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STATUTORY INSTRUMENTS

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**1990 No. 1730**

**HOUSING, ENGLAND AND WALES**

**The Housing (Prescribed Forms) (No. 2) Regulations 1990**

*Made* - - - - *21st August 1990*  
*Laid before Parliament* *29th August 1990*  
*Coming into force* - - *19th September 1990*

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by section 614 of the Housing Act 1985(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Housing (Prescribed Forms) (No. 2) Regulations 1990 and shall come into force on 19th September 1990.

**Prescribed forms**

2.—(1) The forms set out in the Schedule to these Regulations, or forms substantially to the like effect, shall be the forms to be used for the following purposes of the Housing Act 1985(2)—

- (a) Forms 1, 2 and 3, as appropriate, for a repair notice under section 189 in respect of unfit premises;
- (b) Form 4 for a repair notice under section 190(1) in respect of premises in a state of disrepair but not unfit and Form 5 for a repair notice under section 190(1A) served in respect of such premises on the person having control of them;
- (c) Form 6 for a notice under section 352 requiring the execution of works to make a house in multiple occupation fit for the number of occupants;
- (d) Form 7 for a notice under section 372 requiring the execution of works to remedy the neglect of management of a house in multiple occupation;
- (e) Form 8 for a notice under section 194(1) or 375(3A) of a local housing authority's intention to enter and execute works;

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(1) 1985 c. 68.

(2) Relevant amendments are made in this Act by Schedule 15 to the Housing Act 1988 (c. 50) and Schedules 9, 11 and 12 to the Local Government and Housing Act 1989 (c. 42).

- (f) Form 9 for a notice under sections 197, 319, 337, 340 or 395 before exercising powers of entry;
- (g) Form 10 for a demand under paragraph 3 of Schedule 10 for recovery of expenses incurred by a local housing authority in carrying out works in default;
- (h) Form 11 for a notice under paragraph 6A(1) of Schedule 10 requiring occupiers of premises to pay rent direct to a local housing authority;
- (i) Form 12 for a notice under paragraph 6A(3) of Schedule 10 discontinuing the requirement that occupiers of premises pay rent direct to a local housing authority;
- (j) Form 13 for a closing order under section 264;
- (k) Form 14 for a demolition order under section 265;
- (l) Form 15 for a notice under section 270 requiring an occupier to quit premises after a demolition order has become operative;
- (m) Form 16 for a notice under section 273(1) of a local housing authority's intention to cleanse premises subject to a demolition order;
- (n) Form 17 for a notice under section 273(2) authorising an owner to proceed with demolition after premises have been cleansed;
- (o) Form 18 for a closing order under section 275 or 304 in substitution for a demolition order;
- (p) Form 19 for a demolition order under section 279 in substitution for a closing order;
- (q) Form 20 for a notice under section 289(2B)(a) of a local housing authority's intention to include a building in a clearance area;
- (r) Form 21 for a notice under section 300 of a local housing authority's determination to purchase premises liable to be demolished or closed;
- (s) Form 22 for a certificate of fitness under section 310 resulting from an owner's improvements or alterations to premises;
- (t) Form 23 for a notice under section 330 revoking a licence authorising more than the permitted number to sleep in a dwelling;
- (u) Form 24 for a notice under section 331 informing a landlord that a dwelling is overcrowded;
- (v) Form 25 for a notice under section 335 requiring information about persons sleeping in a dwelling;
- (w) Form 26 for a notice under section 338 requiring an occupier of an overcrowded dwelling to abate the overcrowding;
- (w) Form 26 for a notice under section 338 requiring an occupier of an overcrowded dwelling to abate the overcrowding;
- (x) Form 27 for a notice under section 354(3) of a local housing authority's intention to limit by direction the number of occupants of a house, or part of a house, in multiple occupation;
- (y) Form 28 for a direction under section 354(1) limiting the number of occupants of a house, or part of a house, in multiple occupation;
- (z) Form 29 for a notice under section 356 requiring information about the occupation of a house, or part of a house, in multiple occupation in respect of which a direction under section 354 is in force;
- (aa) Form 30 for a revocation or variation under section 357 of a direction under section 354;
- (ab) Form 31 for a notice under section 358(2) of a local housing authority's intention to serve an overcrowding notice in respect of a house in multiple occupation;
- (ac) Form 32 for an overcrowding notice under section 358(1) in respect of a house in multiple occupation;

- (ad) Form 33 for a revocation or variation under section 363 of an overcrowding notice in respect of a house in multiple occupation;
  - (ae) Form 34 for a notice under section 364 requiring information where an overcrowding notice under section 358 is in force;
  - (af) Form 35 for a closing order under section 368 in respect of a part of a house in multiple occupation;
  - (ag) Form 36 for a control order under section 379 in respect of a house in multiple occupation;
  - (ah) Form 37 for a notice under section 379 accompanying a control order;
  - (ai) Form 38 for a notice under paragraph 25 of Schedule 13 of the balances payable to a dispossessed proprietor on the termination of a control order;
  - (aj) Form 39 for a notice under paragraph 26 of Schedule 13 to enable a local housing authority to recover capital expenditure incurred in carrying out works before a control order ceased to have effect.
- (2) Form 8 is prescribed for use only in cases where the notice is served in relation to a repair notice served on or after 1st April 1990.
- (3) Form 10 is prescribed for use only in cases where the demand is served in relation to a notice served under section 189, 190, 352 or, as the case may be, 372 on or after 1st April 1990.
- (4) Forms 18 and 19 are prescribed for use only in cases where the closing order or, as the case may be, demolition order is made in substitution for a demolition order or, as the case may be, closing order made on or after 1st April 1990.

Signed by authority of the Secretary of State for the Environment

17th August 1990

*Michael Portillo*  
Minister of State,  
Department of the Environment

21st August 1990

*David Hunt*  
Secretary of State for Wales

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

Regulation 2

FORM 1 HOUSING ACT 1985 SECTION 189(1) NOTICE TO EXECUTE REPAIRS TO AN UNFIT [DWELLING-HOUSE] [HOUSE IN MULTIPLE OCCUPATION] WHICH IS NOT A FLAT [IN MULTIPLE OCCUPATION]

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the person [having control of] [managing] the [dwelling-house] [house in multiple occupation] known as \_\_\_\_\_

(“the premises”).

2. The \_\_\_\_\_ Council are satisfied that the premises are unfit for human habitation as described in Schedule 1 to this notice.

3. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that the most satisfactory course of action in respect of the premises is the service of a repair notice under section 189(1) of the Act.

4. In the opinion of the Council the works specified in Schedule 2 to this notice (“the works”) [when taken together with works proposed to be carried out under a group repair scheme] will make the premises fit for human habitation.

5. Under section 189 of the Act the Council require you to carry out the works and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

SCHEDULE 1

In the opinion of the Council, the premises fail to meet the following requirement(s) of section 604(1) of the Housing Act 1985–

and, by reason of that failure, the premises are not reasonably suitable for occupation.

SCHEDULE 2

Specification of works to be carried out

[Date and signature]

NOTES

(as set out after Form 3 below)

FORM 2 HOUSING ACT 1985 SECTION 189(1) NOTICE TO EXECUTE REPAIRS TO AN UNFIT FLAT [IN MULTIPLE OCCUPATION]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the person [having control of] [managing] the flat [in multiple occupation] known as (“the flat”).
2. The \_\_\_\_\_ Council are satisfied that the flat is unfit for human habitation as described in Schedule 1 to this notice.
3. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that the most satisfactory course of action in respect of the flat is the service of a repair notice under section 189(1).
4. In the opinion of the Council the works specified in Schedule 2 to this notice (“the works”) [, together with the additional works specified in the repair notice served under section 189(1A) of the Act on \_\_\_\_\_ of \_\_\_\_\_ ] will make the flat fit for human habitation [when taken together with works proposed to be carried out under a group repair scheme].
5. Under section 189(2) of the Act the Council require you to carry out the works and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

SCHEDULE 1

In the opinion of the Council the flat fails to meet the following requirement(s) of section 604(1) of the Housing Act 1985–

[and [the building containing the flat] [part of the building containing the flat which is outside the flat, namely \_\_\_\_\_ ]

fails to meet the following requirement(s) of section 604(2) of the Housing Act 1985– \_\_\_\_\_ ]

and, by reason of that failure, the flat is not reasonably suitable for occupation.

SCHEDULE 2

Specification of works to be carried out

[Date and signature]

NOTES

(as set out after Form 3 below)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 3 HOUSING ACT 1985 SECTION 189(1A) NOTICE TO EXECUTE REPAIRS TO A PART OF A BUILDING CONTAINING AN UNFIT FLAT [IN MULTIPLE OCCUPATION]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the person having control of the premises [known as] [comprising] \_\_\_\_\_ (“the premises”).
2. The premises are a part of the building containing the flat [in multiple occupation] (“the flat”) known as \_\_\_\_\_ which is outside the flat.
3. The \_\_\_\_\_ Council are satisfied that the flat is unfit for human habitation as described in Schedule 1 to this notice.
4. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that the most satisfactory course of action in respect of the flat is the service of a repair notice in respect of the premises under section 189(1A).
5. In the opinion of the Council the works specified in Schedule 2 to this notice (“the works”) [, together with the additional works specified in the repair notice served under section 189(1) of the Act on \_\_\_\_\_ of \_\_\_\_\_] will make the flat fit for human habitation [when taken together with works proposed to be carried out under a group repair scheme].
6. Under section 189(2) of the Act the Council require you to carry out the works and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

#### SCHEDULE 1

In the opinion of the Council [the flat fails to meet the following requirement(s) of section 604(1) of the Housing Act 1985– \_\_\_\_\_ ]

[and] [the building containing the flat] [the premises] fail[s] to meet the following requirement(s) of section 604(2) of the Housing Act 1985– \_\_\_\_\_

and, by reason of that failure, the flat is not reasonably suitable for occupation.

#### SCHEDULE 2

Specification of works to be carried out

[Date and signature]

#### NOTES

(as set out below)

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## NOTES TO FORMS 1 TO 3

(Statutory references are to the Housing Act 1985, as amended by Schedule 15 to the Housing Act 1988 and Schedule 9 to the Local Government and Housing Act 1989.)

### [House in multiple occupation

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household. [A part of a building which constitutes a house in multiple occupation is referred to as a flat in multiple occupation.]

(section 345)]\*

\*Include this note, as appropriate, only where the notice relates to a house or flat in multiple occupation.

### [Group repair scheme

The Council have decided that within the next 12 months the premises to which this notice relates should form part of a group repair scheme under sections 127 to 130 of the Local Government and Housing Act 1989. This is a scheme under which the outside of a block of at least four houses is put into reasonable repair by the Council but with the owner paying part or all of the cost. The owner's consent is needed for inclusion of the premises in a scheme. The Council will provide you with full details of the scheme in due course. If, for whatever reason, the premises do not eventually form part of a group repair scheme, the Council may need to serve a further repair notice, requiring you to carry out the works of repair which would have been carried out under the scheme.

(section 190A)]\*

\*Include this note only where section 190A applies.

### Right of appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(section 191(1))

For example, you may appeal

—if you think that some other person who is an “owner” of the premises to which the notice relates should do the works or pay the whole or part of the cost of doing them. For this purpose “owner” means a person who has the freehold or a lease with more than 3 years to run. If you appeal on this ground you will have to serve a copy of your notice of appeal on the other person concerned.

(section 191(1A), (3A) and section 207)

—if you think that making a closing order under section 264 (which would prevent the premises from being used for human habitation) or a demolition order under section 265 (which would require the premises to be pulled down) is the most satisfactory course of action in respect of the premises. If you do so appeal, the court will have regard to the guidance given by the Secretary of State under section 604A of the Act.

(section 191(1B) and section 604A)

### Operation of notice

If there is not an appeal, the notice will become operative at the end of 21 days from the date it is served.

(section 189(4))

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

(section 191(4))

If you start an appeal to the county court and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court had confirmed the notice on the day on which you withdrew the appeal.

(section 191(4))



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#### **Effect of notice**

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

(section 193(1) and Schedule 10)

To comply with the notice you must start and finish the works–

- (a) if you do not appeal, by the date and within the time stated in the notice,
- (b) if you do appeal and the notice is upheld, by such date and within such time as the court will fix, and
- (c) if you start an appeal and then withdraw it, by the 21st day after the date on which the notice becomes operative and within the period (beginning on that 21st day) stated in the notice.

(section 193(2))

If you have difficulty in finding a builder to do the works, or have any other problems in arranging the works, you can ask the Council if they will do the work themselves and charge you with the cost.

(section 191A)

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, do the work themselves and charge you with the cost.

(sections 193(2A) and 194(1))

If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

(Schedule 10, paragraph 6A)

#### **Penalty**

If you intentionally fail to comply with the notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

(section 198A(1))

#### **Land charge**

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 189(5))

#### **Grant**

You may be entitled, under Part VIII of the Local Government and Housing Act 1989, to a mandatory grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council and apply to them for the grant before you start the works. The booklet "House Renovation Grants", available from your Council, explains the system in greater detail.

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

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FORM 4 HOUSING ACT 1985 SECTION 190(1) NOTICE TO EXECUTE REPAIRS TO A [DWELLING-HOUSE] [HOUSE IN MULTIPLE OCCUPATION]

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the person [having control of] [managing] the [dwelling-house] [house in multiple occupation] known as \_\_\_\_\_ [which is in the Renewal Area] [of which there is an occupying tenant].

2. The \_\_\_\_\_ Council are satisfied that the [dwelling-house] [house in multiple occupation] is in such a state of disrepair that, although not unfit for human habitation, [substantial repairs are necessary to bring it up to a reasonable standard, having regard to its age, character and locality] [its condition is such as to interfere materially with the personal comfort of the [occupying tenant] [persons occupying it]].

3. Under section 190(2) of the Housing Act 1985 the Council require you to carry out the works specified in the Schedule to this notice and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

SCHEDULE

Specification of works to be carried out, not being works of internal decorative repair

[Date and signature]

NOTES

(as set out after Form 5 below)

FORM 5 HOUSING ACT 1985 SECTION 190(1A) NOTICE TO EXECUTE REPAIRS TO A PART OF A BUILDING CONTAINING A FLAT [IN MULTIPLE OCCUPATION]

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To \_\_\_\_\_ of \_\_\_\_\_

1. The \_\_\_\_\_ Council are satisfied that the building known as \_\_\_\_\_ containing the flat [in multiple occupation] ("the flat") known as \_\_\_\_\_ is in such a state of disrepair that, although the flat is not unfit for human habitation, [substantial repairs are necessary to the part of the building outside the flat comprising \_\_\_\_\_ to bring the flat up to a reasonable standard, having regard to its age, character and locality] [the condition of the part of the building outside the flat comprising \_\_\_\_\_ is such as to interfere materially with the personal comfort of the [occupying tenant of] [persons occupying] the flat].
2. You are the person having control of the part of the building concerned.

[The building is in the \_\_\_\_\_ Renewal Area.] [There is an occupying tenant of the flat.]

3. Under section 190(2) of the Housing Act 1985 the Council require you to carry out the works specified in the Schedule to this notice and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within \_\_\_\_\_ of that date.

#### SCHEDULE

Specification of works to be carried out, not being works of internal decorative repair

[Date and signature]

#### NOTES

(as set out below)

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## NOTES TO FORMS 4 AND 5

(Statutory references are to the Housing Act 1985, as amended by Schedule 15 to the Housing Act 1988, and Schedule 9 to the Local Government and Housing Act 1989.)

### **[House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household. [A part of a building which constitutes a house in multiple occupation is referred to as a flat in multiple occupation.]

(section 345)]\*

\*Include this note, as appropriate, only where the notice relates to a house or flat in multiple occupation.

### **Right of appeal**

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you.

(section 191(1))

For example, you may appeal if you think that some other person who is an "owner" of the premises to which the notice relates should do the works or pay the whole or part of the cost of doing them. For this purpose "owner" means a person who has the freehold or a lease with more than 3 years to run. If you appeal on this ground you will have to serve a copy of your notice of appeal on the other person concerned.

(section 191(1A), (3A) and section 207)

### **Operation of notice**

If there is not an appeal, the notice will become operative at the end of 21 days from the date it is served.

(section 190(4))

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

(section 191(4))

If you start an appeal to the county court and then withdraw it, the notice will become operative on the day on which it would have become operative if the county court had confirmed the notice on the day on which you withdrew the appeal.

(section 191(4))

### **Effect of notice**

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

(section 193(1) and Schedule 10)

To comply with the notice you must start and finish the works—

- (a) if you do not appeal, by the date and within the time stated in the notice,
- (b) if you do appeal and the notice is upheld, by such date and within such time as the court will fix, and
- (c) if you start an appeal and then withdraw it, by the 21st day after the date on which the notice becomes operative and within the time (beginning on that 21st day) stated in the notice.

(section 193(2))

If you have difficulty in finding a builder to do the works, or have any other problems in arranging the works, you can ask the Council if they will do the work themselves and charge you with the cost.

(section 191A)

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, do the work themselves and charge you with the cost.

(sections 193(2A) and 194(1))

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If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

(Schedule 10, paragraph 6A)

#### **Penalty**

If you intentionally fail to comply with the notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

(section 198A(1))

#### **Land charge**

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 190(5))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

#### **Grant**

You may be entitled, under Part VIII of the Local Government and Housing Act 1989, to a mandatory grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council and apply to them for the grant before you start the works. The booklet "House Renovation Grants", available from your Council, explains the system in greater detail.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

FORM 6HOUSING ACT 1985SECTION 352NOTICE TO EXECUTE WORKS TO MAKE A HOUSE IN MULTIPLE OCCUPATION FIT FOR NUMBER OF OCCUPANTS

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To  
of

1. You are the person [having control of] [managing] the house in multiple occupation known as ("the house").
2. In the opinion of the \_\_\_\_\_ Council, the house fails to meet such of the requirements in section 352(1A) of the Housing Act 1985 as are set out in Schedule 1 to this notice and, having regard to the number of [individuals] [and] [households] for the time being accommodated there, by reason of that failure, the house is not reasonably suitable for occupation by those individuals or households.
3. In the opinion of the Council, the works specified in Schedule 2 to this notice will make the house reasonably suitable for [occupation by the individuals or households for the time being accommodated there] [occupation by \_\_\_\_\_ [individuals] [and] [households], being the number which, in the opinion of the Council, the house could reasonably accommodate if the works were carried out].
4. Under section 352(4) of the Act the Council require you to carry out the works and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

**SCHEDULE 1**

Requirements in section 352(1A) of the Housing Act 1985 which the house fails to meet

**SCHEDULE 2**

Specification of works to be carried out

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989.)

**House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)

**Right of Appeal**

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days from the service on you of this notice or such longer period as the Council may in writing allow.

(section 353(1))

An appeal may be on any of the following grounds:

- (a) that the condition of the house did not justify the Council, having regard to the requirements set out in section 352(1A), in requiring the carrying out of the works specified in Schedule 2 to this notice;

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- (b) that there has been some informality, defect or error in, or in connection with, the notice (but the court must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one);
- (c) that the authority have refused unreasonably to approve the execution of alternative works or that those required by the notice are unreasonable in character or extent or are unnecessary;
- (d) that the date specified in paragraph 4 of the notice for beginning the works is not reasonable;
- (e) that the period specified in paragraph 4 as the time within which the works are to be carried out is not reasonably sufficient for the purpose;
- (f) that some other person (who should be given proper notice of the appeal) is wholly or partly responsible for the state of affairs calling for the carrying out of the works, or will as the holder of an estate or interest in the premises, benefit from their being done, and ought to pay the whole or a part of the expenses of carrying them out [;
- (g) that the number of [individuals] [and] [households] specified in paragraph 3 of the notice is unreasonably low.\*

(section 353(2), (3) and (5))

\*Include this sub-paragraph only where the notice is under section 352(2)(b).

If you appeal the court may allow or dismiss the appeal; but if the court is satisfied that the number of persons living in the house has been reduced and adequate steps have been taken to prevent that number being again increased, it may revoke the notice or vary the list of works specified in Schedule 2 to the notice.

(section 353(4))

#### **Effect of notice**

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

(section 375(1) and Schedule 10)

To comply with the notice you must start and finish the works—

- (a) if you do not appeal, by the date and within the period specified in paragraph 4 of the notice,
- (b) if you do appeal and the notice is upheld, by such date and within such time as the court will fix;
- (c) if you start an appeal and then withdraw it, by the 21st day after the date of withdrawal and within the period (beginning on that 21st day) specified in paragraph 4 of the notice.

(section 375(2))

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may do the works themselves and charge you with the cost.

(section 375(3) and Schedule 10)

Before entering the house to do the works themselves, the Council must give you at least 7 days notice of their intention to do so.

(section 375(3A))

If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licencees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

(Schedule 10, paragraph 6A)

#### **Penalties**

If you wilfully fail to comply with this notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale and this is the case even if the period for compliance (see above under 'Effect of Notice') has expired.

(section 376(1) and (2))

If, after a first conviction, you wilfully fail to carry out the works concerned you commit a further offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

(section 376(2))

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#### **Land charge**

The notice is a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.  
(section 352(5A))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under "Courts"). The court staff will show you how to word your request. You must put a copy of this notice with your request. You will also need an extra copy of your request for the court to send to the council.

#### **Withdrawal of Notices**

If the Council are satisfied that the number of individuals living on the premises has been reduced to a level which makes the works specified in Schedule 2 to the notice unnecessary and that the number will be kept at or below that level, they may withdraw the notice.  
(section 352(5))

#### **Grant**

You may be entitled, under Part VIII of the Local Government and Housing Act 1989, to a mandatory grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council and apply to them for the grant before you start the works. The booklet "House Renovation Grants", available from your Council, explains the system in greater detail.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

FORM 7 HOUSING ACT 1985 SECTION 372 NOTICE TO EXECUTE WORKS TO REMEDY  
NEGLECT OF MANAGEMENT OF HOUSE IN MULTIPLE OCCUPATION



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To  
of

1. You are the person managing the house in multiple occupation known as \_\_\_\_\_ (“the house”).
2. In the opinion of the \_\_\_\_\_ Council—
  - (a) the condition of the house is defective in consequence of neglect to comply with such of the requirements imposed by the Housing (Management of Houses in Multiple Occupation) Regulations 1990 (S.I. 1990/830) as are specified in Schedule 1 to this notice, and
  - (b) the works specified in Schedule 2 to this notice are required to make good the neglect.
3. Under section 372(3) of the Housing Act 1985 the Council require you to carry out the works and to begin them not later than the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and to complete them within the period of \_\_\_\_\_ of that date.

#### SCHEDULE 1

Requirements of the Regulations which have not been complied with

#### SCHEDULE 2

Specification of works to be carried out

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989.)

#### **House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)

#### **Right of appeal**

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days from the service on you of this notice or such longer period as the Council may in writing allow.

(section 373(1))

An appeal may be on any of the following grounds:—

- (a) that the condition of the house did not justify the Council in requiring the carrying out of the works specified in Schedule 2 to this notice;
- (b) that there has been some informality, defect or error in, or in connection with, the notice (but the court must dismiss an appeal on this ground if it is satisfied that the informality, defect or error was not a material one);

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- (c) that the authority have refused unreasonably to approve the execution of alternative works or that those required by the notice are unreasonable in character or extent or are unnecessary;
- (d) that the date specified in paragraph 3 of the notice for beginning the works is not reasonable;
- (e) that the period specified in paragraph 3 of the notice as the time within which the works are to be carried out is not reasonably sufficient for the purpose; and
- (f) that some other person (who must be served with a copy of the notice of the appeal) is wholly or partly responsible for the state of affairs calling for the carrying out of the works, or will as the holder of an estate or interest in the premises, benefit from their being done, and ought to pay the whole or a part of the expenses of carrying them out.  
(section 373(2), (3) and (4))

#### **Effect of notice**

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.

(section 375(1) and Schedule 10)

To comply with the notice you must start and finish the works—

- (a) if you do not appeal, by the date and within the time specified in paragraph 3 of the notice;
- (b) if you appeal and the notice is upheld, by such date and within such time as the court will fix;
- (c) if you start an appeal and then withdraw it, by the 21st day after the date of withdrawal and within the time (beginning on that 21st day) specified in paragraph 3 of the notice.  
(section 375(2))

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may do the works themselves and charge you with the cost.

(section 375(3) and Schedule 10)

Before entering the house to do the works themselves, the Council must give you at least 7 days notice of their intention to do so.

(section 375(3A))

If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

(Schedule 10, paragraph 6A)

#### **Penalties**

If you wilfully fail to comply with this notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale and this is the case even if the period for compliance (see above under "Effect of notice") has expired.

(section 376(1) and (2))

If, after a first conviction, you wilfully fail to comply with the notice you commit a further offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

(section 376(2))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under "Courts"). The court staff will show you how to word your request. You must put a copy of this notice with your request. You will also need an extra copy of your request for the court to send to the council.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

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FORM 8 HOUSING ACT 1985 SECTION [194(1)] [375(3A)] NOTICE OF LOCAL HOUSING AUTHORITY'S INTENTION TO ENTER AND EXECUTE WORKS

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are [the person [having control of] [managing]] [the] [an] [owner of] the premises [known as] [comprising] \_\_\_\_\_ (“the premises”).

2. The \_\_\_\_\_ Council on \_\_\_\_\_ 19 \_\_\_\_\_ served a notice under section [189] [190] [352] [372] of the Housing Act 1985 requiring certain works to be carried out to the premises.

3. [The notice has not been complied with] [It appears to the Council that reasonable progress is not being made towards compliance with the notice] and the Council, under section [193] [375] of the Act may now themselves do the works required by the notice [as varied by the county court].

4. The Council, under section [194(1)] [375(3A)] of the Act, hereby give you notice that they are about to enter the premises in order to do the works.

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 15 to the Housing Act 1988 and Schedule 9 to the Local Government and Housing Act 1989.)

##### [Effect of notice

If at any time after 7 days from the date that this notice is served and while any workman or contractor employed by the Council is carrying out works in the premises, you or any workman employed by you or by any contractor employed by you is in the premises for the purpose of carrying out any works, you will be committing an offence punishable by a fine (see below under “Penalty for obstruction”), unless you are able to show that there was an urgent necessity to carry out the works in order to avoid danger to occupants of the premises.

(section 194(2))\*

\*Include this note only where the notice is served under section 194(1).

##### Recovery of expenses

If you are the person having control of the premises, the Council may recover from you the expenses they reasonably incur in carrying out the works, together with interest at a reasonable rate from the date of service of a demand for all their expenses until full payment is made, and the expenses will be a charge on the premises.

(Schedule 10)

The Council may, after giving notice in writing, recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

(Schedule 10, paragraph 6A)

If the works are now carried out by the person having control of or managing the premises, any administration and other expenses incurred by the Council with a view to doing the work themselves may be recovered by them as if they were expenses incurred in carrying out the works.

[(section 193(4))]  
[(section 375(3B))]

##### Penalty for obstruction

It is an offence, punishable in the magistrates’ court by a fine not exceeding level 3 on the standard scale, intentionally to obstruct a person authorised by the Council to enter the premises in connection with the carrying out of the works.

[(section 198)] [(section 396)]

##### Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens’ Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

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FORM 9 HOUSING ACT 1985 SECTION [197] [319] [337] [340] [395] NOTICE BEFORE EXERCISING POWER OF ENTRY

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

You are the [occupier] [owner] of the premises known as \_\_\_\_\_ ("the premises").

Under section [197] [319] [337] [340] [395] of the Housing Act 1985, I, \_\_\_\_\_, being a person authorised in writing by the \_\_\_\_\_ Council, intend on \_\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_, to enter the premises for the purpose of [survey] [and examination] [valuation] [measuring the rooms of the premises in order to ascertain for the purposes of Part X of the Housing Act 1985 (overcrowding) the number of persons permitted to use the premises for sleeping].

[It appears to the Council that survey and examination is necessary in order to decide whether any powers under [Part VI of the Housing Act 1985 (repair notices)] [Part IX of the Housing Act 1985 (slum clearance)] [Part X of the Housing Act 1985 (overcrowding)] [Part XI of the Housing Act 1985 (houses in multiple occupation)] should be exercised in respect of the premises.]

[A repair notice under Part VI of the Housing Act 1985 has been served in respect of the premises.]

[A [demolition] [closing] [obstructive building] order under Part IX of the Housing Act 1985 has been made in respect of the premises.]

[The Council are authorised by Part IX of the Housing Act 1985 to purchase the premises compulsorily.]

Dated _____	Signature Description Address Telephone Number	} of the person authorised to enter
-------------	---	--

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 15 to the Housing Act 1988 and Schedules 9 and 11 to the Local Government and Housing Act 1989.)

**Period of notice**

At least [7 days'] [24 hours'] notice of the intention to enter must be given to the occupier of the premises and to the owner, if known.

[(section 197(1))]  
[(section 319(1))] [(section 337(1))]  
[(section 340(1))] [(section 395(1))]

**[Production of authorisation**

The person authorised to enter the premises must produce his written authorisation from the Council if the occupier, or someone acting on his behalf, should so request.\*

[(section 197(2))] [(section 319(2))]  
[(section 340(2))] [(section 395(3))]

\*Omit where the power of entry is exercised under section 337.

**Penalty**

It is an offence, punishable in the magistrates' court by a fine not exceeding level 3 on the standard scale, intentionally to obstruct the person authorised to enter the premises in carrying out anything he is authorised to do.

[(section 198)] [(section 320)]  
[(section 341)] [(section 396)]

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FORM 10 HOUSING ACT 1985 SCHEDULE 10, PARAGRAPH 3 DEMAND FOR RECOVERY  
OF EXPENSES INCURRED BY LOCAL HOUSING AUTHORITY

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the person [having control of] [managing] the premises [known as] [comprising] \_\_\_\_\_ (“the premises”).
2. The \_\_\_\_\_ Council on \_\_\_\_\_, in exercise of their powers under section [189] [190] [352] [372] of the Housing Act 1985, served a notice requiring works to be carried out to the premises.
3. [The notice was not complied with] [It appeared to the Council that reasonable progress was not being made towards compliance with the notice] and the Council, in exercise of their powers under section [193] [375] of the Act themselves did the works required by the notice [as varied by the county court].
4. The Council demand payment by you of the sum of £ \_\_\_\_\_, being the expenses they have incurred in [carrying out] [completing] the works, together with interest at the rate of \_\_\_\_\_ per cent per \_\_\_\_\_ from the date of the service of this demand until payment of all the sums due.

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 15 to the Housing Act 1988 and Schedule 9 to the Local Government and Housing Act 1989.)

#### Right of appeal

If you do not think you should pay the sum demanded you may appeal against this demand to the county court. You must do this within 21 days of the date this demand is served on you.  
(Schedule 10, paragraph 6(1))

If you do appeal you will not be able to raise any questions which might have been raised against the notice referred to in paragraph 1 of this demand, for example a question whether the works described in the notice were necessary.  
(Schedule 10, paragraph 6(4))

[You may, for example, appeal on the ground that, at the time the Council gave notice under section [194(1)] [375(3A)] of their intention to do the works, reasonable progress was being made towards compliance with the notice.]\*  
(Schedule 10, paragraph 6(1A) and (1B))

\*Include this note only where the Council carried out the works in pursuance of section 193(2A) or 375(3).

#### Operation of the demand

If there is not an appeal the demand will become operative at the end of 21 days from the date on which it is served.  
(Schedule 10, paragraph 3(3))

If an appeal is brought and the demand is confirmed, the demand becomes operative when the appeal is finally decided.  
(Schedule 10, paragraph 6(3))

Once the demand has become operative, the Council may serve notice on any tenant or licensee of the premises who pays rent, or payments in the nature of rent, requiring future payments to be made direct to the Council until they have fully recovered the sum demanded, together with any interest due.  
(Schedule 10, paragraph 6A)



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### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under "Courts"). The court staff will show you how to word your request. You must put with your request a copy of this demand. You will also need an extra copy of your request for the court to send to the Council.

### **Expenses and interest**

The expenses demanded by the Council must have been reasonably incurred and the rate of interest charged must be a reasonable one.

(Schedule 10, paragraphs 1 and 4)

### **Agents or trustees**

If, in relation to the premises described in paragraph 1 of the demand, you act as agent or trustee for some other person, you should tell the Council this at once as it may reduce the amount you are liable to pay under this demand.

(Schedule 10, paragraph 2)

### **Expenses and interest a charge on the premises**

The expenses which are the subject of this demand, together with interest as it becomes due are, until recovered by the Council, a charge on the premises referred to in paragraph 1 of the demand.

(Schedule 10, paragraph 7)

### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

FORM 11HOUSING ACT 1985SCHEDULE 10, PARAGRAPH 6A(1)NOTICE REQUIRING  
PAYMENT OF RENT TO LOCAL HOUSING AUTHORITY

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_ (“the premises”)

1. You occupy the premises as the tenant or licensee of \_\_\_\_\_ [to whom] [to the agent of whom] [to the trustee of whom] you pay rent or a sum in the nature of rent.

2. On \_\_\_\_\_ the \_\_\_\_\_ Council served a demand under paragraph 3 of Schedule 10 to the Housing Act 1985 on [being the [agent] [trustee] of \_\_\_\_\_] requiring payment to the Council of the sum of £ \_\_\_\_\_, being the expenses the Council incurred in [carrying out] [completing] works in respect of the premises, together with interest accrued due.

3. That demand became operative on \_\_\_\_\_ and the sum demanded has not yet been paid.

4. Under paragraph 6A of Schedule 10 to the Act, the Council now require you to make all future payments of rent or sums in the nature of rent (whether already accrued due or not) direct to the Council instead of to \_\_\_\_\_ until the expenses recoverable by the Council, together with interest accrued due, have been duly paid.

5. You may make the payments [by post to] [in person at] the following address:

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**Effect of notice**

This notice operates to transfer to the Council the right to recover, receive and give a discharge for your rent or the sums you pay in the nature of rent. You should make these payments to the Council unless they serve a further notice on you directing otherwise.  
(Schedule 10 paragraph 6A(3))

**Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens’ Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

FORM 12HOUSING ACT 1985SCHEDULE 10, PARAGRAPH 6A(3)NOTICE DISCONTINUING THE REQUIREMENT TO PAY RENT TO THE LOCAL HOUSING AUTHORITY

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

To \_\_\_\_\_ of \_\_\_\_\_ (“the premises”)

1. The \_\_\_\_\_ Council on \_\_\_\_\_, in exercise of their powers under paragraph 6A(1) of Schedule 10 to the Housing Act 1985, served a notice requiring you to make all future payments of rent, or sums in the nature of rent (whether already accrued due or not), direct to the Council.

2. Under paragraph 6A(3) of Schedule 10 to the Act, the Council direct that they no longer require you to make any further payments of rent, or sums in the nature of rent, to them.

[Date and signature]

**NOTE**

**Effect of Notice**

The Council no longer has the right to recover, receive and give a discharge for your rent or sums you pay in the nature of rent.

FORM 13HOUSING ACT 1985SECTION 264CLOSING ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. The Council are satisfied that the [dwelling-house] [house in multiple occupation] [flat(s)] known as , in the building known as , [is] [are] unfit for human habitation as described in the Schedule to this Order.

2. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that the most satisfactory course of action in respect of the [dwelling-house] [house in multiple occupation] [building] is to make a closing order in respect of the [dwelling-house] [house in multiple occupation] [whole of the building] [part of the building] consisting of ]

3. Under sections 264 and 267 of the Act, the Council prohibit the use of the [dwelling-house] [house in multiple occupation] [whole of the building] [part of the building mentioned above] for any purpose not approved by the Council [, and approve the following purpose(s): ]

**SCHEDULE**

In the opinion of the Council [the [dwelling-house] [house in multiple occupation] [flat(s)]] fail(s) to meet the following requirement(s) of section 604(1) of the Housing Act 1985-

[and] [[the building] [part of the building outside the flat(s)] namely ] fails to meet the following requirement(s) of section 604(2) of the Housing Act 1985- ] and, by reason of that failure, the [dwelling-house] [house in multiple occupation] [flat(s)] [is] [are] not reasonably suitable for occupation.

[Date and authentication]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989.)

**[House in multiple occupation]**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)]\*

\*Include this note only where the closing order relates to a house in multiple occupation.

**Right of appeal**

If you do not agree with this order you may appeal against it to the county court but you must do this within 21 days after the date the order is served on you.

(section 269(1))

You do not have this right of appeal if you occupy the premises or the part of the premises in question under a tenancy agreement with 3 years or less to run.

(section 269(2))

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You may, for example, appeal on the ground that service of a repair notice under section 189 or making a demolition order under section 265 is the most satisfactory course of action in respect of the premises. If you do so appeal, the Court will have regard to the guidance given under section 604A by the Secretary of State.

(section 269(2A))

#### **Operation of order**

If you do not appeal, this order will become operative at the end of 21 days from the date of its service on you.

(section 268(2))

If you do appeal and the county court confirms the order, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the order will not become operative until it is confirmed by the Court of Appeal.

(section 269(6))

#### **Alternative use of premises**

You may ask the Council to let you use the premises for a particular purpose and if they unreasonably refuse you may appeal to the county court within 21 days of their refusal.

(section 267(3))

#### **Premises being made fit**

If at some future date the Council are satisfied that the premises (or part of them) have been made fit for human habitation, they must bring the order to an end (wholly or in part, as the case may be). If they refuse to do so, you may (unless you occupy the premises or the part of the premises in question under a tenancy agreement with 3 years or less to run) appeal to the county court within 21 days after their refusal.

(section 278)

#### **[Substitution of demolition order for closing order**

The Council may at any time revoke this closing order and make a demolition order in respect of the premises. They must serve you with a copy of any demolition order they make.

(section 279)]\*

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this order. You will also need an extra copy of your request for the court to send to the Council.

#### **Penalties**

Anyone who, knowing that this order has become operative and applies to the premises, uses or permits someone else to use them in breach of the terms of this order, commits an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £20 a day if he continues to commit the offence after he has been convicted.

(section 277)

#### **Compensation payable to owners**

If you are the owner of the premises you are entitled to compensation. An owner is a freeholder of the premises or a leaseholder with a lease that has more than 3 years to run. Compensation is assessed, in accordance with the Land Compensation Act 1961, on the basis of any decrease in the compulsory purchase value of your interest in the premises which has been caused by the making of this closing order, taken at the date on which the order is made. Generally speaking, this means that the compensation you receive should be equal to the drop, if any, in the amount that you would have received for your interest in the premises if you had sold it on the open market on the date the closing order was made, compared with the amount you would have received if you had sold it immediately before that date.

(section 584A)

The making of a closing order may not always cause the value of an interest to drop and, on occasions, may even increase its value. In both these circumstances, no compensation will be paid.

(section 584A)

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If you cannot reach an agreement with the Council about the amount of compensation, if any, that you should receive, the case can be referred to the Lands Tribunal which is an independent body appointed to deal with such disputes.

(section 584A(2)(b))

If the premises are later made fit for human habitation, and the Council bring this closing order to an end in respect of the whole or part of the premises (see above under "Premises being made fit"), you may be required to pay back some or all of the compensation you received in respect of it, provided that at the time the order is brought to an end you have the same interest in the premises as you had when the compensation was paid.

(section 584B)

[If the closing order is brought to an end because the Council decide to make a demolition order instead (see above under "Substitution of demolition order for closing order"), the amount of compensation, if any, that you may receive in respect of the demolition order will be reduced by the amount of compensation, if any, already received in respect of this closing order.

(section 584A(3))\*

#### **Compensation payable to occupiers and rehousing**

Occupiers who are displaced from the premises because of this closing order may be entitled to a home loss payment or a disturbance payment from the Council under the Land Compensation Act 1973. They may also be entitled to be rehoused by the Council if they cannot otherwise obtain suitable alternative accommodation on reasonable terms. Further details may be obtained from the Council.

#### **Advice**

If you do not understand this order or wish to know more about it, or about the possibility of your being able to obtain compensation or be rehoused if the order becomes operative, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

\*Include these notes unless the power to substitute a demolition order is not exercisable in relation to this closing order by virtue of section 279(2) or (2A).

FORM 14HOUSING ACT 1985SECTION 265DEMOLITION ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. The Council are satisfied that the [dwelling-house] [house in multiple occupation] [flat(s)] known as \_\_\_\_\_, in the building known as \_\_\_\_\_, [is] [are] unfit for human habitation as described in the Schedule to this order.

2. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that the most satisfactory course of action in respect of the [dwelling-house] [house in multiple occupation] [building] is to make a demolition order.

3. Under sections 265 and 267 of the Act, the Council order that the [dwelling-house] [house in multiple occupation] [building] shall be-  
(a) vacated within the period of \_\_\_\_\_ from the date on which this order becomes operative;  
(b) demolished within the period of \_\_\_\_\_ after the end of that period or, if it is not vacated before the end of that period, within the period of \_\_\_\_\_ after the date on which it is vacated.

**SCHEDULE**

In the opinion of the Council, [the [dwelling-house] [house in multiple occupation] [flat(s)] fail(s) to meet the following requirement(s) of section 604(1) of the Act-

\_\_\_\_\_ ]  
[and] [[the building] [part of the building outside the flat(s), namely \_\_\_\_\_ ]  
fails to meet the following requirement(s) of section 604(2) of the Act- \_\_\_\_\_ ]

and, by reason of that failure, the [dwelling-house] [house in multiple occupation] [flat(s)] [is] [are] not reasonably suitable for occupation.

[Date and authentication]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989.)

**[House in multiple occupation**

A house in multiple occupation is a house which is occupied by persons who do not form a single household. (section 345)]\*

\*Include this note only where the demolition order relates to a house in multiple occupation which is not a flat in multiple occupation.

**Right of appeal**

If you do not agree with this order you may appeal against it to the county court but you must do this within 21 days after the date the order is served on you. (section 269(1))

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You do not have this right of appeal if you occupy the premises or the part of the premises in question under a tenancy agreement with 3 years or less to run.

(section 269(2))

You may, for example, appeal on the ground that service of a repair notice under section 189 or making a closing order under section 264 is the most satisfactory course of action in respect of the premises. If you do so appeal, the Court will have regard to the guidance given under section 604A by the Secretary of State.

(section 269(2A))

#### **Operation of order**

If you do not appeal, this order will become operative at the end of 21 days from the date of its service on you.

(section 268(2))

If you do appeal and the county court confirms the order, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the order will not become operative until it is confirmed by the Court of Appeal.

(section 269(6))

#### **Vacation and demolition**

The period specified in paragraph 3(a) of the order must be at least 28 days and that specified in paragraph 3(b) must be at least six weeks.

(section 267(1))

When the order has become operative, the owner of the premises (ie a freeholder or a leaseholder with a lease that has more than 3 years to run) must demolish the premises within the period specified in paragraph 3(b) of the order; if the premises are not demolished within that period, the Council must carry out the demolition themselves and sell the materials.

(section 271)

If the Council demolish the premises themselves, they may recover the cost of doing so from the owner but must credit him with any money they have obtained by selling the materials. Any surplus is to be paid to the owner. There are provisions to deal with the case where there is more than one owner.

(section 272)

#### **Reconstruction of condemned premises**

There are provisions under which proposals may be made to the Council for the premises to be reconstructed, enlarged or improved. If the Council are satisfied that these proposals would result in the provision of one or more dwelling-houses or houses in multiple occupation which are fit for human habitation, they may extend the time allowed by this order for carrying out the demolition and, if the works are carried out to the satisfaction of the Council, they must revoke this order.

(section 274)

#### **Substitution of closing order**

Similarly, there are provisions under which the Council may accept proposals that the house should be used for a purpose other than human habitation and, if the Council accept the proposals, they may substitute a closing order for this demolition order.

(section 275)

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this order. You will also need an extra copy of your request for the court to send to the Council.

#### **Penalties**

Anyone who, knowing that this order has become operative and applies to the premises, enters into occupation of them, or permits someone else to do so, after the date fixed by the order for the vacation of the premises, commits an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £5 a day as long as the occupation continues after conviction.

(section 270(5))



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### **Compensation payable to owners**

If you are the owner of the premises you are entitled to compensation. Compensation is assessed, in accordance with the Land Compensation Act 1961, on the basis of any decrease in the compulsory purchase value of your interest in the premises, which has been caused by the making of this demolition order, taken at the date on which the order is made. Generally speaking, this means that the compensation you receive should be equal to the drop, if any, in the amount that you would have received for your interest in the premises if you had sold it on the open market on the date the order was made, compared with the amount you would have received if you had sold it immediately before that date.

(section 584A)

The making of a demolition order may not always cause the value of an interest to drop and, on occasions, may even increase its value. In both these circumstances, no compensation will be paid.

(section 584A)

If you cannot reach an agreement with the Council about the amount of compensation, if any, that you should receive, the case may be referred to the Lands Tribunal which is an independent body appointed to deal with such disputes.

(section 584A(2)(b))

If the Council later revoke this order (see above under "Reconstruction of condemned premises"), you may be required to pay back any compensation you received in respect of it, provided that at the time the order is brought to an end you have the same interest in the premises as you had when the compensation was paid.

(section 584B(1))

#### **Compensation payable to occupiers and rehousing**

Occupiers who are displaced from the premises because of this demolition order may be entitled to a home loss payment or a disturbance payment from the Council under the Land Compensation Act 1973. They may also be entitled to be rehoused by the Council if they cannot otherwise obtain suitable alternative accommodation on reasonable terms. Further details may be obtained from the Council.

#### **Advice**

If you do not understand this order or wish to know more about it, or about the provisions under which the premises can be reconstructed, enlarged or improved, or used for a purpose other than human habitation, or about the possibility of your being able to obtain compensation or be rehoused if the order becomes operative, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

FORM 15HOUSING ACT 1985SECTION 270NOTICE TO OCCUPIER TO QUIT PREMISES  
AFTER DEMOLITION ORDER HAS BECOME OPERATIVE

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are an occupier of the premises known as \_\_\_\_\_ (“the premises”).
2. On \_\_\_\_\_, the \_\_\_\_\_ Council made a demolition order requiring the premises—
  - (a) to be vacated within the period of \_\_\_\_\_ from the date the order becomes operative, and
  - (b) to be demolished within the period of \_\_\_\_\_ after the end of that period, or if the premises are not vacated before the end of that period, within the period of \_\_\_\_\_ after the date on which they are vacated.
3. The order became operative on \_\_\_\_\_ and requires the premises to be vacated by \_\_\_\_\_
4. Under section 270 of the Housing Act 1985, you are required to quit the premises before \_\_\_\_\_

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

#### Period of notice to quit

The date specified in paragraph 4 of the notice must be the date by which the premises have to be vacated or, if later, the date at the end of 28 days from the date this notice is served on you.  
(section 270(1))

#### Eviction order

If you, or anyone else, is in occupation of the premises, or any part of them, on or after the date specified in paragraph 4 of this notice as the date before which you are to quit, either the Council or an owner of the premises may apply to the county court for an eviction order and the court will be obliged to give vacant possession of the premises to the Council or the owner, as the case may be.  
(section 270(2))

#### Penalty

Anyone who, knowing that the demolition order has become operative and applies to the premises, enters into occupation of them, or any part of them, or permits someone else to do so, after the date fixed by the order for the vacation of the premises, commits an offence punishable in the magistrates’ court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £5 a day as long as the occupation continues after conviction.  
(section 270(5))

#### Compensation payable to occupiers and rehousing

Occupiers who are displaced from the premises because of a demolition order may be entitled to a home loss payment or a disturbance payment from the Council under the Land Compensation Act 1973. They may also be entitled to be rehoused by the Council if they cannot otherwise obtain suitable alternative accommodation on reasonable terms. Further details may be obtained from the Council.

#### Advice

If you do not understand this notice or wish to know more about it, or about the possibility of your being able to obtain compensation or be rehoused, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens’ Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

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FORM 16HOUSING ACT 1985SECTION 273(1)NOTICE OF INTENTION TO CLEANSE  
PREMISES SUBJECT TO DEMOLITION ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the owner of the premises known as \_\_\_\_\_ (“the premises”).
2. The \_\_\_\_\_ Council on \_\_\_\_\_ made a demolition order in respect of the premises and this order has not yet become operative.
3. It appears to the Council that the premises need to be cleansed from vermin.
4. Under section 273 of the Housing Act 1985, the Council intend to cleanse the premises before they are demolished.

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989, unless otherwise stated.)

##### **Effect of notice**

At any time after the demolition order referred to in paragraph 2 of the notice has become operative and the premises have been vacated, the Council may enter the premises and carry out any work they think is needed to destroy or remove vermin.

(section 273(2)(a))

Unless you serve a notice on the Council (see below under “Service of notice on Council”), the demolition of the premises must not start, or, if it has been started before the service of this notice, it must not be continued until the Council has served on you a further notice allowing you to proceed with the demolition.

(section 273(2)(b))

##### **Service of notice on Council**

At any time after the premises have been vacated you may serve a notice in writing on the Council requiring them to carry out the work within 14 days of the date they receive the notice, and at the end of that period you will be free to proceed with the demolition whether or not the work has been done.

(section 273(3))

If you wish to serve such a notice on the Council, you should address your letter to the Council and leave it at, or send it by post to, the principal office of the Council (unless the Council have told you to send it to a different Council address).

(Local Government Act 1972, section 231)

##### **Penalty**

It is an offence punishable in the magistrates’ court by a fine not exceeding level 3 on the standard scale intentionally to obstruct a person authorised by the Council to carry out the work which this notice permits them to do.

(section 320)

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FORM 17 HOUSING ACT 1985 SECTION 273(2) NOTICE TO PROCEED WITH DEMOLITION AFTER CLEANSING OF PREMISES

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the owner of the premises known as \_\_\_\_\_ (“the premises”).
2. The \_\_\_\_\_ Council have made a demolition order in respect of the premises which became operative on \_\_\_\_\_
3. On \_\_\_\_\_ the Council served on you a notice under section 273(1) of the Housing Act 1985 that they intended to cleanse the premises of vermin before demolition.
4. The Council have carried out the work of cleansing and you are now authorised to proceed with the demolition of the premises.

[Date and signature]

**NOTE**

(The statutory reference is to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**Effect of notice**

You should now carry out the demolition of the premises before the end of 6 weeks from the date this notice is served on you or such longer period (if any) as may have been specified in paragraph 3(b) of the demolition order.

(section 273(4))

FORM 18 HOUSING ACT 1985 SECTIONS [275] [304] CLOSING ORDER SUBSTITUTED FOR DEMOLITION ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. The Council on made a demolition order under section 265 of the Housing Act 1985 with respect to the [dwelling-house] [house in multiple occupation] [building] known as and this order became operative on

2. [Proposals for the use of the [dwelling-house] [house in multiple occupation] [building] for purposes other than human habitation have been made to the Council by a person who has an interest in the [dwelling-house] [house in multiple occupation] [building]. The Council have accepted these proposals and have decided to determine the demolition order and to substitute a closing order.]

[The [dwelling-house] [house in multiple occupation] [building] has been included in a list of buildings of special architectural or historic interest under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.]

[The Secretary of State has notified the Council that the architectural or historic interest of the [dwelling-house] [house in multiple occupation] [building] is sufficient to render it inexpedient that it should be demolished pending determination of the question whether it should be a listed building.]

3. The Council give notice that the demolition order has been determined.

4. Under section 267 and [section 275] [section 304] of the Act, the Council prohibit the use of the [dwelling-house] [house in multiple occupation] [building] for any purpose not approved by the Council [and approve the following purpose(s):- ]

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989.)

#### Premises being made fit

If at some future date the Council are satisfied that the premises (or part of them) have been made fit for human habitation, they must bring the order to an end (wholly or in part, as the case may be). If they refuse to do so you may (unless you occupy the premises or the part of the premises in question under a tenancy agreement with 3 years or less to run) appeal to the county court within 21 days after the Council's refusal.

(section 278)

#### Penalties

Anyone who, knowing that this order has become operative and applies to the premises, uses or permits someone else to use them in breach of the terms of this order, commits an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £20 a day if he continues to commit the offence after he has been convicted.

(section 277)

#### Advice

If you do not understand this order or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre, or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

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FORM 19HOUSING ACT 1985SECTION 279DEMOLITION ORDER SUBSTITUTED FOR  
CLOSING ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. The Council on made a closing order under section 264 of the Housing Act 1985 with respect to the [dwelling-house] [house in multiple occupation] [building] known as (“the premises”).
2. The Council, under section 279 of the Act, revoke the closing order and, under sections 267 and 279 of the Act, order that the [dwelling-house] [house in multiple occupation] [building] shall be-
  - (a) vacated within the period of from the date on which this order becomes operative;
  - (b) demolished within the period of after the end of that period or, if it is not vacated before the end of that period, within the period of after the date on which it is vacated.

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**Right of appeal**

If you do not agree with this order you may appeal against it to the county court but you must do this within 21 days after the date the order is served on you.

(section 269(1))

You do not have this right of appeal if you occupy the premises or the part of the premises in question under a tenancy agreement with 3 years or less to run.

(section 269(2))

**Operation of order**

If you do not appeal, this order will become operative at the end of 21 days from the date of its service on you.

(section 268(2))

If you do appeal and the county court confirms the order, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the order will not become operative until it is confirmed by the Court of Appeal.

(section 269(6))

**Vacation and demolition**

The period specified in paragraph 2(a) of the order must be at least 28 days and that specified in paragraph 2(b) must be at least six weeks.

(section 267(1))

When the order has become operative, the owner of the premises (ie a freeholder or a leaseholder with a lease that has more than 3 years to run) must demolish the premises within the period specified in paragraph 2(b) of the order; if the premises are not demolished within that period, the Council must carry out the demolition themselves and sell the materials.

(section 271)

If the Council demolish the premises themselves, they may recover the cost of doing so from the owner but must credit him with any money they have obtained by selling the materials. Any surplus is to be paid to the owner. There are provisions to deal with the case where there is more than one owner.

(section 272)



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### **Reconstruction of condemned premises**

There are provisions under which proposals may be made to the Council for the premises to be reconstructed, enlarged or improved. If the Council are satisfied that these proposals would result in the provision of one or more dwelling-houses or houses in multiple occupation which are fit for human habitation, they may extend the time allowed by this order for carrying out the demolition and, if the works are carried out to the satisfaction of the Council, they must revoke this order.  
(section 274)

### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this order. You will also need an extra copy of your request for the court to send to the Council.

### **Penalties**

Anyone who, knowing that this order has become operative and applies to the premises, enters into occupation of them, or permits someone else to do so, after the date fixed by the order for the vacation of the premises commits an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £5 a day as long as the occupation continues after conviction.

(section 270(5))

### **Compensation**

If you are the owner of the premises you may be entitled to compensation. Compensation is assessed on the same basis as that which applied to the closing order in place of which this demolition order has been made. The amount of compensation, if any, that you may receive in respect of this demolition order will be reduced by the amount of compensation, if any, received by you or a previous owner in respect of the closing order.

(section 584A)

### **Advice**

If you do not understand this order or wish to know more about it, or about the provisions under which the premises can be reconstructed, enlarged or improved, or about the possibility of your being able to obtain compensation if the order becomes operative, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

FORM 20HOUSING ACT 1985SECTION 289(2B)(a)NOTICE OF INTENTION TO INCLUDE  
A BUILDING IN A CLEARANCE AREA

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are [the] [a] [freeholder] [lessee] [mortgagee] of [the [residential] building known as [containing one or more flats] [the flat known as \_\_\_\_\_] in the residential building known as \_\_\_\_\_].

2. The [residential] building is in an area which the \_\_\_\_\_ Council is intending to declare as a clearance area under section 289 of the Housing Act 1985.

3. The Council are satisfied that the [residential] building is [unfit for human habitation as described in the Schedule to this notice] [dangerous or injurious to the health of the inhabitants of the area by reason of the [bad arrangement of the buildings in the area] [[narrowness] [bad arrangement] of the streets]].

4. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Act, are satisfied that the most satisfactory course of action in respect of the area is the demolition of all the buildings in the area.

5. You are invited to make representations about this notice by \_\_\_\_\_ The Council's address for representations is \_\_\_\_\_

[SCHEDULE

In the opinion of the Council, [[the residential building] [some or all of the flats in the residential building] fail(s) to meet the following requirement(s) of section 604(1) of the Housing Act 1985–

\_\_\_\_\_ ] [and] [[the residential building] [part of the residential building outside the flat(s), namely \_\_\_\_\_ ] fails to meet the following requirement(s) of section 604(2) of the Housing Act 1985–

\_\_\_\_\_ ] and by reason of that failure the [residential building] [flat(s)] [is] [are] not reasonably suitable for occupation.]

[Date and signature]

NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989, unless otherwise stated.)

**Clearance areas**

A clearance area is an area which is to be cleared of all buildings. \_\_\_\_\_ (section 289 (1))

A residential building is a building which is a dwelling-house, a house in multiple occupation or contains one or more flats. A residential building containing one or more flats is treated as unfit for human habitation if some or all of the flats within it are unfit for human habitation. \_\_\_\_\_ (section 289(2) and 2(A))

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#### **Purpose of Notice**

The purpose of this notice is to inform you that the Council are intending to include the building in which you have an interest in a clearance area. If they do so, your building is likely to be demolished.

(section 289)

The notice provides you with an opportunity to make your views about the Council's proposals known to them. The Council must give you a reasonable period in which to do so, and in any case, the date specified in paragraph 5 of the notice must not be less than 28 days after the date on which the notice was served on you.

(section 289(2C))

#### **Decision of the Council**

The Council must take into account all representations received during the consultation period, and, in the light of them, must take whichever of the following decisions they think appropriate:

- (a) declare the area as proposed to be a clearance area;
- (b) declare the area to be a clearance area but excluding certain residential buildings which are unfit for human habitation;
- (c) decide not to declare the area to be a clearance area.

(section 289(2F))

If the Council decide not to declare a clearance area, or decide to exclude a residential building which is unfit for human habitation from the area, they must take some other action in respect of the unfit residential building or buildings (and any flat contained in them), having regard to the guidance given by the Secretary of State under section 604A of the Act. The choice of action will be to serve a repair notice under section 189 of the Act, requiring works to be carried out to the building or flat to make it fit for habitation; to make a closing order under section 264 of the Act, preventing the building or flat from being used for human habitation, or to make a demolition order under section 265 of the Act, requiring the building to be demolished.

(section 289(5A))

If the Council take one of these other courses of action in respect of an unfit residential building in which you have an interest, you should be served with a copy of the notice or order concerned and have an opportunity to appeal against it.

(sections 189 and 191; 268 and 269)

#### **Consequences of declaration of clearance area**

If the Council declare an area to be a clearance area they must define it on a map and exclude any building which is not unfit for human habitation or dangerous or injurious to health.

(section 289(3)(a))

If the Council declare a clearance area, they will have a duty to secure the clearance of the area by buying the land and buildings in the area. They may buy with the agreement of the owner of the interest concerned or, in the absence of agreement, submit a compulsory purchase order to the Secretary of State. If such an order is confirmed, the Council will be able to buy an interest without agreement. The Council do not have to notify you that they have declared a clearance area, but they must serve a notice on owners, lessees and some occupiers of land in respect of which they make a compulsory purchase order, to give those persons an opportunity to object to their proposals.

(section 290(1) and (3)  
and sections 12 and 13 of  
the Acquisition of Land  
Act 1981)

#### **Compensation and rehousing**

If the Council declare a clearance area and are authorised to buy the premises compulsorily, persons with an interest in the premises will be entitled to compensation assessed in accordance with the Land Compensation Act 1961. In general the compensation payable should be equal to the open market value of the interest which is being bought. If the amount of compensation payable cannot be agreed with the Council, the matter can be referred to the Lands Tribunal which is an independent body appointed to deal with such disputes.

If the Council declare a clearance area and buy the premises, occupiers who are displaced from the premises because of the purchase may be entitled to a home loss payment or a disturbance

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payment from the Council under the Land Compensation Act 1973. They may also be entitled to be rehoused by the Council if they cannot otherwise obtain suitable alternative residential accommodation on reasonable terms.

The Council will give you more information about these matters if they buy the premises.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

FORM 21HOUSING ACT 1985SECTION 300NOTICE OF DETERMINATION TO PURCHASE  
PREMISES LIABLE TO BE DEMOLISHED OR CLOSED

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_

1. You are the [owner] [mortgagee] of the [dwelling-house] [house in multiple occupation] [building] known as \_\_\_\_\_

2. The \_\_\_\_\_ Council are satisfied that the [dwelling-house] [house in multiple occupation] [flat(s)] known as \_\_\_\_\_ in the building] [is] [are] unfit for human habitation as described in the Schedule to this notice.

3. The Council, having had regard to the guidance given by the Secretary of State under section 604A of the Housing Act 1985, are satisfied that, subject to the matter mentioned in paragraph 4 below, the most satisfactory course of action would be to make a [closing order under section 264] [demolition order under section 265] of the Act in respect of the [dwelling-house] [house in multiple occupation] [building].

4. It appears to the Council, however, that the [dwelling-house] [house in multiple occupation] [building] is or can be made capable of providing accommodation of a standard which is adequate for the time being and the Council have accordingly decided to buy the [dwelling-house] [house in multiple occupation] [building] under section 300 of the Act instead of ordering it to be [closed] [demolished].

**SCHEDULE**

In the opinion of the Council [the [dwelling-house] [house in multiple occupation] [flat(s)] fail(s) to meet the following requirement(s) of section 604(1) of the Act-

]

[and] [[the building] [part of the building outside the flat(s), namely \_\_\_\_\_

] fails to meet the following requirement(s) of section 604(2) of the Act-

]

and, by reason of that failure the [dwelling-house] [house in multiple occupation] [flat(s)] [is] [are] not reasonably suitable for occupation.

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**Right of appeal**

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after the date this notice is served on you.

(section 269(1))

You do not have the right of appeal if you occupy the premises under a tenancy agreement with 3 years or less to run.

(section 269(2))

**Operation of notice**

If you do not appeal, this notice will become operative at the end of 21 days from the date it was served on you.

(section 268(2))

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If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

(section 269(6))

#### **Effect of notice**

At any time after this notice has become operative, the Council may buy the premises by agreement or may submit a compulsory purchase order to the Secretary of State. If such an order is confirmed, the Council will be able to buy the premises without agreement.

(section 300(3))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this order. You will also need an extra copy of your request for the court to send to the Council.

#### **Compensation and rehousing**

If the Council are authorised to buy the premises compulsorily, persons with an interest in the premises will be entitled to compensation assessed in accordance with the Land Compensation Act 1961. In general the compensation payable should be equal to the open market value of the interest which is being bought. If the amount of compensation payable cannot be agreed with the Council, the matter can be referred to the Lands Tribunal which is an independent body appointed to deal with such disputes.

Occupiers who are displaced from the premises because the Council buys them may be entitled to a home loss payment or a disturbance payment from the Council under the Land Compensation Act 1973. They may also be entitled to be rehoused by the Council if they cannot otherwise obtain suitable alternative residential accommodation on reasonable terms. Further details may be obtained from the Council.

#### **Advice**

If you do not understand this notice or want to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.

FORM 22HOUSING ACT 1985SECTION 310CERTIFICATE OF FITNESS RESULTING FROM OWNER'S IMPROVEMENTS OR ALTERATIONS

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. Under section 310(1) of the Housing Act 1985, the owner of the [dwelling-house] [house in multiple occupation] [building containing one or more flats] known as

submitted to the Council—

- (a) a list of proposed works of improvement or structural alteration to the [dwelling-house] [house in multiple occupation] [building], and
- (b) a written request that the Council inform him whether, in their opinion, the [dwelling-house] [house in multiple occupation] [flat(s) in the building] would, after the execution of those works, or of those works together with additional works, be fit for human habitation and, with reasonable care and maintenance, remain so fit for a period of at least 5 years.

2. In accordance with section 310(2) of the Act, the Council considered the list of proposed works and informed the owner that they were of that opinion [without the need for additional works] [and furnished him with a list of additional works appearing to them to be required].

3. The works specified in the list [together with the additional works specified in the list furnished] have been executed to the satisfaction of the Council.

4. The Council, under section 310(3) of the Act, certify that the [dwelling-house] [house in multiple occupation] [flat(s) in the building] [is] [are] fit for human habitation and will remain so fit for a period of        years from the date of this certificate.

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

#### **Duration of specified period**

The period specified in paragraph 4 of this certificate must not be less than 5 years and not more than 15 years.

(section 310(3))

#### **Effect of certificate**

During the period specified—

- (a) no action shall be taken in relation to the premises under the provisions of Part IX of the Act (slum clearance) relating to the demolition, closing or purchase of unfit premises, and
- (b) no action shall be taken under the provisions of that Part relating to clearance areas with a view to the demolition of the premises as being unfit for human habitation.

(section 310(4))

FORM 23HOUSING ACT 1985SECTION 330NOTICE REVOKING LICENCE AUTHORISING MORE THAN PERMITTED NUMBER TO SLEEP IN A DWELLING

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_, the occupier of the premises known as \_\_\_\_\_ (“the dwelling”)

1. On \_\_\_\_\_ the \_\_\_\_\_ Council granted a licence under section 330 of the Housing Act 1985 which authorised you to permit \_\_\_\_\_ person(s) in excess of the permitted number under section 326 of the Act to sleep in the dwelling.

2. The Council, in exercise of their discretion under subsection (4) of section 330, give you notice that the licence is revoked and will cease to be in force at the end of the period of \_\_\_\_\_ from the date of the service of this notice.

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 11 to the Local Government and Housing Act 1989.)

**Duration of specified period**

The period specified in paragraph 2 of this notice, at the end of which the licence will cease to be in force, must be at least one month. (section 330(4))

**Penalties**

If you allow more than the permitted number, which is \_\_\_\_\_, to sleep in the dwelling after the licence ceases to be in force, you may commit the offence of causing or permitting the dwelling to be overcrowded. This offence is punishable in the magistrates’ court by a fine not exceeding level 2 on the standard scale and a further fine not exceeding one-tenth of that level in respect of every day on which the offence continues after conviction. (section 327)

**Service on landlord**

If the dwelling is let to you, the Council are required to serve a copy of this notice on your landlord and this must be done within 7 days of the service of this notice on you. (section 330(6))

**Offence by landlord**

In certain circumstances the occupier’s landlord may also be guilty of the offence of causing or permitting the dwelling to be overcrowded if the occupier causes or permits it to be overcrowded. (section 331)

FORM 24HOUSING ACT 1985SECTION 331NOTICE TO LANDLORD THAT DWELLING IS OVERCROWDED



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To  
the [landlord] [agent of the landlord] of the premises known as  
("the dwelling")

1. The Council, in exercise of their powers under section 331(2)(c) of the Housing Act 1985, give you notice that the dwelling is overcrowded in such circumstances as to render the occupier guilty of an offence.

2. The circumstances are that—  
[the number of persons sleeping in the dwelling and the number of rooms available as sleeping accommodation is such that, leaving out of account children under the age of 10, two persons of opposite sexes who are not living together as husband and wife must sleep in the same room, so as to contravene the room standard specified in section 325 of the Act] [the number of persons sleeping in the dwelling is in excess of the permitted number, which is person(s), so as to contravene the space standard specified in section 326 of the Act].

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 11 to the Local Government and Housing Act 1989.)

#### Effect of notice

The landlord of an overcrowded dwelling is deemed to cause or permit it to be overcrowded if, after the Council serve this notice on him or his agent, he fails to take such steps as are reasonably open to him for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the dwelling.

(section 331(2)(c))

#### Penalties

The landlord of a dwelling who causes or permits it to be overcrowded commits an offence punishable in the magistrates' court by a fine not exceeding level 2 on the standard scale and a further fine not exceeding one-tenth of that level in respect of every day on which the offence continues after conviction.

(section 331(1) and (3))

#### Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

FORM 25HOUSING ACT 1985SECTION 335NOTICE REQUIRING INFORMATION ABOUT PERSONS SLEEPING IN A DWELLING

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To  
the occupier of the premises known as \_\_\_\_\_,  
\_\_\_\_\_ (“the dwelling”)

The \_\_\_\_\_ Council, in exercise of their powers under section 335 of the Housing Act 1985, require you to give them a statement of the number, ages and sexes of the persons sleeping in the dwelling.

The statement must be in writing and must be left at, or sent by post addressed to,  
\_\_\_\_\_ within 14 days of the service on you of this notice.

[Date and signature]

NOTE

Any person who fails to give the required information or who gives a statement which to his knowledge is false in any material particular commits an offence punishable in the magistrates’ court by a fine not exceeding level 1 on the standard scale.

(Housing Act 1985, section 335(2))

FORM 26 HOUSING ACT 1985 SECTION 338 NOTICE TO OCCUPIER TO ABATE OVERCROWDING

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_,  
the occupier of the premises known as \_\_\_\_\_  
\_\_\_\_\_ (“the dwelling”)

1. It appears to the \_\_\_\_\_ Council that the dwelling is overcrowded in such circumstances as to make you guilty of an offence.
2. The circumstances are that [the number of persons sleeping in the dwelling and the number of rooms available as sleeping accommodation is such that, leaving out of account children under the age of 10, two persons of opposite sexes who are not living together as husband and wife must sleep in the same room, so as to contravene the room standard specified in section 325 of the Housing Act 1985] [the number of persons sleeping in the dwelling is in excess of the permitted number, which is \_\_\_\_\_ person(s), so as to contravene the space standard specified in section 326 of the Housing Act 1985].
3. The Council, in exercise of their powers under section 338 of the Act, require you to abate the overcrowding of the dwelling within 14 days from the service on you of this notice.

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 11 to the Local Government and Housing Act 1989.)

#### Effect of notice

If the overcrowding is not abated, the Council may be able to apply to the county court for vacant possession to be given to the landlord of the dwelling, within such period, not less than 14 days or more than 28 days, as the court may determine.

(section 338(2))

#### Penalties

If you cause or permit the dwelling to be overcrowded you commit an offence punishable in the magistrates' court by a fine not exceeding level 2 on the standard scale and a further fine not exceeding up to one-tenth of that level in respect of every day on which the offence continues after conviction.

(section 327)

#### Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

FORM 27HOUSING ACT 1985SECTION 354(3)NOTICE OF INTENTION TO LIMIT BY DIRECTION THE NUMBER OF OCCUPANTS OF A [HOUSE] [PART OF A HOUSE] IN MULTIPLE OPERATION

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_,  
the [owner] [lessee] of the house in multiple occupation known as \_\_\_\_\_  
("the house")

1. The \_\_\_\_\_ Council, under section 354 of the Housing Act 1985, give notice that they intend to give a direction applying to the [house] [part of the house consisting of \_\_\_\_\_] the limit set out in the Schedule below which is the highest number of [individuals] [and] [households] who should, in the Council's opinion and having regard to the requirements of section 352(1A) of the Act, occupy the [house] [part of the house] in its existing condition.

2. The purpose of the limit is to [prevent the occurrence of] [remedy] a state of affairs calling for the service of a [notice] [further notice] under section 352 of the Act.

[3. Representations about the proposal described in paragraph 2 above which are made before \_\_\_\_\_ will be taken into consideration. The Council's address for representations is \_\_\_\_\_.]\*

\*Omit from the copy of the notice posted in the premises.

**SCHEDULE**

[Maximum number of individuals for the premises \_\_\_\_\_ ]  
[Maximum number of households for the premises \_\_\_\_\_ ]

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.  
(section 345)

**Section 352 notice**

Where, in the Council's opinion, a house in multiple occupation fails to meet one or more of the requirements in section 352(1A) so that it is thereby not reasonably suitable for occupation by the number of individuals or households accommodated there for the time being, they may serve a notice requiring works which, in their opinion, will make the house reasonably suitable for occupation by that number or such smaller number as may be specified.  
(section 352)

**Effect of direction (if given)**

If the proposed direction is given, it will be the duty of the occupier for the time being, and any other person for the time being entitled or authorised to permit individuals to take up residence, not to permit the number of individuals or households occupying the premises to increase to a number above the limit specified in the direction and, if it is for the time being above that number, not to permit it to increase further. A person who knowingly fails to comply with these requirements commits an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.  
(section 355)

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FORM 28 HOUSING ACT 1985 SECTION 354(1) DIRECTION TO LIMIT NUMBER OF OCCUPANTS OF A [HOUSE] [PART OF A HOUSE] IN MULTIPLE OCCUPATION

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1. This direction applies to the premises [known as] [consisting of]
2. The premises are a [house] [part of a house] which is a house in multiple occupation.
3. The Council, for the purpose of [preventing the occurrence of] [remedying] a state of affairs calling for the service of a [notice] [further notice] under section 352 of the Housing Act 1985, in exercise of their powers under section 354 of the Act—
  - (a) fix as a limit for the premises the number specified in the Schedule below, being in their opinion the highest number of [individuals] [and] [households] who should, having regard to the requirements set out in section 352(1A), occupy the premises in their existing condition, and
  - (b) direct that the limit specified in the Schedule shall apply to the premises.

**SCHEDULE**

[Maximum number of individuals for the premises	]
[Maximum number of households for the premises	]

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

**House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)

**Effect of direction**

This direction makes it the duty of—

- (a) the occupier for the time being of the premises, and
- (b) any other person who is for the time being entitled or authorised to permit individuals to take up residence in the premises,

not to permit the number of individuals or households occupying the premises to increase to a number above the limit specified in the Schedule to the direction or, if it is for the time being above that number, not to permit it to increase further.

(section 355(1))

**Penalty**

A person who knowingly fails to comply with the requirements described above under “Effect of direction” commits an offence punishable in the magistrates’ court by a fine not exceeding level 4 on the standard scale.

(section 355(2))

**Power to call for information**

While the direction is in force the Council have power to require the occupier of the premises to give them written information about the occupation of the premises.

(section 356)

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### Revocation or variation of direction

Anyone with an estate or interest in the house concerned (eg a freeholder, leaseholder or tenant, including a statutory tenant under the Rent Acts) may apply to the Council to revoke the direction or to vary it so as to allow more people to live in the premises and the Council may revoke or vary it having regard to any works which may have been carried out in the house or any other change of circumstances.

If the Council refuse such an application or do not within 35 days (or such longer period as the applicant may in writing allow) notify the applicant of their decision, the applicant may appeal to the county court which may revoke or vary the direction.

(section 357)

### Advice

If you do not understand this direction or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

## FORM 29 HOUSING ACT 1985 SECTION 356 NOTICE REQUIRING INFORMATION AFTER A DIRECTION TO LIMIT NUMBER OF OCCUPANTS OF HOUSE IN MULTIPLE OCCUPATION

To \_\_\_\_\_, the occupier of the premises [known as] [consisting of]

1. The \_\_\_\_\_ Council on \_\_\_\_\_ gave a direction under section 354 of the Housing Act 1985 limiting the number of occupants of the premises and the direction is still in force.
2. The Council, in exercise of their powers under section 356 of the Act, require you to give them a statement in writing giving the following information—
  - (a) the number of individuals who are living in the premises on \_\_\_\_\_;
  - [(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];]
  - [(d) the rooms used by those [individuals] [and] [families or households] [respectively]].
3. The statement should be left at, or sent by post to, \_\_\_\_\_ within 7 days of the service on you of this notice.

[Date and signature]

### NOTE

If you make default in giving the Council the information required by this notice, or if you give a statement which to your knowledge is false in a material particular, you will commit an offence punishable in the magistrates' court by a fine not exceeding level 2 on the standard scale.

(Housing Act 1985, section 356(2))

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FORM 30 HOUSING ACT 1985 SECTION 357 REVOCATION OR VARIATION OF A DIRECTION TO LIMIT NUMBER OF OCCUPANTS OF A [HOUSE] [PART OF A HOUSE] IN MULTIPLE OCCUPATION

1. The Council on gave a direction under section 354 of the Housing Act 1985 limiting the number of occupants of the premises [known as] [consisting of]
2. A person having an estate or interest in the house concerned has applied to the Council for [the revocation] [a variation] of the direction.
3. The Council in exercise of their powers under section 357 of the Act hereby [revoke the direction] [vary the direction by substituting for the Schedule to the direction the following Schedule

SCHEDULE

[Maximum number of individuals for the premises	]
[Maximum number of households for the premises	]]

[Date and signature]

FORM 31 HOUSING ACT 1985 SECTION 358(2) NOTICE OF INTENTION TO SERVE AN OVERCROWDING NOTICE IN RESPECT OF A HOUSE IN MULTIPLE OCCUPATION



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_,  
the [occupier of] [person appearing to be managing] the premises known as \_\_\_\_\_,  
\_\_\_\_\_ which are a house in multiple occupation.

1. It appears to the \_\_\_\_\_ Council that an excessive number of persons [is being] [is likely to be] accommodated on the premises, having regard to the rooms available.
2. The Council, in exercise of their powers under section 358 of the Housing Act 1985, intend to serve an overcrowding notice applying to the premises the limits on occupation set out in the Schedules below.
3. Schedule 1 below states what, in the opinion of the Council, is the maximum number of persons by whom each room described is suitable to be occupied as sleeping accommodation at any one time [and the special maximum applicable where some or all of the persons occupying the room are under the age specified].
4. Schedule 2 below specifies each room which, in the opinion of the Council, is unsuitable to be occupied as sleeping accommodation.
5. Representations about the proposal described in paragraph 2 which are made before \_\_\_\_\_ will be taken into consideration. The Council's address for representations is \_\_\_\_\_

#### SCHEDULE 1

Rooms unsuitable to be occupied as sleeping accommodation by more than the number of persons specified

#### SCHEDULE 2

Rooms unsuitable to be occupied as sleeping accommodation

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

##### **House in multiple occupation**

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)

##### **Effect of overcrowding notice (if served)**

If the proposed overcrowding notice is served, it will require the occupier of, or the person managing, the premises, or both, either—

- (a) to refrain from knowingly permitting a room to be occupied as sleeping accommodation otherwise than in accordance with the notice or knowingly permitting persons to occupy

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the premises as sleeping accommodation in such numbers that it is not possible to avoid persons of opposite sexes and over the age of 12, who are not living together as husband and wife, sleeping in the same room; or

- (b) to refrain from knowingly permitting a room to be occupied by a person who was not living in the premises immediately before the notice was served otherwise than in accordance with the notice or permitting such a person to occupy that part of the premises as sleeping accommodation if that is not possible without persons of opposite sexes and over the age of 12, who are not living together as husband and wife, sleeping in the same room.

(sections 359–361)

**Penalty**

A person who disobeys an overcrowding notice commits an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

(section 358(4))

FORM 32HOUSING ACT 1985SECTION 358(1)OVERCROWDING NOTICE IN RESPECT OF A HOUSE IN MULTIPLE OCCUPATION

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_  
the [occupier] [person managing] the premises known as \_\_\_\_\_

1. It appears to the \_\_\_\_\_ Council that an excessive number of persons [is being] [is likely to be] accommodated in the premises, having regard to the rooms available.
2. In the opinion of the Council—
  - (a) the rooms on the premises described in Schedule 1 below are unsuitable to be occupied as sleeping accommodation at any one time by more than the number of persons specified in the Schedule in relation to each room [or by the special maximum so specified where some or all of the persons occupying the room are under the age specified], and
  - (b) the rooms on the premises described in Schedule 2 are unsuitable to be occupied as sleeping accommodation.
3. You must not knowingly permit—
  - (a) a room to be occupied as sleeping accommodation [by a person who was not living in the premises immediately before this notice was served (“a new resident”)] otherwise than in accordance with this notice, or
  - (b) [persons to occupy the premises as sleeping accommodation in such numbers that it is not possible to avoid] [a new resident to occupy any part of the premises as sleeping accommodation if that is not possible without] persons of opposite sexes who are not living together as husband or wife sleeping in the same room.

For these purposes—

- (i) children under the age of 12 shall be left out of account, and
- (ii) it shall be assumed that the persons occupying [any part of] the premises as sleeping accommodation sleep only in rooms for which a maximum is set by this notice and that the maximum set for each room is not exceeded.

#### SCHEDULE 1

Rooms unsuitable to be occupied as sleeping accommodation by more than the specified number of persons

#### SCHEDULE 2

Rooms unsuitable to be occupied as sleeping accommodation

[Date and signature]

#### NOTES

(Statutory references are to the Housing Act 1985.)

#### Right of appeal

If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after the date of service of the notice on you. The court may confirm, quash or vary the notice as it thinks fit.

(section 362(1))

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#### **Operation of notice**

If there is not an appeal, this notice will become operative at the end of 21 days from the date of service.

(section 358(3))

If there is an appeal and the county court confirms the notice, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the notice will not become operative until it is confirmed by the Court of Appeal.

(section 362(2))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

#### **Penalty**

It is an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale to disobey this notice.

(section 358(4))

#### **Revocation or variation of notice**

A person with an estate or interest in the premises (generally speaking a freeholder, or a lessee/tenant including a statutory tenant under the Rent Acts) may apply to the Council to revoke this notice or to vary it so as to allow more people to be accommodated on the premises. If the Council refuse the application, or do not notify the applicant of their decision within 35 days from the making of the application (or such further period as the applicant may in writing allow), he may appeal to the county court which may itself revoke or vary the notice.

(section 363)

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of advice for a small fee.

FORM 33HOUSING ACT 1985SECTION 363REVOCATION OR VARIATION OF AN  
OVERCROWDING NOTICE IN RESPECT OF A HOUSE IN MULTIPLE OCCUPATION

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. The \_\_\_\_\_ Council on \_\_\_\_\_ served an overcrowding notice under section 358 of the Housing Act 1985 in respect of the premises known as \_\_\_\_\_

2. A person having an estate or interest in the premises has applied to the Council for [the revocation] [a variation] of the notice.

3. The Council, in exercise of their powers under section 363 of the Act, hereby [revoke the notice] [vary the notice so as to allow more people to be accommodated on the premises by substituting for [Schedule 1] [and] [Schedule 2] to the notice the following Schedule[s]-

[SCHEDULE 1

Rooms unsuitable to be occupied as sleeping accommodation by more than a specified number of persons

]

[SCHEDULE 2

Rooms unsuitable to be occupied as sleeping accommodation

]]

[Date and signature]

FORM 34HOUSING ACT 1985SECTION 364Notice requiring information after service of an overcrowding notice in respect of a house in multiple occupation

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_, the occupier of the premises known as

1. The \_\_\_\_\_ Council on \_\_\_\_\_ served in respect of the premises an overcrowding notice under section 358 of the Housing Act 1985 and this notice is still in force.

2. The Council, in exercise of their powers under section 364 of the Act, require you to give them a statement in writing giving the following information—

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

3. The statement should be left at, or sent by post to, \_\_\_\_\_ within 7 days of the service on you of this notice.

[Date and signature]

**NOTE**

If you knowingly fail to give the Council the information required by this notice, or if you give a statement which you know to be false in a material particular, you will commit an offence punishable in the magistrates' court by a fine not exceeding level 2 on the standard scale.

(Housing Act 1985, section 364(2))

FORM 35HOUSING ACT 1985SECTION 368CLOSING ORDER FOR PART OF A HOUSE IN MULTIPLE OCCUPATION

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. The Council have the power to serve a notice under section 352(1) of the Housing Act 1985 in respect of the house in multiple occupation known as (“the house”), and [the reason] [one of the reasons] by virtue of which the power arises is a failure to meet the requirement in section 352(1A)(d) of the Act, namely, that there are adequate means of escape from fire in respect of the house.

2. It appears to the Council that, if the part of the house consisting of (“the part”) were not used for human habitation, the means of escape from fire with which the house is provided would be adequate.

3. [The Council have not accepted an undertaking under section 368(2) of the Act that the part will not be used for human habitation without the permission of the Council.]

[The Council accepted an undertaking under section 368(2) of the Act that the part would not be used for human habitation without the permission of the Council and the undertaking has been broken.]

4. The Council have consulted the Fire Authority, as required by section 365(3) of the Act.

5. Under section 368(4) of the Act, the Council prohibit the use of the part for any purpose not approved by the Council [, and approve the following purpose(s):-

].

[Date and authentication]

#### NOTES

(Statutory references are to the Housing Act 1985, as amended by Schedule 9 to the Local Government and Housing Act 1989.)

#### House in multiple occupation

A house in multiple occupation is a house (including any part of a building, such as a flat, which was originally constructed or subsequently adapted for occupation by a single household) which is occupied by persons who do not form a single household.

(section 345)

#### Section 352 notice

Where, in the Council’s opinion, a house in multiple occupation fails to meet one or more of the requirements in section 352(1A) so that it is thereby not reasonably suitable for occupation by the number of individuals or households accommodated there for the time being, they may serve a notice requiring works which, in their opinion, will make the house reasonably suitable for occupation by that number or such smaller number as may be specified.

(section 352)

#### Right of appeal

If you do not agree with this order you may appeal against it to the county court but you must do this within 21 days after the date the order is served on you.

(section 269(2))

You do not have this right of appeal if you occupy the part of the house in question under a tenancy agreement with 3 years or less to run.

(section 269(2))

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#### **Operation of order**

If you do not appeal, this order will become operative at the end of 21 days from the date of its service on you.

(section 268(2))

If there is an appeal and the county court confirms the order, it will not become operative until the period for appealing to the Court of Appeal expires without such an appeal being brought. If there is such a further appeal, the order will not become operative until it is confirmed by the Court of Appeal.

(section 269(6))

#### **Alternative use of premises**

You may ask the Council to let you use the premises for a purpose other than human habitation and if they unreasonably refuse you may appeal to the county court within 21 days of their refusal.

(section 267(3))

#### **House being made fit**

If at some future date the Council are satisfied that the means of escape from fire with which the house is provided is adequate (owing to a change in circumstances) and will remain adequate if the part of the house in question is again used for human habitation, they must bring the order to an end (wholly or in part, as the case may be). If they refuse to do so you may (unless you occupy the part in question under a tenancy agreement with 3 years or less to run) appeal to the county court within 21 days after the Council's refusal.

(section 278, as  
modified by section  
368(5))

#### **County Court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this order. You will also need an extra copy of your request for the court to send to the Council.

#### **Penalties**

Anyone who, knowing that this order has become operative and applies to the part mentioned in paragraph 2 of this order, uses or permits someone else to use it, in breach of the terms of this order, commits an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and to a further fine of not more than £20 a day if he continues to commit the offence after he has been convicted.

(section 277)

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Law Centre, Housing Aid Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. You may also wish to consult a surveyor.



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1. This order is made in respect of the house in multiple occupation known as  
("the house").
  
2. [The Council on served a notice in respect of the house under section [352 (power to require execution of works to make house fit for number of occupants)] [372 (power to require execution of works to remedy neglect of management)] of the Housing Act 1985].  
  
[The Council on gave a direction in respect of the house under section 354 (power to limit number of occupants) of the Housing Act 1985].  
  
[It appears to the Council that the state or condition of the house is such as to call for action under [section 352 (power to require execution of works to make house fit for number of occupants)] [section 354 (power to limit number of occupants)] [section 372 (power to require execution of works to remedy neglect of management)] of the Housing Act 1985].
  
3. It appears to the Council that the living conditions in the house are such that it is necessary to make the order in order to protect the safety, welfare or health of persons living in the house.
  
4. The Council, in exercise of their powers under section 379 of the Act make this control order in respect of the house [but exclude from its provisions the part of the house described in the Schedule to the order, being a part occupied by a person who has an estate or interest in the whole of the house].
  
5. The order comes into force on the date shown below which is the date on which it is made.

[SCHEDULE

Description of the part of the house excluded from the provisions of the order

]

[Date and authentication]

FORM 37HOUSING ACT 1985SECTION 379HOUSE IN MULTIPLE OCCUPATION NOTICE  
ACCOMPANYING CONTROL ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. In accordance with section 379 of the Housing Act 1985 this notice accompanies copies of the control order made by the Council on \_\_\_\_\_ in respect of \_\_\_\_\_ (“the house”).

2. Unless otherwise stated, statutory references are to the Housing Act 1985 (as amended by Schedules 9 and 12 to the Local Government and Housing Act 1989) [and references to the house do not include the part of the house described in the Schedule to the order and excluded from the order’s provisions].

3. Amongst other matters, this notice—  
(a) sets out the effect of the order in general terms,  
(b) refers to the rights of appeal against control orders, and  
(c) states, in the appendix, the principal grounds on which the Council consider it necessary to make the order.

(section 379(4))

#### **Effect of order**

4. While the control order is in force the Council have the following rights in relation to the house—

- (a) the right of possession,
- (b) the right to do anything which a freeholder or leaseholder of the house would be entitled to do, and
- (c) the right to create interests similar to tenancies provided they are not for a fixed term of more than one month or terminable by a notice to quit of more than 4 weeks.

(section 381)

5. Those occupying parts of the house (except anyone having an estate or interest in the whole house) at the time the order comes into force will be treated as if they have become tenants or lodgers (as the case may be) of the Council on the same terms as those on which they occupied the house before the order was made and their rent or other similar payments will now be payable to the Council instead of the person previously entitled to receive them. If a person occupied a part of the house under a protected or statutory tenancy under the Rent Act 1977, a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976 or an assured tenancy or assured agricultural occupancy under Part I of the Housing Act 1988, the tenancy or occupancy will continue and his rights under those Acts will not be affected.

(section 382)

6. Any notices or directions previously given by the Council in relation to the house under sections 352, 354 or 372 of the Act cease to have effect now that the control order has been made; but this will not prevent the Council from receiving any expenses due to them for carrying out works or save any person from any criminal liability already incurred.

(section 381(4))

#### **Duties of Council**

7. The Council, in exercise of the provisions of Part XI of the Act following section 379, and having regard to the duties conferred on them by those provisions are required to enter on the premises and take all such immediate steps as appears to them to be required to protect the safety, welfare or health of persons living in the house.

8. The Council must—  
(a) maintain proper standards of management in the house,  
(b) remedy certain deficiencies in the house, and  
(c) insure the house [including the part described in the Schedule to the order and excluded from the order’s provisions].

9. Unless the Council make a compulsory purchase order in respect of the house within 28 days

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of making the control order, they are required to make a management scheme for the house and to serve copies of it on interested persons not later than 8 weeks from the date of the making of the control order.

(sections 385 and 386 and  
Part IV of Schedule 13)

#### **Management scheme**

10. The management scheme will–
- (a) list the works of capital expenditure which the Council considers necessary to bring the house up to a proper standard,
  - (b) specify the highest number of individuals or households the Council think should live in the house,
  - (c) include an estimate of the cost of the capital works and an estimate of the surpluses on revenue account which the Council expect to be available to meet that cost.

(Schedule 13, paragraph 1)

11. An account must be kept by the Council showing the surplus on revenue account and the expenditure incurred in carrying out works. Balances must be struck at half yearly intervals. When the control order ceases to have effect, a final balance must be struck in the account and expenditure on capital works (with interest) not paid from surpluses on the revenue account will, provided it was reasonably incurred, become a charge on the house.

(Schedule 13, paragraphs  
4 and 16)

#### **Compensation**

12. The “dispossessed proprietor” (the person who before the control order was made was entitled to receive the rents, or other similar payments, from the occupiers of parts of the house) will be entitled, while the order is in force, to receive quarterly payments of compensation from the Council. The compensation in respect of the period during which the control order is in force is based on the annual rental value of the house as determined by the Council; but any dispute is determined by the District Valuer.

(section 389 and Part II of  
Schedule 13, as amended by  
S.I. 1990 No. 434)

#### **Right of Appeal**

13. A person with an estate or interest in the house may appeal to the county court against the control order or the management scheme. Any other person who may be prejudiced by the control order may also appeal against it. Any appeal must be made before the expiry of 6 weeks from the date of service of the management scheme or such longer period as the Council may in writing allow. If both order and scheme are appealed against, the two appeals will, so far as practicable, be heard together.

(section 384(2) and (3) and  
Schedule 13, paragraph 3(1)  
and (4))

14. An appeal against the control order may be made on any of the following grounds–
- (a) the state or condition of the house did not call for the taking of action under sections 352, 354 or 372;
  - (b) that it was not necessary to make the control order in order to protect the safety, welfare or health of persons living in the house;
  - (c) that it was practicable and reasonable for the Council to have excluded from the order a part of the house occupied by the dispossessed proprietor or to have excluded a greater part than they have done;
  - (d) that the control order is invalid because a requirement of the Act has not been complied with, or because of some informality, defect or error in, or in connection with, the control order (but the court has to confirm the order, insofar as the appeal is based on this ground, unless it is satisfied that the interests of the appellants have been substantially prejudiced by the facts on which he relies).

(section 384(1) and (4))

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15. An appeal against the management scheme may be made on any of the following grounds—
- (a) that any of the capital works listed in the scheme are unreasonable in character or extent, or are unnecessary;
  - (b) that any of those works do not involve expenditure which ought to be regarded as capital expenditure;
  - (c) that the number of individuals or households living in the house, as specified in the scheme, is unreasonably low;
  - (d) that the estimate of the surpluses on revenue account in the scheme is unduly low on account of assumptions made by the Council as to matters within their control (eg as to rents charged by them).

(Schedule 13, paragraph 3(2))

**Rights of dispossessed proprietor and others**

16. The Council shall—
- (a) keep full income and expenditure accounts in respect of the house,
  - (b) allow the dispossessed proprietor or any other person having an estate or interest in the whole house (including a statutory tenant under the Rent Acts) to inspect, take copies of and verify these accounts, and
  - (c) allow any such person to inspect and examine the house.

(section 390)

**Right of entry and obstruction**

17. The Council, and persons authorised by them in writing, have the right, as against a person having an estate or interest in the house, to enter any part of the house [including the excluded part described in the Schedule to the order] in order to survey or examine it or carry out works. If such a person obstructs that entry, he commits an offence punishable in the magistrates' court by a fine not exceeding level 3 on the standard scale.

(sections 387(1) to (3) and 396)

18. Occupiers of parts of the house must not prevent the Council from carrying out work to the house. If they do, a magistrates' court may order them to permit the necessary work to be done. Failure to comply with an order is an offence punishable in the magistrates' court by a fine not exceeding level 3 on the standard scale and a continuing daily fine of one-tenth of that amount.

(section 387(4) and (5))

**Duration of control order.**

19. The control order will cease to have effect after 5 years, unless the Council revoke it earlier. Any person may apply to the Council asking them to revoke the order and giving the grounds for making the application. If the Council refuse the application, or fail to notify the applicant of their decision within 42 days (or such longer period as he may in writing allow), the applicant may appeal to the county court.

(sections 392 and 393)

**Other provisions**

20. For details of other relevant statutory provisions reference should be made to the Act itself. The following is a brief indication of the matters covered:

- (a) effect of control order in relation to furniture in the case of a furnished letting (section 383) and compensation payable to the dispossessed proprietor in respect of such furniture (section 389(1)(b));
- (b) mortgagees may have rights against the compensation payable to a dispossessed proprietor (section 389(3));
- (c) lessors and lessees of the house may apply to the county court for modification or determination of the lease (section 391);
- (d) if the Council propose to revoke, or the county court revokes, a control order, the county court may approve the serving by the Council of a notice under section 352 or 372, or the giving of a direction under section 354, and no appeal can be made against a notice so approved (section 392(5) and Schedule 13, paragraph 21(4));
- (e) the Council or any person with an estate or interest in the house may apply to the county court for a review of the surpluses on revenue account settled by a management scheme (Schedule 13, paragraph 6);
- (f) general financial consequences where a control order ceases to have effect or is revoked by a county court on appeal (Schedule 13, Part III);

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- (g) consequences where a control order is followed by a compulsory purchase order (Schedule 13, Part IV).

#### **Land Charge**

21. The notice is a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. (section 381(5))

#### **County Court**

22. If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put a copy of this notice with your request. You will also need an extra copy of your request for the court to send to the Council.

#### **Advice**

23. If you do not understand the control order or this notice or wish to know more about them, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of advice for a small fee.

### **APPENDIX**

#### **Principal grounds for making the control order**

[Date and signature]

FORM 38HOUSING ACT 1985SCHEDULE 13 PARAGRAPH 25NOTICE OF BALANCES PAYABLE TO DISPOSSESSED PROPRIETOR ON TERMINATION OF CONTROL ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_,  
[and \_\_\_\_\_ of \_\_\_\_\_ ],  
being the dispossessed proprietor[s] of the house in multiple occupation known as \_\_\_\_\_,  
("the house").

1. The \_\_\_\_\_ Council made a control order under section 379 of the Housing Act 1985 in respect of the house on \_\_\_\_\_.
  2. On \_\_\_\_\_ the Council made a compulsory purchase order for the acquisition of the house under Part II of the Act (provision of housing accommodation).
  3. The Secretary of State confirmed the compulsory purchase order on \_\_\_\_\_ and on \_\_\_\_\_ the control order ceased to have effect by virtue of paragraph 24 of Schedule 13 to the Act.
  4. The Council propose to pay you the sum of \_\_\_\_\_, being the balance which from time to time accrued to the Council in respect of the house as calculated under paragraph 25(1) of Schedule 13.
  5. You may appeal to the county court within 21 days of the service of this notice, or such longer period as the Council may in writing allow.
- [6. Being dispossessed proprietors of different parts of the house, the sum notified to you in paragraph 4 above will be apportioned between you in the manner provided by paragraph 14 of Schedule 13.]

[Date and signature]

**NOTES**

(Statutory references are to the Housing Act 1985.)

**Dispossessed proprietor**

The dispossessed proprietor of the house is the person by whom the rent or other periodical payments to which the Council became entitled on the coming into force of the control order would have been receivable but for the making of the order, and the successors in title of that person.

(section 399)

**Termination of control order**

The control order ceased to have effect on the date when the Council [made a contract to purchase the house] [served a notice under section 11 of the Compulsory Purchase Act 1965].  
(Schedule 13, paragraph 24)

**Calculation of balances**

The sum notified as payable in paragraph 4 of the notice is the balance which from time to time accrued to the Council after deducting from the rent or other payments received by them from persons occupying the house—

- (a) the compensation payable to the dispossessed proprietor under section 389, and
- (b) all expenditure (other than capital expenditure) incurred by the Council in respect of the house while the control order was in force.

(Schedule 13, paragraph 25(1))

**Appeal to county court**

If you decide to appeal you will need to apply to your local county court (you can find the address

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and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

#### **Powers of county court**

The court may increase the balances payable to the dispossessed proprietor if it thinks that (having regard to certain factors) the amount stated in this notice is unduly low for any reason within the Council's control, but any increased payment directed by the court must not exceed the amount which the court thinks the dispossessed proprietor may have lost by the making of the control order.

(Schedule 13, paragraph 25(4) and (5))

#### **Deduction for capital expenditure**

The Council may deduct from the balances payable to you under this notice any capital expenditure they have reasonably incurred in carrying out works to the house while the control order was in force. If they wish to do this they must serve you with a separate notice.

(Schedule 13, paragraph 26)

#### **[Apportionment**

Where different persons are dispossessed proprietors of different parts of the house, the sum notified in paragraph 4 of this notice must be apportioned between them, according to the proportions of the gross value, or as the case may be, rental value of the house properly attributable to the parts of the house in which they are respectively interested. If they do not agree, the apportionment will be determined by the district valuer.

(Schedule 13, paragraphs 14(1) and (2), as amended by S.I. 1990 No. 434)]

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

FORM 39HOUSING ACT 1985SCHEDULE 13 PARAGRAPH 26NOTICE SPECIFYING CAPITAL WORKS ON TERMINATION OF CONTROL ORDER

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

To \_\_\_\_\_ of \_\_\_\_\_,  
[and \_\_\_\_\_ of \_\_\_\_\_],  
being the dispossessed proprietor(s) of the house in multiple occupation known as \_\_\_\_\_  
("the house").

1. The \_\_\_\_\_ Council made a control order under section 379 of the Housing Act 1985 in respect of the house on \_\_\_\_\_
2. On \_\_\_\_\_ the Council made a compulsory purchase order for the acquisition of the house under Part II of the Act (provision of housing accommodation).
3. The Secretary of State confirmed the compulsory purchase order on \_\_\_\_\_ and on \_\_\_\_\_ the control order ceased to have effect by virtue of paragraph 24 of Schedule 13 to the Act.
4. For the purpose of enabling the Council to recover capital expenditure incurred in carrying out works in the house in the period before the control order ceased to have effect, the Council specify the works described in the Schedule to this notice as being works—
  - (a) which the Council could, if the control order were not in force, have required some person to carry out under any provision of Part XI of the Act (houses in multiple occupation) or under any other enactment relating to housing or public health, and
  - (b) which could not have been postponed because they were urgently required for the sake of the safety, welfare or health of persons living in the house, or other persons.
5. You may appeal to the county court within 21 days of the service of this notice, or such longer period as the Council may in writing allow.

SCHEDULE

Description of works carried out

[Date and signature]

NOTES

(Statutory references are to the Housing Act 1985.)

**Dispossessed proprietor**

The dispossessed proprietor of the house is the person by whom the rent or other periodical payments to which the Council became entitled on the coming into force of the control order would have been receivable but for the making of the order, and the successors in title of that person.

(section 399)

**Termination of control order**

The control order ceased to have effect on the date when the Council [made a contract to purchase the house] [served a notice under section 11 of the Compulsory Purchase Act 1965].  
(Schedule 13, paragraph 24)

**Effect of notice**

The expenditure reasonably incurred by the Council in carrying out the works specified in the Schedule to this notice (or in the notice as varied on appeal) may be deducted by them from the



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balances which they are liable to pay to the dispossessed proprietor under paragraph 25 of Schedule 13 and which are the subject of a separate notice the Council are required to serve on you.  
(Schedule 13, paragraph 26(4))

If the expenditure exceeds those balances, it may be deducted from the amount payable as compensation if the premises are compulsorily purchased.  
(Schedule 13, paragraph 26(5))

#### **Appeal to county court**

If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

#### **Advice**

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe forms for use by local housing authorities for the purposes of Parts VI (repair notices), IX (slum clearance), X (overcrowding) and XI (houses in multiple occupation) of the Housing Act 1985.

The Housing (Prescribed Forms) Regulations 1990 (S.I. No. [1990/447](#)) already prescribe the forms to be used for the following purposes of the 1985 Act—

- (a) an order under section 294 (extinguishment of public rights of way over land acquired);
- (b) a licence under section 330 (overcrowding);
- (c) the information to be contained in rent books under section 332 (provisions regarding overcrowding).