

1981 No. 1347

HOUSING, ENGLAND AND WALES**Housing (Prescribed Forms) (Amendment)
Regulations 1981***Made* - - - - 16th September 1981*Laid before Parliament* 30th September 1981*Coming into Operation* 21st October 1981

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of their powers under section 178 of the Housing Act 1957(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Housing (Prescribed Forms) (Amendment) Regulations 1981 and shall come into operation on 21st October 1981.

(2) The Housing (Prescribed Forms) Regulations 1972 to 1975 and these regulations may be cited together as the Housing (Prescribed Forms) Regulations 1972 to 1981.

Interpretation

2. In these regulations, “the principal regulations” means the Housing (Prescribed Forms) Regulations 1972(b), as amended by the Housing (Prescribed Forms) (Amendment etc.) Regulations 1974(c) and the Housing (Prescribed Forms) (Amendment) Regulations 1975(d).

Amendment of the principal regulations

3.—(1) The list set out in Schedule 1 to the principal regulations shall be amended as follows:—

(a) after Form 2B there shall be added the following:—

“2C. Notice requiring execution of works of repair upon a representation made by an occupying tenant.”; and

(b) after Form 4 there shall be added the following:—

“4A. Notice to abate overcrowding by new resident in house in multiple occupation.

(a) 1957 c. 56.
(c) S.I. 1974/1511.

(b) S.I. 1972/228.
(d) S.I. 1975/500.

4B. Notice of intention to serve an overcrowding notice in respect of a house in multiple occupation.

4C. Revocation or variation of an overcrowding notice in respect of a house in multiple occupation.

4D. Notice requiring information in connection with premises in respect of which an overcrowding notice under section 90 of the Housing Act 1957 is in force.”.

(2) The forms set out in Schedule 2 to the principal regulations shall be amended as follows:—

- (a) after Form 2B there shall be added Form 2C as set out in the Schedule to these regulations;
- (b) for Form 4 there shall be substituted the form set out in the Schedule to these regulations, and after that form there shall be added the forms numbered 4A, 4B, 4C and 4D set out in the Schedule to these regulations; and
- (c) for Forms 34, 38 and 63 there shall be substituted the forms set out in the Schedule to these regulations.

(3) The forms added or, as the case may be, substituted by these regulations, or forms substantially to the like effect, shall be the forms to be used for the following purposes:—

- (a) Form 2C shall be used for the purposes of section 9(1B) of the Housing Act 1957 as inserted by section 149 of the Housing Act 1980(a);
- (b) Forms 4, 4A, 4B, 4C and 4D shall be used for the purposes of section 90 of the Housing Act 1957 as substituted by section 146 of the Housing Act 1980; and
- (c) Forms 34, 38 and 63 shall be used for the purposes of Schedule 24 to the Housing Act 1980.

SCHEDULE

FORM No. 2C

HOUSING ACT 1957

NOTICE REQUIRING EXECUTION OF WORKS OF REPAIR UPON A REPRESENTATION MADE
BY AN OCCUPYING TENANT

To _____ of _____,
being the person having control* of the house known as _____,

*See section 39(2). Copy notices may also be served on the persons referred to in section 9(2).

Take Notice that—

(1) the _____ Council, having received representations on _____ 19 _____ from _____ the tenant occupying the house at that date, are satisfied that the above-mentioned house is in such a state of disrepair that, although it is not unfit for human habitation, its condition is such as to interfere materially with the personal comfort of the above-mentioned occupying tenant;

†The time allowed must be reasonable, and in any event not less than 21 days.

(2) in pursuance of section 9(1B) of the Housing Act 1957, the Council require you within a period of _____ days ending on _____ 19 _____ † to execute the following works, not being works of internal decorative repair, namely

Dated _____ 19 _____

Signed _____

Clerk of the Local Authority.

NOTES

A person aggrieved by this notice may appeal against it to the County Court. If there is no appeal, and this notice is not complied with, then, after the expiration of the time stated in the notice, the local authority may themselves do the work required by the notice to be done.

On appeal the Court may quash the notice or may confirm the notice, with or without variation. If the notice is confirmed, with or without variation, the local authority cannot exercise their power to do the work until the expiration of 21 days from the final determination of the appeal or such longer period as the Court may have fixed.

If a person on whom a demand is served for the recovery of expenses incurred by the local authority in doing the work is aggrieved thereby, he may appeal against the demand to the County Court. He may similarly appeal against an order made by the local authority declaring any such expenses to be payable by instalments.

Any appeal must be brought within 21 days after the date of service of the notice, demand or order, to the County Court within the jurisdiction of which the premises to which the notice, demand or order relates, and no proceedings may be taken by the local authority to enforce any notice, demand or order against which there is an appeal, until the appeal has been finally determined or withdrawn. On an appeal against a demand or order, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of works.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice (or in the case of a demand or order, a copy of the demand or order) must at the same time be filed in the Court office, together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the Rules, with such variations as the circumstances may require.

A lessee who, or whose agent, has incurred expenditure in executing works required by this notice, or in defraying expenses incurred by the local authority in doing so, is entitled to recover from the lessor such part (if any) of that expenditure as the lessor may agree or as may, in default of agreement between the parties, be determined by the County Court. This procedure does not apply if there is in force a charging order made by the local authority charging on the house expenses incurred by an owner in executing the works, or if there is an application by him for an order awaiting decision by the local authority.

FORM No. 4
HOUSING ACT 1957

NOTICE TO ABATE OVERCROWDING IN HOUSE IN MULTIPLE OCCUPATION

Section 90.

To _____ of _____
being the [occupier] [person having the control and management] of the premises known as _____

Strike out words in square brackets if inapplicable.

Take Notice that—

(1) it appears to the _____ Council that an excessive number of persons is being or is likely to be accommodated in the above-mentioned premises having regard to the rooms available;

(2) in the opinion of the Council the rooms on the premises described in Schedule 1 to this notice are unsuitable to be occupied as sleeping accommodation, and the rooms described in Schedule 2 to this notice are unsuitable to be occupied as sleeping accommodation by more than the number of persons therein specified;

(3) you are hereby required to refrain from—

- (a) knowingly permitting any room to be occupied as sleeping accommodation otherwise than in accordance with this notice; or
- (b) knowingly permitting such number of persons to occupy the premises as sleeping accommodation that it is not possible to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room, without—
 - (i) one or more rooms to which this notice relates being occupied as sleeping accommodation otherwise than in accordance with this notice; or
 - (ii) any part of the premises which is not a room being occupied as sleeping accommodation.

Dated _____ 19 ____ .

Signed _____
Clerk of the Local Authority.

SCHEDULE 1

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION)

SCHEDULE 2

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION BY MORE THAN THE NUMBER OF PERSONS SPECIFIED)

Rooms*

Number of persons*

*Special maxima can be prescribed in a case where some or all of the persons occupying a room are under such an age as may be specified.

NOTES

A person aggrieved by this notice may appeal against it to the County Court. The appeal must be brought within 21 days after the date of service of this notice to the County Court within the jurisdiction of which the premises to which this notice relates are situated and if an appeal is brought, no proceedings may be taken by the local authority to enforce the notice before the appeal has been finally determined or withdrawn.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court office, together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

If no appeal is brought within the 21 days referred to this notice will become operative. If this notice becomes operative, then any person who contravenes it will be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

On the application of any person who has an estate or interest in the premises, the Council have power at any time to revoke this notice or vary it so as to allow more people to be accommodated in the premises. If the Council refuse such an application, or do not notify the applicant of their decision within 35 days after the application is made, or within such further period as the applicant may in writing allow, he may appeal to the County Court within whose jurisdiction the offices of the Council lie. On appeal, the Court has power to revoke this notice or vary it in any manner in which the Council might have varied it.

FORM No. 4A

HOUSING ACT 1957

Section 90. NOTICE TO ABATE OVERCROWDING BY NEW RESIDENT IN HOUSE IN MULTIPLE OCCUPATION

Strike out words in square brackets if inapplicable.

To _____ of _____,
being the [occupier] [person having the control and management] of the premises known as _____,

Take Notice that—

(1) it appears to the _____ Council that an excessive number of persons is being or is likely to be accommodated in the above-mentioned premises having regard to the rooms available;

(2) in the opinion of the Council the rooms on the premises described in Schedule 1 to this notice are unsuitable to be occupied as sleeping accommodation, and the rooms described in Schedule 2 to this notice are unsuitable to be occupied as sleeping accommodation by more than the number of persons therein specified;

(3) you are hereby required to refrain from—

*See Note 1.

(a) knowingly permitting any room to be occupied by a new resident* as sleeping accommodation otherwise than in accordance with this notice; or

(b) knowingly permitting a new resident* to occupy any part of the premises as sleeping accommodation if it is not possible both to permit the new resident so to occupy any part of the premises and avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room, without—

(i) one or more rooms to which this notice relates being occupied as sleeping accommodation otherwise than in accordance with this notice; or

(ii) any part of the premises which is not a room being occupied as sleeping accommodation.

Dated _____ 19 ____ .

Signed _____

Clerk of the Local Authority.

SCHEDULE 1

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION)

SCHEDULE 2

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION BY MORE THAN THE NUMBER OF PERSONS SPECIFIED)

Rooms*

Number of persons*

*Special maxima can be prescribed in a case where some or all of the persons occupying a room are under such an age as may be specified.

NOTES

1. "New resident" means a person who was not living in the premises immediately before the service of this notice.

2. A person aggrieved by this notice may appeal against it to the County Court. The appeal must be brought within 21 days after the date of service of this notice to the County Court within the jurisdiction of which the premises to which this notice relates are situated, and if an appeal is brought, no proceedings may be taken by the local authority to enforce the notice before the appeal has been finally determined or withdrawn.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court office, together with an additional copy of the Request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

If no appeal is brought within the 21 days referred to this notice will become operative. If this notice becomes operative then any person who contravenes it will be guilty of an offence, and liable on summary conviction to a fine not exceeding £500.

On the application of any person who has an estate or interest in the premises, the Council have power at any time to revoke this notice or vary it so as to allow more people to be accommodated in the premises. If the Council refuse such an application, or do not notify the applicant of their decision within 35 days after the application is made, or within such further period as the applicant may in writing allow, he may appeal to the County Court within whose jurisdiction the premises lie. On appeal, the Court has power to revoke this notice or vary it in any manner in which the Council might have varied it.

FORM 4B

HOUSING ACT 1957

NOTICE OF INTENTION TO SERVE AN OVERCROWDING NOTICE IN RESPECT OF A HOUSE IN MULTIPLE OCCUPATION Section 90

* [To
of
being the [occupier] [person having control and management] of the premises
known as

] *To be omitted from copy of notice posted in the house.

Notice is hereby given with respect to the above-mentioned premises that:—

(1) it appears to the Council that an excessive number of persons is being or is likely to be accommodated on the premises having regard to the number of rooms available;

(2) the rooms listed in Schedule 1 to this notice are in the Council's opinion unsuitable to be occupied as sleeping accommodation;

(3) the rooms listed in Schedule 2 to this notice are in the Council's opinion unsuitable to be occupied as sleeping accommodation by more than the number of persons specified;

(4) the Council accordingly propose, in pursuance of their powers under section 90 of the Housing Act 1957, to serve an overcrowding notice applying the limits set out in the Schedules below to the premises.

*Insert date not less than 7 days after service and posting of notice on the premises.

Any representation with respect to this proposal, submitted by an occupier or person having control and management of the house before † _____ 19 __, will be taken into consideration. Representations should be in writing and addressed to

SCHEDULE 1

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION)

SCHEDULE 2

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION BY MORE THAN THE NUMBER OF PERSONS SPECIFIED)

*Special maxima can be prescribed where some or all of the persons occupying a room are under such an age as may be specified.

Rooms*

Number of persons*

NOTES

Section 90 of the Housing Act 1957, as substituted by section 146 of the Housing Act 1980, provides that if it appears to a local authority, in the case of a house within their district which is occupied by persons who do not form a single household, that an excessive number of persons is being or is likely to be accommodated having regard to the rooms available, the local authority may serve a notice requiring the occupier of the premises or any person having control and management thereof, or both, either:—

- (i) to refrain from knowingly permitting any room to be occupied as sleeping accommodation otherwise than in accordance with the overcrowding notice, or where it is not possible to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room; or
- (ii) to refrain from knowingly permitting a new resident to occupy any part of the premises as sleeping accommodation otherwise than in accordance with the overcrowding notice, or where it is not possible to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.

Any person who contravenes such a notice is liable to a fine not exceeding £500.

FORM 4C

REVOCATION OR VARIATION OF AN OVERCROWDING NOTICE IN RESPECT OF A HOUSE IN MULTIPLE OCCUPATION

Whereas the _____ Council on _____ 19 ____ served an overcrowding notice under section 90 of the Housing Act 1957 with respect to the premises known as

And Whereas a person having an estate or interest in the premises has applied to the Council for [revocation] [variation] of that notice, and the Council are of the opinion that the notice should be [revoked] [varied so as to allow more people to be accommodated in the premises];

Strike out words in square brackets if inapplicable.

Now therefore the Council, in pursuance of their powers under section 90(11) of the Housing Act 1957, hereby [revoke the said notice] [vary the said notice by substituting the limits specified in the Schedules hereto in respect of the said premises].

SCHEDULE 1

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION)

SCHEDULE 2

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION BY MORE THAN THE NUMBER OF PERSONS SPECIFIED)

Rooms*	Number of persons*	*Special maxima can be prescribe where some or 2 of the persons occupying a room are under such 2 age as may be specified.
The common seal of the Council was hereunto affixed on the presence of	19 , in	

FORM 4D

HOUSING ACT 1957

NOTICE REQUIRING INFORMATION IN CONNECTION WITH PREMISES IN RESPECT OF WHICH AN OVERCROWDING NOTICE UNDER SECTION 90 OF THE HOUSING ACT 1957 IS IN FORCE Section 90(9).

To
of
being the occupier of the premises known as
in respect of which an overcrowding notice served by the
Council under section 90 of the Housing Act 1957 is in
force.

Take Notice that, in pursuance of their powers under section 90(9) of the Housing Act 1957, the Council hereby require you to furnish them within 7 days of the service of this notice with a statement in writing giving the following particulars*:-

- (a) the number of individuals occupying any part of the premises as sleeping accommodation on 19 ;
- (b) the number of families or households to which those individuals belong;
- (c) the names of those individuals and of the heads of each of those families or households; and
- (d) the rooms used by those families or households respectively.

*Delete any particulars which are not required.

Dated 19 .

Signed

Clerk of the Local Authority.

NOTES

The statement required by this notice should be addressed to:

If the person on whom this notice is served knowingly fails to furnish the required information within the period stated in the notice, or furnishes a statement which to his knowledge is false in any material particular, he will be liable on summary conviction to a fine not exceeding £50.

FORM No. 34

HOUSING ACT 1980

Housing Act 1980
Schedule 24 para-
graph 4.NOTICE REQUIRING THE PROVISION OF NECESSARY MEANS OF ESCAPE FROM FIRE IN A
HOUSE IN MULTIPLE OCCUPATION WHERE PART OF THE HOUSE IS NOT USED FOR
HUMAN HABITATION

To _____,
of _____,
being [the person having control of* the house known as _____]
[a person to whom the house known as _____
is let at a rackrent] [a person who, as the agent or trustee of a person to whom the
house known as _____
is let at a rackrent, receives rents or other payments from tenants of parts of the
house or from lodgers in the house].

*See section 15(1)
of the Housing
Act 1961 and sec-
tion 39(2) of the
Housing Act
1957.

Take Notice that—

Strike out words in
square brackets if
inapplicable.

(1) it appears to the _____ Council that the above-mentioned
house, being a house which is occupied by persons who do not form a single
household, is not provided with such means of escape from fire as the Council
consider necessary but that, if that part of the above-mentioned house which
comprises _____
were not used for human habitation, the means of escape from fire would be
adequate;

(2) in the opinion of the Council the works specified in the schedule to this
notice are required to provide such means of escape from fire as will be necessary
if the above-mentioned part of the house is not used for human habitation;

(3) the Council, in pursuance of paragraph 4 of Schedule 24 to the Housing
Act 1980, and having consulted with the fire authority concerned pursuant to
paragraph 8 of the said Schedule, require you within a period of † _____ [days]
[weeks] from the date of this notice to execute the said works.

†The time allowed
should be reason-
able, and must in
any event not be
less than 21 days
from service of
this notice.

SCHEDULE

SPECIFICATION OF WORKS

(Insert detailed specification of works to be executed.)

Dated 19

Signed _____
Clerk of the Local Authority.

NOTES

A) APPEAL:—

A person on whom this notice is served may appeal against it to a County Court. The
appeal must be brought within 21 days from the service of this notice (or such longer period
as the Council may in writing allow) to the County Court within the jurisdiction of which the
premises to which this notice relates are situated, and may be brought on any of the
following grounds which are appropriate in the circumstances of the particular case:—

(a) that the notice is not justified by the terms of Schedule 24 to the Housing Act 1980;

- (b) that there has been some informality, defect or error in, or in connection with, the notice;
- (c) that the Council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court office together with an additional copy of the request to the Registrar for service on the Council. In addition, if the grounds on which the appeal is based include that specified in subparagraph (e) above, every person concerned should be given notice of the appeal. The appellant may ensure that this is done by joining such persons as respondents to the appeal and in this case extra copies of the notice of appeal must be filed when the appeal is entered.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the Rules, with such variations as the circumstances may require.

An appeal, in so far as it is based on a ground specified in sub-paragraph (b) above will be dismissed if the Court is satisfied that the informality, defect or error was not a material one.

Where the grounds upon which an appeal is brought include a ground specified in sub-paragraph (e) above, the Court, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, may on the hearing of the appeal make such order as it thinks fit with respect to the payment to be made by such other person to the appellant or, where the work is done by the Council, to the Council.

The period stated in this notice within which the works are to be executed may, if the Council think fit, be extended from time to time by written permission of the Council.

If the works specified in this notice are not executed by the person on whom it is served within the period, or extended period, specified by the Council (or, where there has been an appeal against the notice and the notice has been confirmed with or without variation, within a period of 28 days from the final determination of the appeal or within such longer period as the Court may, in determining the appeal, fix), or if the person on whom this notice is served notifies the Council, before the expiration of the time allowed, that he is not able to do the works in question, the Council have power themselves to do the work required to be done by the notice (with any variation made by the Court) and (subject to the terms of any order of the Court referred to in the fifth paragraph of these Notes) to recover any expenses reasonably incurred by them, together with interest, from the person on whom the notice was served or, if that person was only properly served with the notice as being an agent or trustee for some other person, partly from him and partly from that other person. If, however, the person on whom notice is served can prove that the notice was only properly served on him as being an agent or trustee for some other person and that he has not, and, since the date of service on him by the Council of a demand for payment, has not had in his hands on behalf of that other person sufficient money to discharge the whole demand of the Council, his liability will be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

A person on whom this notice is served who wilfully fails to carry out the required works within the period mentioned in the Note above may, under section 65 of the Housing Act 1964, be liable to a fine not exceeding £500. This is so whether or not the Council themselves carry out the work in default, unless the person served has notified them that he is unable to do the work and they have served notice on him relieving him from liability to penalty. Subject to this, the person remains under an obligation to carry out the works although the period mentioned in the Note above has expired, and he is liable to a fine not exceeding £500 under section 61 of the Housing Act 1969 if he wilfully fails to comply with that obligation after being convicted under section 65 of the 1964 Act of failing to comply with the notice or after being convicted under section 61 of the 1969 Act of failing to comply with the obligation. Where a company or other corporate body is convicted, any director, manager, secretary or other similar officer or person purporting to act as such may also be punished on account of his consent, connivance or neglect in relation to the offence. If the occupier prevents the owner, or if either the occupier or owner prevents the Council, from carrying into effect the provisions of this notice, the Magistrates, under section 161 of the Housing Act 1957, as applied by section 66 of the Housing Act 1964, may order him, under penalty for disobedience, to desist from obstruction.

B) GRANT:—

An application for grant in respect of the works required by this notice may be made to the local authority by a person who holds an estate in fee simple absolute in possession of the land, or a term of years absolute of which not less than 5 years remain unexpired at the date of application.

The local authority may not refuse such an application if it is duly made and the authority are satisfied that the relevant works are necessary for compliance with this notice.

FORM No. 38

HOUSING ACT 1980

Schedule 24,
paragraph 2

NOTICE REQUIRING THE PROVISION OF NECESSARY MEANS OF ESCAPE FROM FIRE
IN A HOUSE IN MULTIPLE OCCUPATION

To _____ of _____

*See Section 15(1) of the Housing Act 1961 and section 39(2) of the Housing Act 1957.

Strike out words in square brackets if inapplicable.

_____, being [the person having control of*
] the house known as _____
[a person to whom the house known as
is let at a rackrent] [a person who, as the agent or trustee of a person to whom the
house known as
is let at a rackrent, receives rents or other payments from tenants of parts of the
house or from lodgers in the house].

Take Notice that—

(1) it appears to the _____ Council that the above-mentioned house, being a house which is occupied by persons who do not form a single household, is not provided with such means of escape from fire as the Council consider necessary;

(2) in the opinion of the Council the works specified in the schedule to this notice are required to provide such means of escape;

(3) the Council, in pursuance of paragraph 2 of Schedule 24 to the Housing Act 1980, and having consulted the fire authority concerned pursuant to paragraph 8 of the said Schedule, require you within a period of _____ † [days] [weeks] from the date of this notice to execute the said works.

†The time allowed should be reasonable, and must in any event not be less than 21 days from service of this notice.

SCHEDULE

SPECIFICATION OF WORKS

(Insert detailed specification of works to be executed.)

Dated _____ 19 ____ .

Signed _____
Clerk of the Local Authority.

NOTES

A) APPEAL:—

A person on whom this notice is served may appeal against it to a County Court. The appeal must be brought within 21 days from the service of this notice (or such longer period as the Council may in writing allow) to the County Court within the jurisdiction of which the premises to which this notice relates are situated and may be brought on any of the following grounds which are appropriate in the circumstances of the particular case:—

- (a) that the notice is not justified by the terms of Schedule 24 to the Housing Act 1980;
- (b) that there has been some informality, defect or error in, or in connection with, the notice;

- (c) that the Council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court office together with an additional copy of the request to the Registrar for service on the Council. In addition, if the grounds on which the appeal is based include that specified in sub-paragraph (e) above, every person concerned should be given notice of the appeal. The appellant may ensure that this is done by joining such persons as respondents to the appeal and in this case extra copies of the notice of appeal must be filed when the appeal is entered.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the Rules, with such variations as the circumstances may require.

An appeal insofar as it is based on a ground specified in sub-paragraph (b) above, will be dismissed if the Court is satisfied that the informality, defect or error was not a material one.

Where the grounds upon which an appeal is brought include a ground specified in sub-paragraph (e) above, the Court, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, may on the hearing of the appeal make such order as it thinks fit with respect to the payment to be made by such other person to the appellant or, where the work is done by the Council, to the Council.

The period stated in this notice within which the works are to be executed may, if the Council think fit, be extended from time to time by written permission of the Council.

If the works specified in this notice are not executed by the person on whom it is served within the period, or extended period, specified by the Council (or, where there has been an appeal against the notice and the notice has been confirmed with or without variation, within a period of 28 days from the final determination of the appeal or within such longer period as the Court may, in determining the appeal, fix), or if the person on whom this notice is served notifies the Council before the expiration of the time allowed that he is not able to do the works in question, the Council have power themselves to do the work required to be done by the notice (with any variation made by the Court) and (subject to the terms of any order of the Court referred to in the fifth paragraph of these Notes) to recover any expenses reasonably incurred by them from the person on whom the notice was served or, if that person was only properly served with the notice as being an agent or trustee for some other person, partly from him and partly from that other person. If, however, the person on whom notice is served can prove that the notice was only properly served on him as being an agent or trustee for some other person and that he has not, and, since the date of service on him by the Council of a demand for payment, has not had in his hands on behalf of that other person sufficient money to discharge the whole demand of the Council, his liability will be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

A person on whom this notice is served who wilfully fails to carry out the required works within the period mentioned in the Note above may, under section 65 of the Housing Act 1964 be liable to a fine not exceeding £500. This is so whether or not the Council themselves carry out the work in default, unless the person served has notified them that he is unable to do the work and they have served notice on him relieving him from liability to penalty. Subject to this, the person remains under an obligation to carry out the works although the period mentioned in the Note above has expired, and he is liable to a fine not exceeding £500 under section 61 of the Housing Act 1969 if he wilfully fails to comply with that obligation after being convicted under section 65 of the 1964 Act of failing to comply with the notice or after being convicted under section 61 of the 1969 Act of failing to comply with the obligation. Where a company or other corporate body is convicted, any director, manager, secretary or other similar officer or person purporting to act as such may also be punished on account of his consent, connivance or neglect in relation to the offence. If the occupier prevents the owner, or if either the occupier or owner prevents the Council, from carrying into effect the provisions of this notice, the Magistrates, under section 161 of the Housing Act 1957, as applied by section 66 of the Housing Act 1964, may order him, under penalty for disobedience, to desist from obstruction.

B) GRANT:—

An application for grant in respect of the works required by this notice may be made to the local authority by a person who holds an estate in fee simple absolute in possession of the land, or a term of years absolute of which not less than 5 years remain unexpired at the date of application.

The local authority may not refuse such an application if it is duly made and the authority are satisfied that the relevant works are necessary for compliance with this notice.

FORM No. 63

HOUSING ACT 1980

Schedule 24 para-
graph 6.

CLOSING ORDER IN RESPECT OF PART OF A HOUSE IN MULTIPLE OCCUPATION

Whereas it appears to the Council that the house known as _____, being a house which is occupied by persons who do not form a single household, is not provided with such means of escape from fire as the Council consider necessary, but that, if the part of the said house which comprises

_____ were not used for human habitation, the means of escape from fire with which the house is provided would be adequate.

Strike out words in
square brackets if
inapplicable.

[And Whereas no such undertaking in relation to the premises as is mentioned in paragraph 5 of Schedule 24 to the Housing Act 1980 has been accepted;]

[And Whereas such an undertaking in relation to the premises as is mentioned in paragraph 5 of Schedule 24 to the Housing Act 1980, which was accepted on 19 _____, has been broken;]

And Whereas the Council have consulted with the fire authority concerned pursuant to paragraph 8 of Schedule 24 to the said Act;

Now Therefore the Council, in pursuance of paragraph 6 of Schedule 24 to the Housing Act 1980, by this order prohibit the use of the above-mentioned part of the said house for any purpose other than a purpose approved by the Council and hereby approve the following purpose [s], namely as

The common seal of the Council was hereunto affixed on 19 _____, in the presence of

NOTES

A person aggrieved by this order may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of the order to the County Court within the jurisdiction of which the premises to which the order relates are situate, and if an appeal is brought no proceedings may be taken by the local authority to enforce the order until the appeal has been finally determined or withdrawn. An appeal cannot be brought by a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed 3 years.

This order will become operative 21 days after the date of the service of the order unless an appeal has been brought against it. If an appeal is brought, the order will not become operative until the appeal is finally determined or withdrawn.

After this order has become operative, the local authority must not unreasonably refuse their approval of a proposed use of the premises to which it relates, and a person aggrieved by a refusal may within 21 days after the refusal appeal to the County Court within the jurisdiction of which the premises are situate.

Part II of the Housing Act 1957 applies to this order as it applies to a closing order made under section 18(1) of that Act, but the ground on which the council are required to determine this order, under section 27(2) of that Act, is that they are satisfied that the means of escape from fire with which the house is provided would be adequate (owing to a change of circumstances) even if the part of the house with respect to which this order was made

were used for human habitation. A person aggrieved by their refusal to determine the order (except a person in occupation of the premises under a lease or agreement of which the unexpired term does not exceed 3 years) may within 21 days after the refusal appeal to the County Court.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this order (or in the case of a refusal, a copy of the refusal) must at the same time be filed in the Court office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the Rules, with such variations as the circumstances may require.

A person who knowing that this order has become operative uses the premises to which it relates in contravention of the terms of the order, or permits them to be so used, is liable on summary conviction to a fine not exceeding £50 and to a further fine of £5 for every day or part of a day on which he so uses them or permits them to be so used after conviction.

Michael R. D. Heseltine,

15th September 1981.

Secretary of State for the Environment.

Nicholas Edwards,

16th September 1981.

Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to England and Wales, prescribe forms to be used for the purposes of the Housing Act 1957 and of the Housing Act 1980, by way of amendments and additions to those contained in the Housing (Prescribed Forms) Regulations 1972 to 1975.

A new form 2C is prescribed for use where local authorities seek to exercise their power to require repairs to a house under section 9(1B) of the Housing Act 1957 (which was introduced by section 149 of the Housing Act 1980).

The remaining forms deal with houses in multiple occupation. Forms 4 to 4D are for use in relation to overcrowding where local authorities seek to exercise their powers under section 90 of the Housing Act 1957, which was substituted by section 146 of the Housing Act 1980. Forms 34, 38 and 63 are for use in relation to means of escape from fire where local authorities use their powers under Schedule 24 to the Housing Act 1980, which replaces certain sections of the Housing Acts 1961 (c. 65) and 1969 (c. 33).

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