

*Status: Point in time view as at 01/10/1996. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Housing Act 1985, Cross Heading: Recovery of possession and disposal of house is up to date with all changes known to be in force on or before 08 August 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)*

## SCHEDULES

### SCHEDULE 18

#### PROVISIONS WITH RESPECT TO ADVANCES UNDER THE SMALL DWELLINGS ACQUISITION ACTS 1899 TO 1923

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

C1 Sch. 18 amended by S.I. 1986/148, art. 10(1)

#### *Recovery of possession and disposal of house*

VALID FROM 31/01/1997

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- (1) Where a local authority take possession of a house, all the estate, right, interest and claim of the proprietor in or to the house shall vest in and become the property of the local authority, and the authority may either retain the house under their own management or sell or otherwise dispose of it as they think expedient.
  - (2) Where a local authority take possession of a house, they shall pay to the proprietor either—
    - (a) such sum as may be agreed upon, or
    - (b) a sum equal to the value of the interest in the house at the disposal of the local authority, after deducting the amount of the advance then remaining unpaid and any sum due for interest;and that value, in the absence of a sale and in default of agreement, shall be settled by a county court judge as arbitrator or, if the Lord Chancellor so authorises, by a single arbitrator appointed by the county court judge, <sup>F1</sup> . . . shall apply to any such arbitration.
  - (3) The sum so payable to the proprietor if not paid within three months after the date of taking possession shall carry interest at the rate of three per cent. per annum from the date of taking possession.
  - (4) All costs of or incidental to the taking possession, sale or other disposal of the house (including the costs of the arbitration, if any) incurred by the local authority, before the amount payable to the proprietor has been settled either by agreement or arbitration, shall be deducted from the amount otherwise payable to the proprietor.
  - (5) Where the local authority are entitled under this Schedule to take possession of a house, possession may be recovered in a county court whatever the annual value of the house for rating.

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**Textual Amendments**

**F1** Words in [Sch. 18 para. 6\(2\)](#) repealed (31.1.1997) by 1996 c. 23, s. 107(2), [Sch. 4](#); S.I. 1996/3146, [art. 3](#)

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

**C1** [Sch. 18 para. 6\(5\)](#) amended by S.I. 1990/776, [art. 4\(1\)\(h\)](#)

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