

SCHEDULES

SCHEDULE 15

MINOR AND CONSEQUENTIAL AMENDMENTS

Housing Act 1985 (c. 68)

- 31 For section 584B (repayment on revocation of demolition or closing order) substitute—

“Repayment on revocation of demolition or prohibition order

- (1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition order or relevant prohibition order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the relevant prohibition order is revoked under section 25(1) or (2) of the Housing Act 2004,

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

- (2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
- (b) by virtue of section 25(3) of the Housing Act 2004, the order is revoked as respects part of the premises and not varied, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had at the time the payment was made, an owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),

then, if at the time of the revocation of the relevant prohibition order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).

- (3) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
- (b) by virtue of section 25(4) of the Housing Act 2004, the order is varied,

then, if at the time of the variation of the order the recipient has the same interest in the premises as he had at the time the payment was made, he shall

Status: This is the original version (as it was originally enacted).

on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).

- (4) The amount referred to in subsection (2) or (3) is whichever is the less of—
- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the revocation or variation of the relevant prohibition order; and
 - (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;
- and the amount referred to in paragraph (a) shall be determined as at the date of the revocation or variation of the relevant prohibition order.
- (5) For the purpose of assessing the amount referred to in subsection (4)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (6) Any dispute as to the amount referred to in subsection (4)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1) (a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.
- (7) In this section “premises” and “relevant prohibition order” have the same meaning as in section 584A.”