



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART I

GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER IV

DEFERRED ACTION NOTICES, &C.

Deferred action notices

81 Deferred action notices.

- (1) If the local housing authority are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation, but are satisfied that serving a deferred action notice is the most satisfactory course of action, they shall serve such a notice.
- (2) A deferred action notice is a notice—
 - (a) stating that the premises are unfit for human habitation,
 - (b) specifying the works which, in the opinion of the authority, are required to make the premises fit for human habitation, and
 - (c) stating the other courses of action which are available to the authority if the premises remain unfit for human habitation.
- (3) The notice becomes operative, if no appeal is brought, on the expiry of 21 days from the date of the service of the notice and is final and conclusive as to matters which could have been raised on an appeal.
- (4) A deferred action notice which has become operative is a local land charge so long as it remains operative.

Status: Point in time view as at 08/02/2000.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Deferred action notices. (See end of Document for details)

- (5) The fact that a deferred action notice has been served does not prevent the local housing authority from taking any other course of action in relation to the premises at any time.

82 Service of deferred action notices.

- (1) The local housing authority shall serve a deferred action notice—
- (a) in the case of a notice relating to a dwelling-house, on the person having control of the dwelling-house as defined in section 207 of the ^{M1}Housing Act 1985;
 - (b) in the case of a notice relating to a house in multiple occupation, on the person having control of the house as defined in section 398 of that Act.
- (2) Where the authority are satisfied that a dwelling-house which is a flat, or a flat in multiple occupation, is unfit for human habitation by virtue of section 604(2) of the Housing Act 1985, they shall also serve the notice on the person having control (as defined in section 207 of that Act) of the building or part of the building in question.
- (3) In the case of a house in multiple occupation, the authority may serve the notice on the person managing the house instead of the person having control of the house.
- (4) Where the authority serve a notice under subsection (1), (2) or (3)—
- (a) they shall also serve a copy of the notice on any other person having an interest in the premises concerned, whether as freeholder, mortgagee or lessee (within the meaning of Part VI of the Housing Act 1985), and
 - (b) they may serve a copy of the notice on any person having a licence to occupy the premises.
- (5) Section 617 of the Housing Act 1985 (service of notices) applies for the purpose of this section as it applies for the purpose of that Act.

Marginal Citations

M1 1985 c. 68.

83 Appeals against deferred action notices.

- (1) A person aggrieved by a deferred action notice may within 21 days after the service of the notice appeal to the county court.
- (2) Without prejudice to the generality of subsection (1), it is a ground of appeal that serving a notice under section 189 of the Housing Act 1985, or making a closing order under section 264 of that Act or a demolition order under section 265 of that Act, is a more satisfactory course of action.
- (3) Where the grounds on which an appeal is brought are or include that specified in subsection (2), the court, on the hearing of the appeal, shall have regard to any guidance given to the local housing authority under section 604A of the ^{M2}Housing Act 1985 or section 85 of this Act.
- (4) On an appeal the court may make such order either confirming, quashing or varying the notice as it thinks fit.

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- (5) Where the appeal is allowed and the reason or one of the reasons for allowing the appeal is that serving a notice under section 189 of that Act or making a closing order under section 264 of that Act or a demolition order under section 265 of that Act is a more satisfactory course of action, the judge shall, if requested to do so by the appellant or the local housing authority, include in his judgment a finding to that effect.
- (6) If an appeal is brought, the deferred action notice does not become operative until—
- (a) a decision on the appeal confirming the notice (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
 - (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the notice (with or without variation);
- and for this purpose the withdrawal of an appeal has the same effect as a decision confirming the notice or decision appealed against.

Modifications etc. (not altering text)

C1 S. 83(2) amended (17.12.1996) by S.I. 1996/2885, art. 4(1)

Marginal Citations

M2 1985 c. 68.

84 Review of deferred action notices.

- (1) The local housing authority may at any time review any deferred action notice served by them, and they shall do so not later than two years after the notice becomes operative and at intervals of not more than two years thereafter.

The Secretary of State may by order amend this subsection so as to specify such other period or periods as he considers appropriate.

- (2) The authority shall for the purposes of any such review inspect the premises concerned.

For this purpose sections 197 (powers of entry) and 198 (penalty for obstruction) of the Housing Act 1985 apply as they apply for the purposes of Part VI of that Act.

- (3) If the authority are satisfied that the deferred action notice remains the most satisfactory course of action, they shall renew the notice and serve notice of their decision.
- (4) The provisions of section 82 (service of deferred action notice) and section 83(1) to (5) (appeals against deferred action notices) apply in relation to the authority's decision to renew a deferred action notice as in relation to the original notice.
- (5) If an appeal is brought against the decision to renew a deferred action notice, the notice remains operative until any decision on the appeal, or any further appeal, quashing or varying the notice.
- (6) If the authority take action in relation to the premises under any of the provisions listed in section 604A(1) of the Housing Act 1985, the deferred action notice shall cease to be operative on the relevant notice, order or declaration becoming operative.

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85 Guidance by Secretary of State.

- (1) In deciding for the purposes of section 81 (deferred action notices) or section 84 (review of deferred action notices) what is the most satisfactory course of action in relation to any premises, the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.
- (2) The provisions of section 604A(2) to (4) of the ^{M3}Housing Act 1985 (supplementary provisions as to guidance) apply in relation to such guidance.

Commencement Information

- II** S. 85 wholly in force; s. 85 not in force at Royal Assent see s. 150; s. 85 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 85 in force insofar as not already in force at 17.12.1997 by S.I. 1997/2842, **art. 3**
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Marginal Citations

- M3** 1985 c. 68.

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