



# Housing Act 1985

## 1985 CHAPTER 68

### PART IX **E+W**

#### SLUM CLEARANCE

##### *Listed buildings*

### 305 **Building becoming listed when subject to compulsory purchase for clearance.** **E** **+W**

- (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>F1</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>M1</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
  - (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>M2</sup>Compulsory Purchase Act 1965 in respect of an interest in the building.

*Status: Point in time view as at 27/01/2003. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1985, Section 305 is up to date with all changes known to be in force on or before 13 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)*

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>F2</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>F3</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>F4</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>F5</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>F4</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>F5</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>F6</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

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(3\)\(a\)](#)
- F2** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(1\)\(a\)](#)
- F3** Words substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(1\)\(b\)](#)
- F4** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(b\), Sch. 9 Pt. II para. 33\(2\)](#)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(3\)\(b\)](#)
- F6** [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

- M1** 1965 c. 56.  
**M2** 1965 c. 56.

**Status:**

Point in time view as at 27/01/2003. This version of this provision has been superseded.

**Changes to legislation:**

Housing Act 1985, Section 305 is up to date with all changes known to be in force on or before 13 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.