



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

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 section 54 of the Town and Country Planning Act 1971.

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 (unfit premises beyond repair at reasonable cost) in respect of a listed building but shall instead make a closing order under that section.
- (2) Where a house 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 house; 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 section 265.
- (3) The Secretary of State may give notice in respect of a house 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 house in respect of which such a notice is in force as they apply to a listed building.

Status: This is the original version (as it was originally enacted).

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) under section 55 of the Town and Country Planning Act 1971 (listed building consent) for his consent 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 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
 - (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 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 building which was included in a clearance area solely by 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 take whichever of the following steps is appropriate—
 - (a) serve a notice in respect of the building under section 189 (repair notice), or
 - (b) make a closing order in respect of the building under section 265.
- (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 house 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 Part VI of the Town and Country Planning Act 1971 (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 house as if made and confirmed under Part II of this Act and in any other case as if made and confirmed under Part VI of the Town and Country Planning Act 1971.
- (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.

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) under section 55 of the Town and Country Planning Act 1971 for his consent 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 house 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 Part VI of the Town and Country Planning Act 1971 (planning purposes).