeal confirming the order (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
  - (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the order (with or without variation);and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the order or decision appealed against.

### **286 Obstructive building order: recovery of possession of building to be demolished.**

- (1) Where an obstructive building order has become operative, the local housing authority shall serve on the occupier of the building, or part of a building, to which the order relates a notice—
  - (a) stating the effect of the order,
  - (b) specifying the date by which the order requires the building to be vacated, and
  - (c) requiring him to quit the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the notice requires the building to be vacated a person is in occupation of the building, or part of it, the local housing authority or an owner of the building may apply to the county court which shall order vacant possession of the building, or of the part of it, to be given to the applicant within such period, of not less than two or more than four weeks, as the court may determine.
- (3) Nothing in the Rent Acts [<sup>F40</sup>or Part I of the Housing Act 1988] affects the provisions of this section relating to the obtaining of possession of a building.
- (4) A person who, knowing that an obstructive building order has become operative and applies to a building—
  - (a) enters into occupation of the building, or of a part of it, after the date by which the order requires the building to be vacated, or
  - (b) permits another person to enter into such occupation after that date,

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commits a summary offence and is liable on conviction to a fine not exceeding level 2 on the standard scale and to a further fine not exceeding £5 a day for every day or part of a day on which the occupation continues after conviction.

#### Textual Amendments

**F40** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt I para. 47](#)

### 287 Execution of obstructive building order.

- (1) If before the end of the period within which a building in respect of which an obstructive building order is made is required by the order to be vacated—
  - (a) an owner whose estate or interest in the building and its site is such that its acquisition by the local housing authority would enable the authority to carry out the demolition provided for by the order, or
  - (b) owners whose combined estates or interests in the building and its site are such that their acquisition by the authority would enable the authority to carry out the demolition provided by the order,

make to the authority an offer for the sale of that interest, or of those interests, at a price to be assessed as if it were compensation for a compulsory purchase under section 290 (acquisition of land for clearance), the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.
- (2) If no such offer is made before the end of the period within which the building is required by the order to be vacated, the owner or owners shall carry out the demolition provided for by the order before the expiration of six weeks from—
  - (a) the last day of that period, or
  - (b) if the building, or such part of it as is required to be vacated, is not vacated until after that day, the day on which it is vacated,

or, in either case, such longer period as in the circumstances the local housing authority deem reasonable.
- (3) If the demolition is not so carried out, the local housing authority shall enter and carry out the demolition and sell the materials rendered available by the demolition.

### 288 Obstructive buildings: expenses of local housing authority, &c.

- (1) Expenses incurred by the local housing authority under section 287(3) (execution of obstructive building order) after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the building.
- (2) If there is more than one owner—
  - (a) the expenses may be recovered by the authority from the owners in such shares as the court may determine to be just and equitable, and
  - (b) an owner who pays to the authority the full amount of their claim may recover from any other owner such contribution, if any, as the court may determine to be just and equitable.
- (3) A surplus in the hands of the authority shall be paid by them to the owner of the building or, if there is more than one owner, as the owners may agree.

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- (4) If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall, by virtue of this subsection, be trustees of the surplus for the owners of the premises and section 63 of the <sup>M3</sup>Trustee Act 1925 (which relates to payment into court by trustees) has effect accordingly.
- (5) The county court has jurisdiction to hear and determine proceedings under subsection (1) or (2), and has jurisdiction under section 63 of the Trustee Act 1925 in relation to such a surplus as is referred to in subsection (4).
- (6) In determining for the purposes of this section the shares in which expenses are to be paid or contributed by, or a surplus divided between, two or more owners of a building, the court shall have regard to all the circumstances of the case, including—
  - (a) their respective interests in the building, and
  - (b) their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether express or implied.

#### Marginal Citations

M3 1925 c. 19.

### Clearance areas

#### 289 Declaration of clearance area.

- (1) A clearance area is an area which is to be cleared of all buildings in accordance with the following provisions of this Part.
  - (2) [<sup>F41</sup>Subject to subsections (2B) to (2F), (4), and (5B)] the local housing authority shall declare an area to be a clearance area if they are satisfied—
    - (a) that the [<sup>F42</sup>buildings in the area which are dwelling-houses or houses in multiple occupation or contain one or more flats (in this section referred to as “residential buildings”)] are unfit for human habitation or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and
    - (b) that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the inhabitants of the area,and [<sup>F43</sup>in accordance with subsection 604A] that the most satisfactory [<sup>F44</sup>course of action] is the demolition of all the buildings in the area.
- [<sup>F45</sup>(2A) A residential building containing one or more flats shall be treated for the purposes of this section as unfit for human habitation if some or all of the flats within it are unfit for human habitation.
- (2B) Before declaring an area to be a clearance area, the authority shall—
    - (a) serve notice of their intention to include a building in the clearance area on every person who has an interest in the building (whether as freeholder, lessee or mortgagee) and also, in the case of a residential building, on every person who has such an interest in any flat in the building; and
    - (b) take reasonable steps to inform any occupiers of a residential building who do not have such an interest in the building or a flat in the building as is referred

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- to in paragraph (a) of their intention to include the building in the clearance area; and
- (c) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) notice of their intention to declare the area to be a clearance area.
- (2C) A notice served under paragraph (a) of subsection (2B) shall invite representations from the person on whom the notice was served within such reasonable period, being not less than twenty-eight days after the date on which the notice is served, as may be specified in the notice.
- (2D) The authority shall, by the steps taken in relation to occupiers of a residential building as mentioned in paragraph (b) of subsection (2B), invite representations from those occupiers within such reasonable period, expiring not less than twenty-eight days after the date on which the steps are taken, as may be specified by the authority.
- (2E) A notice published in accordance with paragraph (c) of subsection (2B) shall invite representations from any interested persons within such reasonable period, being not less than twenty-eight days after the date on which the notice is published, as may be specified in the notice.
- (2F) The authority shall consider all representations made under subsections (2C), (2D) and (2E) and, in the light of the representations, shall take whichever of the following decisions they think appropriate, that is to say—
- (a) they may decide to declare the area to be a clearance area; or
- (b) they may decide to declare the area to be a clearance area but exclude such residential buildings which are unfit for human habitation as they think fit; or
- (c) they may decide not to declare the area to be a clearance area.]
- (3) [<sup>F46</sup>Subject to subsection (5B), where the authority decide to declare an area to be a clearance area in accordance with paragraph (a) or paragraph (b) of subsection (2F)] they shall—
- (a) cause the area to be defined on a map in such manner as to exclude from any area
- [<sup>F47</sup>(i) any residential building which is not unfit for human habitation or dangerous or injurious to health;
- (ii) any other building which is not dangerous or injurious to health; and
- (iii) any residential buildings which, by virtue of subsection (2F)(b), they have decided to exclude from the area; and]
- (b) pass a resolution declaring the area so defined to be a clearance area.
- (4) Before passing such a resolution the authority shall satisfy themselves—
- (a) that, in so far as suitable accommodation does not already exist for the persons who will be displaced by the clearance of the area, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of the buildings in the area, or in different parts of it, proceeds, and
- (b) that the resources of the authority are sufficient for the purposes of carrying the resolution into effect.
- (5) The authority shall forthwith transmit to the Secretary of State a copy of any resolution passed by them under this section, together with a statement of the number of persons



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who on a day specified in the statement were occupying the buildings comprised in the clearance area.

[<sup>F48</sup>(5A) Where a residential building which is unfit for human habitation is not included within a clearance area, whether by virtue of paragraph (b) or paragraph (c) of subsection (2F), the authority shall forthwith, in accordance with section 604A (disregarding guidance under that section in respect of this section), take action in respect of the building (and any flat contained within it) under whichever of sections 189, 264 and 265 it considers to be the most satisfactory course of action.

(5B) Subject to section 578A, a clearance area may not include any parcel of land which is not contiguous with another parcel of land within the area; and, where the effect of subsection (3) would otherwise be that a clearance area would comprise two or more separate and distinct areas, paragraph (b) of that subsection shall have effect as if for the words “pass a resolution declaring the area so defined” there were substituted “if the effect of paragraph (a) would otherwise be that the area would comprise two or more separate and distinct areas, pass a separate resolution in respect of each of those areas declaring each of them]

(6) ..... <sup>F49</sup>

#### Textual Amendments

- F41 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(1)(a)**
- F42 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(1)(b)**
- F43 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(1)(c)**
- F44 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(1)(c)**
- F45 S. 289(2A)–(2F) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(2)**
- F46 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(3)(a)**
- F47 S. 289(3)(a)(i)–(iii) substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(3)(b)**
- F48 S. 289(5A)(5B) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 25(4)**
- F49 S. 289(6) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1)(4), Sch. 11 para. 70, **Sch. 12 Pt. II**

#### Modifications etc. (not altering text)

- C11 S. 289 restricted (11.9.1996 for specified purposes and 16.12.1997 otherwise) by [1996 c. 53, s. 131\(1\)](#); [S.I. 1996/2352, art. 2\(2\)](#); [S.I. 1997/2846, art. 2](#)

## 290 Acquisition of land for clearance.

(1) So soon as may be after the local housing authority have declared an area to be a clearance area, they shall proceed to secure the clearance of the area (subject to and in accordance with the provisions of this Part) by purchasing the land comprised in the area and themselves undertaking, or otherwise securing, the demolition of the buildings on the land.

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- (2) Where the authority determine to purchase land comprised in a clearance area, they may also purchase—
  - (a) land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and
  - (b) adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.
- (3) Where the authority have determined to purchase land under this section, they may purchase the land by agreement or be authorised by the Secretary of State to purchase the land compulsorily.
- (4) The powers conferred by subsection (3) are exercisable notwithstanding that any of the buildings within the area have been demolished since the area was declared to be a clearance area.

## 291 Method of dealing with land acquired for clearance.

- (1) A local housing authority who have purchased land under section 290 shall, so soon as may be, cause every building on the land to be vacated and deal with the land in one or other of the following ways, or partly in one of those ways and partly in the other, that is to say—
  - (a) themselves demolish every building on the land within the period mentioned in subsection (2) and thereafter appropriate or dispose of the land, subject to such restrictions and conditions (if any) as they think fit, or
  - (b) dispose of the land as soon as may be subject to a condition that the buildings on it be demolished forthwith, and subject to such restrictions and other conditions (if any) as they think fit.
- (2) The period within which the authority is to demolish a building under paragraph (a) of subsection (1) is six weeks from the date on which the building is vacated or such longer period as in the circumstances they consider reasonable.
- (3) This section has effect subject to—
 

section 301 (retention of premises for temporary housing use),  
sections 305 and 306 (suspensions of clearance procedure on building becoming listed), and

F50  
.....
- (4) The references in subsection (1) to appropriation or disposal under the general powers conferred by section 122 or 123 of the <sup>M4</sup>Local Government Act 1972.

### Textual Amendments

**F50** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 26, Sch. 12 Pt. II](#)

### Marginal Citations

**M4** [1972 c. 70.](#)

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## **292 Power to discontinue proceedings if acquisition of land proves unnecessary.**

Where the local housing authority have submitted to the Secretary of State an order for the compulsory purchase of land in a clearance area and the Secretary of State, on an application being made to him by the owner or owners of the land and the authority, is satisfied—

- (a) that the owner or owners of the land, with the concurrence of any mortgagee of the land, agree to the demolition of the buildings on the land, and
- (b) that the authority can secure the proper clearance of the area without acquiring the land,

the Secretary of State may authorise the authority to discontinue proceedings for the purchase of the land on their being satisfied that such covenants have been or will be entered into by all necessary parties as may be requisite for securing that the buildings will be demolished, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section 291.

## **293 Property belonging to the local housing authority.**

- (1) The local housing authority may include in a clearance area land belonging to them which they might have included in the area if it had not belonged to them, and the provisions of this Part apply to land so included as they apply to land purchased by the authority as being comprised in the clearance area.
- (2) Where land belonging to the local housing authority is surrounded by or adjoins a clearance area and might, had it not previously been acquired by them, have been purchased by the authority under section 290(2), the provisions of this part apply to that land as they apply to land purchased by the authority as being surrounded by or adjoining the clearance area.

## **294 Extinguishment of public rights of way over land acquired.**

- (1) The local housing authority may, with the approval of the Secretary of State, by order extinguish any public right of way over land acquired by them under section 290 (land acquired for clearance) [<sup>F51</sup>as from such date as the Secretary of State in approving the order may direct].
- (2) Where the authority have resolved to purchase under that section land over which a public right of way exists, [<sup>F52</sup>an order made by the authority in advance of the purchase and approved by the Secretary of State (whether before or after the purchase) shall extinguish that right as from such date as the Secretary of State in approving the order may direct].
- (3) The order shall be published in such manner as may be prescribed and if objection to the order is made to the Secretary of State before the expiration of [<sup>F53</sup>four] weeks from its publication [<sup>F54</sup>then, subject to subsection (4)], he shall not approve the order until he has caused a public local inquiry to be held into the matter.
- [<sup>F55</sup>(4) The Secretary of State may dispense with such an inquiry as is referred to in subsection (3) if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.]

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### Textual Amendments

- F51** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 27(1)**
- F52** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 27(2)**
- F53** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 27(3)(a)**
- F54** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 27(3)(b)**
- F55** S. 294(4) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 27(4)**

## 295 Extinguishment of other rights over land acquired.

- (1) Upon the completion by the local housing authority of the purchase by them under section 290 (land acquired for clearance)—
- (a) all private rights of way over the land,
  - (b) all rights of laying down, erecting, continuing or maintaining apparatus on, under or over the land, and
  - (c) all other rights or easements in or relating to the land,
- shall be extinguished and any such apparatus shall vest in the authority.
- (2) Subsection (1) has effect subject to—
- (a) any agreement which may be made between the local housing authority and the person in or to whom the right or apparatus is vested or belongs, and
  - (b) sections 296 and 298 (which relate to the rights and apparatus of statutory undertakers and certain operators of telecommunication systems).
- (3) A person who suffers loss by the extinguishment of any right or the vesting of any apparatus under subsection (1) is entitled to be paid by the local housing authority compensation to be determined under and in accordance with the <sup>M5</sup>Land Compensation Act 1961.

### Marginal Citations

**M5** 1961 c. 33.

## 296 Apparatus of statutory undertakers.

- (1) Section 295(1) (extinguishment of rights over land acquired for clearance and vesting of apparatus in local housing authority) does not apply to—
- (a) any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or
  - (b) any apparatus belonging to statutory undertakers.
- (2) Where the removal or alteration of apparatus belonging to statutory undertakers—
- (a) on, under or over land purchased by a local housing authority under section 290 (land acquired for clearance), or
  - (b) on, under or over a street running over, or through, or adjoining any such land.

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is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred on them by the provisions of this Part relating to clearance areas, the authority may execute works for the removal or alteration of the apparatus, subject to and in accordance with the provisions of section 297 (procedure for removal or alteration of apparatus).

- (3) The local housing authority shall make reasonable compensation to statutory undertakers for any damage sustained by the undertakers by reason of the execution by the authority of works under this section and not made good by the provision of substituted apparatus; and any question as to the right of undertakers to recover such compensation or as to its amount shall be referred to and determined by the Lands Tribunal.
- (4) In this section—
- (a) “statutory undertakers” means persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, . . . <sup>F56</sup>, . . . <sup>F57</sup> or other public undertaking;
  - (b) “apparatus” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps;
  - (c) references to the alteration of apparatus include references to diversion and to the alteration of position or level.

#### Textual Amendments

**F56** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

**F57** Word repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

#### Modifications etc. (not altering text)

**C12** Ss. 283, 296 extended by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 1(1)**

**C13** Ss. 283(2), 296 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xlviii), **Sch. 8 para. 33**

**C14** S. 296 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(4)(e)(9), Sch. 17 paras. 33, **35(1)**

S. 296 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xxxvi)**; S.I. 1996/218, **art. 2**

**C15** S. 296 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(2)(o)** (with s. 106); S.I. 2001/869, **art. 2**

### 297 Procedure for removal or alteration of apparatus under s. 296.

- (1) A local housing authority who intend to remove or alter apparatus in exercise of the power conferred by section 296—
- (a) shall serve on the undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed and plans and sections of them, and
  - (b) shall not commence any works until the expiration of the period of 28 days from the date of service of that notice;

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and within that period the undertakers may, by notice in writing served on the authority, make objections to, or state requirements with respect to, the proposed works as follows.

- (2) The undertakers may object to the execution of the works, or any of them, on the ground that they are not reasonably necessary for the purpose mentioned in section 296(2); and if objection is so made to any works and not withdrawn, the authority shall not execute the works unless they are determined by arbitration to be so necessary.
- (3) The undertakers may state requirements to which, in their opinion, effect ought to be given as to—
  - (a) the manner of, or the conditions to be observed in, the execution of the works, or
  - (b) the execution of other works for the protection of other apparatus belonging to the undertakers or for the provision of substituted apparatus, whether permanent or temporary;

and if any such requirement is so made and not withdrawn, the authority shall give effect to it unless it is determined by arbitration to be unreasonable.

- (4) At least seven days before commencing any works which they are authorised by section 296, or required by subsection (3), to execute, the local housing authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention to do so; and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers.
- (5) If within seven days from the date of service on them of such a notice the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority; and the reasonable costs of the works shall be repaid to the undertakers by the authority.
- (6) Any matter which by virtue of subsection (2) or (3) is to be determined by arbitration, and any difference arising between statutory undertakers and a local housing authority under subsection (4) or (5), shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Secretary of State.

## **298 Telecommunication apparatus.**

- (1) In this section—
  - (a) “the telecommunications code” means the code contained in Schedule 2 to the <sup>M6</sup>Telecommunications Act 1984,
  - (b) “telecommunications code system” means a telecommunication system to which that code applies, and
  - (c) expressions which are defined for the purposes of that code by paragraph 1 of that Schedule, or are defined in that Act for the purposes of that Act, have the same meaning in this section.
- (2) Where a public right of way over land is extinguished by an order under section 294 and immediately before the order comes into operation there is under, in, on, over, along or across the land telecommunication apparatus kept installed for the purposes of a telecommunications code system, the powers of the operator of the system in respect of the apparatus are not affected by the order, but any person entitled to the

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land over which the right of way subsisted may require the alteration of the apparatus, and paragraph 21 of the telecommunications code (procedure for exercise of right to require removal of apparatus) applies.

- (3) Section 295(1) (extinguishment of other rights over land acquired for clearance and vesting of apparatus in local housing authority) does not apply to—
- (a) any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, or
  - (b) telecommunication apparatus kept installed for the purposes of such a system; but the local housing authority may, where it is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred on them by the provisions of this Act relating to clearance areas, execute works for the alteration of such apparatus, and paragraph 23 of the telecommunications code (procedure for works involving alteration of apparatus) applies.

**Marginal Citations**

M6 1984 c. 12.

299 ..... F58

**Textual Amendments**

F58 S. 299 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(b), 194(4), Sch. 9 Pt. II para. 28, Sch. 12 Pt. II

*Use of condemned houses for temporary housing accommodation*

**300 Purchase of houses liable to be demolished or closed.**

- (1) Where the local housing authority would be required under [F59]section 264 or section 265 to make a demolition or closing order in respect of a [F60]dwelling-house (not being a flat), a house in multiple occupation (not being a flat in multiple occupation) or the whole of a building], they may, if it appears to them that the [F61]dwelling-house, house in multiple occupation or, as the case may be, building] is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, purchase it instead.
- (2) Where an authority have determined to purchase [F62]any premises] under this section—
- (a) they shall serve a notice of their determination on the persons on whom they would have been required by section 268(1) to serve a copy of a demolition or closing order, and
  - (b) sections 268(2) and [F63]269(1), (2), (3) and (6)] (operative date and right of appeal) apply to such a notice as they apply to a demolition or closing order.
- (3) At any time after the notice has become operative the authority may purchase the [F64]dwelling-house, house in multiple occupation or building] by agreement or be authorised by the Secretary of State to purchase it compulsorily.
- (4) ..... F65

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- (5) This section does not apply where section 304(1) applies (listed building or building protected pending listing).

#### Textual Amendments

- F59** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(1\)\(a\)](#)
- F60** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(1\)\(b\)](#)
- F61** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(1\)\(c\)](#)
- F62** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(2\)\(a\)](#)
- F63** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(2\)\(b\)](#)
- F64** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 29\(3\)](#)
- F65** S. 300(4) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 194\(4\), Sch. 12 Pt. II](#)

### 301 Retention of houses acquired for clearance.

- (1) The local housing authority, having declared an area to be a clearance area, may postpone for such period as they may determine the demolition of [<sup>F66</sup>residential buildings] on land purchased by them within the area if, in their opinion, the [<sup>F66</sup>residential buildings] are or can be rendered capable of providing accommodation of a standard which is adequate for the time being.
- (2) Where the local housing authority are satisfied that a [<sup>F67</sup>residential building] on land purchased by them within a clearance area which is not retained by them for temporary use for housing purposes—
- (a) is required for the support of a [<sup>F67</sup>residential building] which is so retained, or
  - (b) should not be demolished for the time being for some other special reason connected with the exercise in relation to the clearance area of the authority's powers under subsection (1).
- they may retain the [<sup>F67</sup>residential building] for the time being and are not required to demolish it so long as it is required for that purpose or, as the case may be, so long as those powers are being exercised by the authority in relation to that area.
- (3) Where the demolition of any [<sup>F68</sup>residential buildings] in a clearance area is postponed under this section, the local housing authority may also postpone the taking of proceedings under section 290(1) (acquisition of land for clearance) in respect of buildings other than [<sup>F68</sup>residential buildings] within the area.

[<sup>F69</sup>(4) In this section and section 302 “residential building” has the same meaning as it has in section 289.]

#### Textual Amendments

- F66** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 30\(1\)](#)



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- F67** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 30(2)**
- F68** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 30(3)**
- F69** S. 301(4) inserted by Local Government and Housing Act 1989 (c.42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 30(4)**

### **302 Management and repair of houses acquired under s. 300 or retained under s. 301**

Where a [<sup>F70</sup>residential building] is acquired by a local housing authority under section 300 or retained by a local housing authority under section 301 for temporary use for housing purposes—

- (a) the authority have the like powers in respect of the [<sup>F70</sup>residential building] as they have in respect of dwellings provided by them under Part II (provision of housing accommodation);
- (b) the authority may carry out such works as may from time to time be required for rendering and keeping the [<sup>F70</sup>residential building] capable of providing accommodation of a standard which is adequate for the time being pending its demolition;
- (c) section 8 of the <sup>M7</sup>Landlord and Tenant Act 1985 (implied condition of fitness for human habitation) does not apply to a contract for the letting of the [<sup>F71</sup>residential building or any flat in the building] by the authority.

#### **Textual Amendments**

- F70** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 31(a)**
- F71** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(b), **Sch. 9 Pt. II para. 31(b)**

#### **Marginal Citations**

- M7** 1985 c. 70.

### *Listed buildings*

### **303 Meaning of “listed building”.**

In this Part “listed building” means a building included in a list of buildings of special architectural or historic interest under [<sup>F72</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990].

#### **Textual Amendments**

- F72** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 71(2)**

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### 304 Closing order to be made in respect of listed building subject to s. 265.

- (1) A local housing authority shall not make a demolition order under section 265 [<sup>F73</sup>(power to make demolition order)] in respect of a listed building but shall instead make a closing order under [<sup>F74</sup>section 264].
- (2) Where a [<sup>F75</sup>dwelling-house, house in multiple occupation or building] in respect of which a demolition order has been made becomes a listed building, the local housing authority shall determine the order, whether or not it has become operative, and make a closing order in respect of the [<sup>F75</sup>dwelling-house, house in multiple occupation or building]; and they shall serve—
  - (a) notice that the demolition order has been determined, and
  - (b) a copy of the closing order,
 on every person on whom they would be required by section 268 to serve a copy of a closing order made under [<sup>F76</sup>section 264].
- (3) The Secretary of State may give notice in respect of a [<sup>F77</sup>dwelling-house, house in multiple occupation or building] to the local housing authority stating that its architectural or historic interest is sufficient to render it inexpedient that it should be demolished pending determination of the question whether it should be a listed building; and the provisions of this section apply to a [<sup>F77</sup>dwelling-house, house in multiple occupation or building] in respect of which such a notice is in force as they apply to a listed building.

#### Textual Amendments

- F73** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch 9 Pt. II para. 32\(1\)\(a\)](#)
- F74** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 32\(1\)\(b\)](#)
- F75** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 32\(2\)\(a\)](#)
- F76** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 32\(2\)\(b\)](#)
- F77** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 32\(3\)](#)

### 305 Building becoming listed when subject to compulsory purchase for clearance.

- (1) Where a building to which a compulsory purchase order under section 290 applies (acquisition of land for clearance) becomes a listed building at any time after the making of the order, the authority making the order may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Secretary of State (and only to him) [<sup>F78</sup>for his consent under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990] to the demolition of the building.
- (2) If the authority have not served notice to treat in respect of the building under section 5 of the <sup>M8</sup>Compulsory Purchase Act 1965, they shall not do so unless and until the Secretary of State gives that consent.
- (3) The following provisions of this section have effect where—
  - (a) an application for such consent is made and refused, or

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- (b) the period for making an application expires without the authority having made an application;
- and in those provisions “the relevant date” means the date of the refusal or, as the case may be, the expiry of that period.
- (4) If at the relevant date—
- (a) the building has not vested in the authority, and
- (b) no notice to treat has been served by the authority under section 5 of the <sup>M9</sup>Compulsory Purchase Act 1965 in respect of an interest in the building.
- the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised in a clearance area.
- (5) Where a [<sup>F79</sup>residential building] which was included in a clearance area solely be reason of its being unfit for human habitation ceases to be comprised in the area by virtue of subsection (4), the authority concerned shall forthwith [<sup>F80</sup>in accordance with section 604A (disregarding guidance under that section in respect of sections 265 and 289), take action under whichever of sections 189 and 264 it considers to be the most satisfactory course of action.]
- (6) Where subsection (4) does not apply, the authority shall cease to be subject to the duty imposed by section 291 (method of dealing with land acquired for clearance) to demolish the building, and—
- (a) if the building or an interest in it is vested in the authority at the relevant date, it shall be treated in the case of a [<sup>F81</sup>residential building] as appropriated to the purposes of Part II of this Act (provision of housing accommodation) and in any other case as appropriated to the purposes of [<sup>F82</sup>Part IX of the Town and Country Planning Act 1990] (planning purposes);
- (b) in relation to an interest in the building which has not at the relevant date vested in the authority, the compulsory purchase order has effect in the case of a [<sup>F81</sup>residential building] as if made and confirmed under Part II of this Act and in any other case as if made and confirmed under [<sup>F82</sup>Part IX of the Town and Country Planning Act 1990].
- (7) No account shall be taken for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for completing compulsory purchase) of any period during which an authority are prevented by this section from serving a notice to treat under section 5 of that Act.
- [<sup>F83</sup>(8) In this section “residential building” has the same meaning as in section 289; and subsection (2A) of that section shall apply in determining whether a residential building containing one or more flats is unfit for human habitation for the purposes of subsection (4) as it applies for the purposes of that section.]

#### Textual Amendments

- F78** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(3\)\(a\)](#)
- F79** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(1\)\(a\)](#)
- F80** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(1\)\(b\)](#)
- F81** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(2\)](#)

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- F82** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(3\)\(b\)](#)
- F83** S. 305(8) inserted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(3\)](#)

#### Marginal Citations

- M8** 1965 c. 56.  
**M9** 1965 c. 56.

### 306 Building becoming listed when acquired by agreement for clearance.

- (1) Where section 291 (method of dealing with land acquired for clearance) applies to a building purchased by the local housing authority by agreement and the building becomes a listed building, the authority may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Secretary of State (and only to him) [<sup>F84</sup>for his consent under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990] to the demolition of the building.
- (2) Where such an application is made and is refused, or the period for making such an application expires without the authority making an application—
  - (a) the authority shall cease to be subject to the duty imposed by section 291 to demolish the building, and
  - (b) the building shall be treated in the case of a [<sup>F85</sup>residential building (within the meaning of section 289)] as appropriated to the purposes of Part II of this Act (provision of housing accommodation) and in any other case as appropriated to the purposes of [<sup>F86</sup>Part IX of the Town and Country Planning Act 1990] (planning purposes).

#### Textual Amendments

- F84** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(4\)\(a\)](#)
- F85** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 34](#)
- F86** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(4\)\(b\)](#)

#### *Provisions for protection or assistance of owners*

### 307 Saving for rights arising from breach of covenant, &c.

- (1) Nothing in the provisions of this Part relating to—
  - (a) the demolition, closing or purchase of unfit premises, or
  - (b) the demolition of obstructive buildings,
 prejudices or interferes with the rights or remedies of an owner for breach of any covenant or contract entered into by a lessee in reference to premises in respect of which an order is made by the local housing authority under those provisions.

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- (2) If an owner is obliged to take possession of premises in order to comply with such an order, the taking possession does not affect his right to avail himself of any such breach which occurred before he so took possession.

### **308 Approval of owner's proposals for redevelopment.**

- (1) A person proposing to undertake the re-development of land may submit particulars of his proposals to the local housing authority for approval under this section.
- (2) The authority shall consider the proposals and if they appear to the authority to be satisfactory, the authority shall give notice to that effect to the person by whom they were submitted, specifying times within which the several parts of the re-development are to be carried out.
- (3) Where the authority have so given notice of their satisfaction with proposals, no action shall be taken in relation to the land under any of the powers conferred by the provisions of this Part relating to—
- (a) the demolition, closing or purchase of unfit premises, or
  - (b) clearance areas.
- if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority.
- (4) This section does not apply to premises—
- (a) in respect of which a demolition order has become operative, or
  - (b) comprised in a compulsory purchase order under section 290 (acquisition of land for clearance) which has been confirmed by the Secretary of State;
- and has effect subject to section 311 in a case where proposals are submitted under this section with respect to premises in a clearance area.

### **309 Recovery of possession of premises for purposes of approved re-development.**

- (1) Where the local housing authority have given notice of their satisfaction with proposals submitted to them under section 308 and are satisfied—
- (a) that it is necessary for the purpose of enabling re-development to be carried out in accordance with the proposals that a dwelling-house let on or subject to a protected tenancy or statutory tenancy (within the meaning of the <sup>M10</sup>Rent Act 1977) [<sup>F87</sup>or let on or subject to an assured tenancy or assured agricultural occupancy] should be vacated, and
  - (b) that alternative accommodation complying with the requirements of this section is available for the tenant or will be available for him at a future date,
- they may issue to the landlord a certificate, which shall be conclusive evidence for the purposes of section 98(1)(a) of the Rent Act 1977 [<sup>F87</sup>or section 7 of the Housing Act 1988] (grounds for possession), that suitable alternative accommodation is available for the tenant or will be available for him by that future date.
- (2) The requirements with which the alternative accommodation must comply are—
- (a) that it must be a [<sup>F88</sup>dwelling-house] in which the tenant and his family can live without causing it to be overcrowded within the meaning of Part X;

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- (b) that it must be certified by the local housing authority to be suitable to the needs of the tenant and his family as respects security of tenure, proximity to place of work and otherwise, and to be suitable in relation to his means; and
- (c) that if the [<sup>F88</sup>dwelling-house] belongs to the local housing authority it must be certified by them to be suitable to the needs of the tenant and his family as regards accommodation, for this purpose treating a [<sup>F88</sup>dwelling-house] containing two bedrooms as providing accommodation for four persons, a [<sup>F88</sup>dwelling-house] containing three bedrooms as providing accommodation for five persons and a [<sup>F88</sup>dwelling-house] containing four bedrooms as providing accommodation for seven persons.

#### Textual Amendments

**F87** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 48**

**F88** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 35**

#### Marginal Citations

**M10** [1977 c. 42.](#)

### 310 Certificate of fitness resulting from owner's improvements or alterations.

- (1) An owner of a [<sup>F89</sup>dwelling-house, house in multiple occupation or building containing one or more flats] in respect of which works of improvement or structural alteration are proposed to be executed may submit a list of the proposed works to the local housing authority with a request in writing that the authority inform him whether in their opinion the [<sup>F90</sup>dwelling-house, the house or the flat or flats in the building] would, after the execution of those works, or of those works together with additional works, be fit for human habitation and, with reasonable care and maintenance, remain so fit for a period of at least five years.
- (2) As soon as may be after the receipt of such a list and request, the authority shall take the list into consideration and shall inform the owner whether they are of that opinion, and, if they are, furnish him with a list of any additional works appearing to them to be required.
- (3) Where the authority have stated that they are of that opinion and the works specified in the list, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of the owner and on payment by him of a fee of five pence, issue to him a certificate that the [<sup>F91</sup>dwelling-house or house is or, as the case may be, the flat or flats in the building is or are] fit for human habitation and will with reasonable care and maintenance remain so fit for such period (not being less than five nor more than 15 years) as may be specified in the certificate.
- (4) During the period specified in a certificate given under this section—
  - (a) no action shall be taken in relation to the [<sup>F92</sup>dwelling-house, house in multiple occupation or building] under the provisions of this Part relating to the demolition, closing or purchase of unfit premises, and
  - (b) no action shall be taken under the provisions of this Part relating to clearance areas with a view to the demolition of the [<sup>F92</sup>dwelling-house, house in multiple occupation or building] as being unfit for human habitation.

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- (5) For the purposes of this section “works of improvement” includes the provision of additional or improved fixtures or fittings but not works by way of decoration or repair.
- (6) This section does not apply to premises—
- (a) in respect of which a demolition order has become operative, or
  - (b) comprised in a compulsory purchase order under section 290 (acquisition of land for clearance) which has been confirmed by the Secretary of State;
- and has effect subject to section 311 in a case where proposals are submitted under this section with respect to premises in a clearance area.

**Textual Amendments**

- F89** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(1\)\(a\)](#)
- F90** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(1\)\(b\)](#)
- F91** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(2\)](#)
- F92** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(3\)](#)

**311 Consideration of proposals under s. 308 or s. 310 with respect to premises in clearance area.**

- (1) Where proposals as respects premises in a clearance area are submitted to the local housing authority under section 308 (owner’s re-development) or section 310 (owner’s improvements or alterations), the authority may, instead of proceeding under that section, transmit the proposals to the Secretary of State.
- (2) The Secretary of State shall deal with the proposals in connection with the consideration by him of the compulsory purchase order relating to the premises as if the proposals had been objections to the order made on the date on which they were submitted to the authority.
- (3) If in confirming the order the Secretary of State excludes the premises from the clearance area, the authority shall then proceed in relation to the proposals under section 308 or 310, as the case may be.

**312—** ..... **F93**  
**314.**

**Textual Amendments**

- F93** Ss. 312–314 repealed and superseded by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), ss. 165(3), 194(4), [Sch. 12, Pt. II](#) (by S.I. 1990/191, [art. 5](#) the repeal came into force 1.3.1990 but without effect in relation to any financial year beginning before 1.4.1990)

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### *Miscellaneous*

#### **315 Power of court to order occupier or owner to permit things to be done.**

- (1) If a person, after receiving notice of the intended action—
  - (a) being the occupier of premises, prevents the owner . . . <sup>F94</sup> of the premises, or his officers, servants or agents, from carrying into effect with respect to the premises any of the provisions of this Part, or
  - (b) being the occupier, [<sup>F95</sup>or owner] of premises, prevents an officer, servant or agent of the local housing authority from so doing,

a magistrates' court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions.
- (2) A person who fails to comply with an order of the court under this section commits a summary offence and is liable on conviction to a fine not exceeding £20 in respect of each day during which the failure continues.

#### **Textual Amendments**

**F94** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 37\(a\)](#), [Sch. 12 Pt. II](#)

**F95** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 37\(b\)](#)

#### **316 Power of court to authorise owner to demolish premises on default of another owner.**

- (1) If it appears to a magistrates' court on the application of an owner of premises in respect of which a demolition order, or obstructive building order has been made, that owing to the default of another owner of the premises in demolishing the premises, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the premises, and, within a period fixed by the order, demolish them.
- (2) Where the court makes an order under subsection (1), the court may, where it seems to the court just to do so, make a like order in favour of any other owner.
- (3) Before an order is made under this section, notice of the application shall be given to the local housing authority.

#### **317 Power of court to determine lease where premises demolished or closed.**

- (1) Where premises in respect of which a demolition or closing order under this Part has become operative form the subject matter of a lease, the lessor or the lessee may apply to the county court for an order determining or varying the lease.
- (2) On the application the court may make such an order if it thinks fit, after giving any sub-lessee an opportunity of being heard.
- (3) The order may be unconditional or subject to such terms and conditions (including conditions with respect to the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise) as the court may think



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just and equitable to impose, having regard to the respective rights, obligations and liabilities of the parties under the lease and to all the other circumstances of the case.

- (4) In this section “lessor” and “lessee” include a person deriving title under a lessor or lessee.

### **318 Power of court to authorise execution of works on unfit premises or for improvement.**

- (1) Where on an application made by a person entitled to any interest in land used in whole or in part as a site for [<sup>F96</sup>dwelling-houses or houses in multiple occupation or both] the court is satisfied—
- (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation and 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 housing authority,
- the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order execute such works as may be necessary.
- (2) Where the court makes such an order, it may order that any lease held from the applicant and any derivative lease shall be determined, subject to such conditions and the payment of such compensation as the court may think just.
- (3) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local housing authority to exercise such supervision or take such action as may be necessary for the purpose.
- (4) In this section “the court” means the High Court or the county court, where those courts respectively have jurisdiction.

#### **Textual Amendments**

**F96** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 38](#)

#### *Supplementary provisions*

### **319 Powers of entry.**

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving [<sup>F97</sup>seven days] notice of his intention to the occupier, and to the owner if the owner is known, enter premises—
- (a) for the purpose of survey and examination where it appears to the authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises; or
  - (b) for the purpose of survey and examination where a demolition or closing order, or an obstructive building order, has been made in respect of the premises; or

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- (c) for the purpose of survey or valuation where the authority are authorised by this Part to purchase the premises compulsorily.
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised [<sup>F98</sup>and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

**Textual Amendments**

**F97** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 39\(1\)](#)

**F98** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 39\(2\)](#)

**320 Penalty for obstruction.**

- (1) It is a summary offence [<sup>F99</sup>intentionally] to obstruct an officer of the local housing authority or of the Secretary of State, or any person authorised to enter premises in pursuance of this Part, in the performance of anything which he is by this Part required or authorised to do.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding [<sup>F100</sup>level 3] on the standard scale.

**Textual Amendments**

**F99** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 40\(1\)](#)

**F100** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 40\(2\)](#)

**321** ..... <sup>F101</sup>

**Textual Amendments**

**F101** S. 321 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), ss. 165\(1\)\(b\), 194\(4\), Sch. 9 Pt. II para. 41, Sch. 12 Pt. II](#)

**322 Minor definitions.**

In this Part—

<sup>F102</sup>“dwelling-house” and “flat”, except in the expression “flat in multiple occupation”, shall be construed in accordance with subsection (2) and “the building”, in relation to a flat, means the building containing the flat;]

<sup>F102</sup>“house in multiple occupation” and “flat in multiple occupation” have the same meaning as in Part XI]

“owner”, in relation to premises—

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- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years;

F103

[<sup>F104</sup>“premises”, in relation to a demolition or closing order, means the dwelling-house, house in multiple occupation, building or part of a building in respect of which the closing order or, as the case may be, demolition order is made.]

[<sup>F105</sup>(2) For the purposes of this Part, “dwelling-house” includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it and section 183 shall have effect to determine whether a dwelling-house is a flat.

(3) Except where the context otherwise requires, any reference in this Part (other than this section) to a flat is a reference to a dwelling-house which is a flat or to a flat in multiple occupation.]

**Textual Amendments**

**F102** Definitions substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 42\(a\)](#)

**F103** Definition repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 42\(b\), Sch. 12 Pt. II](#)

**F104** Definition added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 42\(c\)](#)

**F105** S. 322(2)(3) added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 42\(c\)](#)

**323 Index of defined expressions: Part IX.**

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section or paragraph):—

[ <sup>F106</sup> assured agricultural occupancy]	[ <sup>F106</sup> section 622]
[ <sup>F106</sup> assured tenancy]	[ <sup>F106</sup> section 622]
clearance area	section 289(1)
closing order	section 267(2)
demolition order	section 267(1)
district (of a local housing authority)	section 2(1)
[ <sup>F107</sup> dwelling house]	[ <sup>F107</sup> sections 266 and 322]
fit (or unfit) for human habitation	[ <sup>F108</sup> section 604]
...	...
[ <sup>F107</sup> flat]	[ <sup>F107</sup> section 322]
...	...

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F109	F109
<del>F109</del>	<del>F109</del>
[ <sup>F107</sup> house in multiple occupation]	[ <sup>F107</sup> section 322]
<del>F109</del>	<del>F109</del>
lease, lessee and lessor	section 621
listed building	section 303
local housing authority	section 1, 2(2)
obstructive building	section 283
obstructive building order	section 284
owner (of premises)	section 322
<del>F109</del>	<del>F109</del>
[ <sup>F107</sup> premises]	[ <sup>F107</sup> section 322]
prescribed	section 614
reasonable expense	section 321
rehabilitation order	Schedule 11
the Rent Acts	section 622
<del>F109</del>	<del>F109</del>
<del>F109</del>	<del>F109</del>
standard scale (in reference to the maximum fine on summary conviction)	section 622
underground room	section 280
unfit (or fit) for human habitation	[ <sup>F108</sup> section 604]
<del>F109</del>	<del>F109</del>

#### Textual Amendments

**F106** Entries inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 49**

**F107** Entries inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 43(c)**

**F108** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 43(b)**

**F109** Entries repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), **Sch. 9 Pt. II para. 43(a)**, **Sch. 12 Pt. II**

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