



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.

Power to charge for enforcement action

87 Unfitness for human habitation, &c.: power to charge for enforcement action.

- (1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in taking action of any of the following kinds—
 - (a) serving a deferred action notice under section 81 or deciding to renew such a notice under section 84;
 - (b) serving a notice under section 189 of the ^{M1}Housing Act 1985 (repair notice in respect of house which unfit for human habitation);
 - (c) serving a notice under section 190 of that Act (repair notice in respect of house in state of disrepair but not unfit for human habitation);
 - (d) making a closing order under section 264 of that Act;
 - (e) making a demolition order under section 265 of that Act.
- (2) The expenses are, in the case of the service of a notice under section 81 of this Act or section 189 or 190 of the Housing Act 1985, the expenses incurred in—
 - (a) determining whether to serve the notice,
 - (b) identifying the works to be specified in the notice, and

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

- (c) serving the notice.
- (3) The expenses are, in the case of a decision to renew a notice under section 84 of this Act, the expenses incurred in—
 - (a) deciding whether to renew the notice, and
 - (b) serving notice of the authority’s decision.
- (4) The expenses are, in the case of a closing order under section 264 of the Housing Act 1985 or a demolition order under section 265 of that Act, the expenses incurred in—
 - (a) determining whether to make the order, and
 - (b) serving notice of the order.
- (5) The amount of the charge shall not exceed such amount as is specified by order of the Secretary of State.
- (6) Where a court allows an appeal against the underlying notice, decision or order mentioned in subsection (1), it may make such order as it thinks fit reducing, quashing or requiring the repayment of any charge under this section made in respect of the notice, decision or order.

Commencement Information

- II** [S. 87](#) wholly in force; [s. 87](#) not in force at Royal Assent see [s. 150](#); [s. 87](#) in force for certain purposes at 11.9.1996 by [S.I. 1996/2352, art. 2\(2\)](#); [s. 87](#) in force insofar as not already in force at 17.12.1996 by [S.I. 1996/2842, art. 3](#)

Marginal Citations

- M1** [1985 c. 68.](#)

88 Recovery of charge for enforcement action.

- (1) The following provisions have effect with respect to the recovery of a charge under section 87.
- (2) The charge may be recovered by the authority concerned from—
 - (a) in the case of a notice under section 81 of this Act, or section 189 or 190 of the ^{M2}Housing Act 1985, any person on whom the notice is served;
 - (b) in the case of a renewal of a notice under section 84 of this Act, any person on whom notice of the decision to renew the notice is served;
 - (c) in the case of an order under section 264 or 265 of the Housing Act 1985, any person on whom notice of the order is served as an owner of the premises.
- (3) A demand for payment of the charge shall be served on the person from whom the authority seeks to recover it.
- (4) The demand becomes operative, if no appeal is brought against the underlying notice, decision or order, on the expiry of the period of 21 days from the service of the demand.
- (5) The sum recoverable by the authority is, until recovered, a charge on the premises concerned; and—
 - (a) the charge takes effect when the demand becomes operative,
 - (b) the authority have for the purpose of enforcing the charge the same powers and remedies under the ^{M3}Law of Property Act 1925 and otherwise as if they were

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mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver, and

- (c) the power of appointing a receiver is exercisable at any time after the expiration of one month from the date when the charge takes effect.

Marginal Citations

M2 1985 c. 68.

M3 1925 c. 20.

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