

SCHEDULES

SCHEDULE 9

AMENDMENTS OF PARTS VI, IX, XI, XVII AND XVIII OF THE HOUSING ACT 1985

PART IV

AMENDMENTS OF PART XVII

- 72 After section 578 (general enactments relating to compulsory purchase etc. apply subject to this Part) there shall be inserted the following section—

“578A Modification of compulsory purchase order in case of acquisition of land for clearance

- (1) Subsection (2) applies where the local housing authority make a compulsory purchase order, within the meaning of the Acquisition of Land Act 1981, in respect of land they have determined to purchase under section 290 (acquisition of land comprised, surrounded by or adjoining a clearance area).
- (2) Where this subsection applies, the Secretary of State may, in accordance with section 13 of the Acquisition of Land Act 1981 (confirmation of order), confirm the order with modifications notwithstanding that the effect of the modifications made by him in excluding any land or buildings from the clearance area concerned is to sever the area into two or more separate and distinct areas; and, in such a case, the severance shall not prevent those areas from continuing to be treated as one clearance area for the purposes of the provisions of Part IX.”

- 73 Sections 579 to 581 (special provision as regards acquisition of land for clearance, incorporation of enactments relating to mineral rights and acquisition of commons, open spaces etc.) shall cease to have effect.

- 74 In section 582 (restriction on recovery of possession after making compulsory purchase order), in subsection (1), in paragraph (a) the words from “section 192” to “beyond repair) or” shall be omitted.

- 75 After section 584 there shall be inserted the following sections—

“584A Compensation payable in case of closing and demolition orders

- (1) Subject to subsection (3), where a closing order under section 264 or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner’s interest in the premises as a result of the

Status: This is the original version (as it was originally enacted).

making of the closing order or, as the case may be, the demolition order; and that amount—

- (a) shall be determined as at the date of the making of the order in question; and
- (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.

(3) In any case where—

- (a) a closing order has been made in respect of any premises, and
- (b) by virtue of section 279 (closing orders: substitution of demolition order), the closing order is revoked and a demolition order is made in its place,

the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the closing order.

(4) For the purposes of this section—

“compulsory purchase value”, in relation to an owner’s interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961; and

“premises” has the meaning assigned by section 322 (minor definitions for the purposes of Part IX).

584B Repayment on revocation of demolition or closing order

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

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the closing order is determined under section 278 (determination of closing order on premises being rendered fit),

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

(2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a closing order, and
- (b) by virtue of section 278, the order is determined as respects part of the premises, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had, at the time the payment was made, an owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),

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

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

he shall on demand pay to the authority an amount determined in accordance with subsections (3), (4) and (5).

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

(6) In this section “premises” has the same meaning as in section 584A.”

- 76 Sections 585 to 595 (which concern site value compensation for unfit houses and related matters and certain other land compensation matters) shall cease to have effect.
- 77 Section 598 (disregard of things done to obtain increased compensation) shall cease to have effect.
- 78 In section 599 (application of compensation due to another local authority) the words from “section 192” to “beyond repair” shall be omitted.
- 79 (1) In section 600 (powers of entry), in subsection (1) for the words “24 hours” there shall be substituted “seven days”.
- (2) At the end of subsection (2) of that section there shall be added the words “and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf”.
- 80 (1) In section 601 (penalty for obstruction), in subsection (1) after the word “offence” there shall be inserted “intentionally”.
- (2) In subsection (2) of that section for the words “level 2” there shall be substituted “level 3”.
- 81 In section 602 (minor definitions)—
- (a) the definition of “house” shall be omitted; and
 - (b) in paragraph (b) of the definition of “owner” after the word “premises” there shall be inserted “or part of the premises”.
- 82 For section 603 (index of defined expressions: Part XVII) there shall be substituted the following section—

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

“603 Index of defined expressions: Part XVII

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or otherwise explaining an expression used in the same section or paragraph):—

clearance area	section 289
closing order	section 264
demolition order	section 265
compulsory purchase value	section 584A
lease and lessee	section 621
local housing authority	section 1, 2(2).”