



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

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.
- (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

Status: Point in time view as at 17/12/1996.

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(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 ^{M1}Rent Act 1977) [^{F1}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 [^{F1}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 [^{F2}dwelling-house] in which the tenant and his family can live without causing it to be overcrowded within the meaning of Part X;
- (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 [^{F2}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 [^{F2}dwelling-house] containing two bedrooms as providing accommodation for four persons, a [^{F2}dwelling-house] containing three bedrooms as providing accommodation for five persons and a [^{F2}dwelling-house] containing four bedrooms as providing accommodation for seven persons.

Textual Amendments

F1 Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 48](#)

F2 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

M1 1977 c. 42.

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

- (1) An owner of a [^{F3}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 [^{F4}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 [^{F5}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 [^{F6}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 [^{F6}dwelling-house, house in multiple occupation or building] as being unfit for human habitation.
- (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

- F3** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(1\)\(a\)](#)
- F4** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(1\)\(b\)](#)
- F5** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(2\)](#)
- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 36\(3\)](#)

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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— F7
314.

Textual Amendments

F7 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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