



# Housing Repairs and Rents Act 1954

## 1954 CHAPTER 53

### PART I

#### FURTHER PROVISIONS AS TO CLEARANCE AND REDEVELOPMENT, RECONDITIONING OF UNFIT HOUSES, AND OTHER AMENDMENTS OF HOUSING ACTS

##### *Additional powers in respect of clearance areas and other houses liable to demolition*

#### **1 Proposals for exercise of functions of local authorities as to clearance areas, etc.**

- (1) Subject to the provisions of this section, every local authority shall, within one year after the commencement of this Act, submit to the Minister in such form as the Minister may require proposals for dealing, under Parts II and III of the principal Act or under the following provisions of this Part of this Act, with houses within the district of the authority which appear to the authority to be unfit for human habitation, and with any other houses within that district which are or in the opinion of the authority ought to be included in clearance areas.
- (2) If in the case of any local authority it appears to the Minister that in view of the high proportion of houses within their district which are unfit for human habitation, or of other exceptional circumstances, it is not reasonably practicable for that authority to submit proposals under the foregoing subsection within the period therein mentioned, he may authorise that authority to submit such proposals within such extended period as he considers appropriate.
- (3) The Minister may approve proposals submitted by a local authority under this section with or without modifications, and thereafter it shall be the duty of the authority in carrying out their functions under the said provisions of the principal Act and this Part of this Act to have regard to the proposals as so approved, subject to any modifications made by subsequent proposals so approved.
- (4) A local authority may at any time, and if directed by the Minister shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals previously submitted by that authority and approved under this section; and subsection (3) of this section shall apply to any such further proposals.

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- (5) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and shall be open to inspection without charge during ordinary office hours.

## **2 Power to retain for temporary accommodation certain houses in clearance areas**

- (1) Notwithstanding anything in subsection (3) of section twenty-five of the principal Act or in section thirty of that Act, a local authority by whom an area has been declared (whether before or after the commencement of this Act) to be a clearance area under the said section twenty-five may postpone, for such period as may be determined by the authority, the demolition of any houses on land purchased by or belonging to the authority within that area, being houses which in the opinion of the authority are or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and may carry out such works as may from time to time be required for rendering or keeping such houses capable of providing such accommodation as aforesaid pending their demolition.
- (2) Where the demolition of any houses in a clearance area is postponed under the foregoing subsection, the local authority may also postpone the taking of any proceedings under the said subsection (3) in respect of any buildings (other than houses) within that area; and subsection (2) of section twenty-nine of the principal Act (which limits the period within which compulsory purchase orders may be submitted in respect of land comprised in or surrounded by or adjoining a clearance area) shall not apply to the purchase of any land in the area, other than houses, or to the purchase of any land surrounded by or adjoining the area.
- (3) Where a local authority are satisfied, in the case of a house on land purchased by or belonging to them within a clearance area, not being a house retained by them for temporary use for housing purposes, that—
- (a) it is required for the support of a house which is so retained, or
  - (b) there is some other special reason why it should not be demolished for the time being, and the reason is connected with the exercise of the authority's powers under subsection (1) of this section in relation to the clearance area,
- then, notwithstanding anything in Part III of the principal Act, the authority may retain the house for the time being and shall not be required to demolish it so long as, in the case mentioned in paragraph (a) of this subsection, it is required for the purpose therein referred to, or, in any other case, the said powers are being exercised by the authority in relation to that area; but a house which is retained by virtue of this subsection shall not be included among those referred to in paragraph (a) of subsection (1) of section seven of this Act.
- (4) The power of a local authority under Part III of the principal Act to purchase land within a clearance area may be exercised, for the purpose of acquiring any house within that area which in the opinion of the authority is or can be rendered capable of providing such accommodation as is mentioned in subsection (1) of this section, or in the case of which it appears to them desirable that it should be retained for either of the purposes mentioned in paragraphs (a) and (b) of the last foregoing subsection, notwithstanding that a clearance order has been made in respect of the house before the commencement of this Act or that any proceedings have been taken in pursuance of such an order; and on the completion of the purchase of any such house, the clearance order shall cease to have effect so far as it relates thereto.

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- (5) An order under section twenty-nine of the principal Act authorising the compulsory purchase by a local authority of any houses within an area declared as a clearance area before the commencement of this Act may, notwithstanding anything in subsection (2) of that section, be submitted to the Minister at any time not later than six months after the approval under section one of this Act of proposals submitted by that authority under subsection (1) of the said section one.

### **3 Power to purchase for temporary accommodation in lieu of making demolition orders**

- (1) In any case where a local authority would be required, apart from this section, to make a demolition order in respect of a house in pursuance of a notice served under subsection (1) of section eleven of the principal Act (which requires local authorities to order the demolition of certain houses unfit for human habitation in the absence of certain undertakings by the owners, or in default of compliance with such undertakings) the authority may, if it appears to them that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, purchase the house in lieu of making such an order.
- (2) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing such accommodation as aforesaid pending its demolition by the authority.
- (3) Where a local authority determine to purchase a house under this section, they shall serve notice of the determination on every person upon whom they would be required to serve a copy of a demolition order made in respect of the house under section eleven of the principal Act; and section fifteen of that Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to any such notice as if it were a demolition order.
- (4) At any time after a notice served under subsection (3) of this section in respect of a house has become operative under subsection (5) of the said section fifteen, the authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to a compulsory purchase under this section as if this section had been in force immediately before the commencement of that Act.
- (5) The compensation to be paid for a house purchased compulsorily under this section shall be calculated in accordance with subsection (4) of section sixteen of the principal Act (which regulates the compensation payable for the compulsory purchase under that section of a house unfit for human habitation which cannot be rendered so fit at reasonable expense).

### **4 Postponement of demolition under clearance order in the case of houses let to local authority**

- (1) The following provisions of this section shall have effect, in the case of a house on land in a clearance area which does not belong to the local authority, where the authority are of opinion that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and that the house ought not to be demolished for the time being but ought to be retained for temporary use for housing purposes.

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- (2) Subject to the next following subsection, the local authority may include in any clearance order made by them under Part III of the principal Act and applying to the house a provision that the demolition of the house in pursuance of the order is to be postponed until the authority determine that the house is no longer required for use for housing purposes; and if such a provision is included, the order shall not fix a period for the vacation of the house as required by paragraph 1 of the Third Schedule to the principal Act (which relates to the form and content of clearance orders).
- (3) A local authority shall not include in a clearance order such a provision as is mentioned in the last foregoing subsection unless they have acquired, or are satisfied that by the time the clearance order becomes operative they will have acquired, such rights under a tenancy of the house as will enable them to retain the house for use for housing purposes until they determine that it is no longer required for such use and to deal with it in all respects as if it were a house on land in a clearance area belonging to them.
- (4) In relation to a house to which a clearance order applies with such a provision as is mentioned in subsection (2) of this section—
  - (a) subsection (3) of section twenty-six of the principal Act (which requires a house to be demolished by its owner or owners after a clearance order applying to it has become operative) shall have effect with the substitution for the period therein referred to of such a period not less than six weeks as may, in a notice served by the local authority on the owner or owners of the house as soon as they determine that the house is no longer required for use for housing purposes, be specified as the period within which the authority require the house to be demolished; and
  - (b) section one hundred and fifty-five of the said Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply until the local authority determine that the house is no longer required for such use as aforesaid and shall then have effect with the substitution for references to the date by which the order requires the house to be vacated of references to the date of the authority's notice under the foregoing paragraph.

## **5 Power to permit reconstruction of condemned house**

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of section thirteen of the principal Act to demolish it, in order that the said owner may have an opportunity of carrying out the works.
- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay ; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under Part II of the principal Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall

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be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

## **6 Licences for temporary occupation of houses subject to existing demolition or clearance orders**

- (1) If it appears to a local authority that any house in respect of which a demolition order or clearance order had been made by that authority under Part II or Part III of the principal Act before the commencement of this Act is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section one hundred and fifty-five of the principal Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply thereto.
- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then, notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid; and every such licence shall, unless previously revoked, cease to have effect at the expiration of the period of three years beginning with the commencement of this Act, or of such extended period as the Minister may in any particular case allow in pursuance of an application made by the local authority within the said period of three years.
- (5) On the revocation or determination of a licence granted under this section in respect of a house subject to a demolition order, the local authority may, if they think fit, revoke the demolition order and purchase the house under section three of this Act as if that order had not been made ; and in relation to such a purchase, the said section three shall apply as if subsection (3), and in subsection (4) the words from the beginning to " section fifteen ", were omitted.
- (6) Subsection (4) of section two of this Act shall not apply to any house subject to a clearance order so long as a licence in respect of the house is in force under this section ; and in calculating the period during which a compulsory purchase order for the purchase of such a house may be submitted under subsection (5) of the said section two, any time during which such a licence was in force in respect of the house shall be disregarded.
- (7) Regulations 68A and 68AA of the Defence (General) Regulations, 1939, are hereby revoked ; but any licence in force under those regulations in respect of a house immediately before the commencement of this Act shall continue in force and have effect as if granted under this section, and may be revoked thereunder accordingly.