



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

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 . . . ^{F1} 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, [^{F2}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

F1 Words repealed by [Local Government and Housing Act 1989](#) (c. 42, SIF 61), ss. 165(1)(b), 194(4), [Sch. 9 Pt.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](#)

F2 Words substituted by [Local Government and Housing Act 1989](#) (c. 42, SIF 61), s. 165(1)(b), [Sch. 9 Pt. II para. 37\(b\)](#)

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Changes to legislation: Housing Act 1985, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 20 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 ^{F3} . . . 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.

Textual Amendments

- F3** Words in s. 316(1) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

317 Power of court to determine lease where premises demolished ^{F4}

- (1) Where premises in respect of which a demolition ^{F5} . . . order under this Part has become operative form the subject matter of a lease, the lessor or the lessee may apply to [^{F6}a residential property tribunal] for an order determining or varying the lease.
- (2) On the application the [^{F7}tribunal] 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 [^{F8}tribunal] may think 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.

Textual Amendments

- F4** S. 317: words in sidenote repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art.2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F5** Words in s. 317(1) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F6** Words in s. 317(1) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), [ss. 48\(4\)\(a\)](#), 270(4)(5); S.I. 2006/1060, [art. 2\(1\)\(a\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(a\)](#) (with [Sch.](#))
- F7** Words in s. 317(2) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), [ss. 48\(4\)\(b\)](#), 270(4)(5); S.I. 2006/1060, [art. 2\(1\)\(a\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(a\)](#) (with [Sch.](#))

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F8 Words in s. 317(3) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 48(4)(b)**, 270(4)(5); [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)

318 Power of ^{F9}tribunal] 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 ^{F10}[^{F11}dwellings] or houses in multiple occupation or both^{F12}] ^{F12}a residential property tribunal] is satisfied—
 - (a) that the premises on the land are, or are likely to become, dangerous or ^{F13}[harmful to health or safety] 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,^{F14}the tribunal] 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 ^{F15}tribunal] 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 ^{F15}tribunal] 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) ^{F16}.....

Textual Amendments

- F9** S. 318: word in sidenote substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 48(5)(a)**, 270(4)(5); [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)
- F10** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 38**
- F11** S. 318(1): words in para. (a) substituted (6.4.2006 for E. and 16.6.2006 for W.) by virtue of [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), **Sch. 15 para. 25(a)**; [S.I. 2006/1060](#), **art. 2(1)(d)** (with Sch.); [S.I. 2006/1535](#), **art. 2(b)** (with Sch.)
- F12** Words in s. 318(1) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 48(5)(b)**, 270(4)(5); [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)
- F13** Words in s. 318(1)(a) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 65(1), 270(4)(5), {Sch. 15 para. 25(b)}; [S.I. 2006/1060](#), **art. 2(1)(d)** (with Sch.); [S.I. 2006/1535](#), **art. 2(b)** (with Sch.)
- F14** Words in s. 318(1) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 48(5)(b)**, 270(4)(5); [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)
- F15** Words in s. 318(2)(3) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), **ss. 48(5)(c)**, 270(4)(5); [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)
- F16** S. 318(4) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 48(5)(d), 266, 270(4)(5), **Sch. 16**; [S.I. 2006/1060](#), **art. 2(1)(a)(e)(v)** (with Sch.); [S.I. 2006/1535](#), **art. 2(a)(c)(v)** (with Sch.)

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