



# Housing, Town Planning, &c. Act 1919

## 1919 CHAPTER 35

### PART I

#### HOUSING OF THE WORKING CLASSES

##### *Miscellaneous*

#### **26 Byelaws respecting houses divided into separate tenements**

- (1) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, shall in the case of houses intended or used for occupation by the working classes be deemed to include the making and enforcing of byelaws—
- (a) for fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family and for separation of the sexes therein;
  - (b) for the registration and inspection of such houses ;
  - (c) for enforcing drainage and promoting cleanliness and ventilation of such houses ;
  - (d) for requiring provision adequate for the use of and readily accessible to each family of—
    - (i) closet accommodation ;
    - (ii) water supply and washing accommodation ;
    - (iii) accommodation for the storage, preparation, and cooking of food ;and, where necessary, for securing separate accommodation as aforesaid for every part of such house which is occupied as a separate dwelling ;
  - (e) for the keeping in repair and adequate lighting of any common staircase in such houses ;
  - (f) for securing stability, and the prevention of and safety from fire ;
  - (g) for the cleansing and redecoration of the premises at stated times, and for the paving of the courts and courtyards ;

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- (h) for the provision of handrails, where necessary, for all staircases of such houses ;
  - (i) for securing the adequate lighting of every room in such houses ;
- and any such byelaws, in addition to any other penalty, may prohibit the letting for occupation by members of more than one family of any such house unless the same are complied with, subject in the case of houses so let or occupied at the time when such byelaws come into force to the allowance of a reasonable time for the execution of any works necessary to comply therewith.
- (2) Such byelaws may impose the duty of executing any work required to comply therewith upon the owner within the meaning of the Public Health Acts of any such house, or upon any other person having an interest in the premises, and may prescribe the circumstances and conditions in and subject to which any such duty is to be discharged.
  - (3) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.
  - (4) Where an owner or other person has failed to execute any work which he has been required to execute under the byelaws, the local authority by whom such byelaws are enforced may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of subsection (5) of section fifteen of the Housing, Town Planning, &c. Act, 1909, with respect to the execution of works and the recovery of expenses by local authorities, shall apply as if the owner or other person were the landlord, and with such other adaptations as may be necessary.
  - (5) If in the opinion of the Local Government Board premises are being occupied by members of more than one family or are intended to be converted for such occupation in the district of any local authority, and either no byelaws have been made by the local authority for the purposes specified in subsection (1) of this section, or the byelaws made are not sufficient properly to regulate such occupation or conversion, the Local Government Board may themselves make byelaws for such purposes which shall have effect and shall be enforced as if they had been made by the local authority.
  - (6) Where the person on whom obligations are imposed by any byelaws made for the purposes specified in subsection (1) of this section with respect to houses so occupied as aforesaid holds the premises under a lease or agreement and satisfies the local authority that compliance with such byelaws is contrary to the provisions of the lease or agreement, or that the whole or any part of the expenses of carrying out the obligations ought to be borne by his lessor or other superior landlord, the local authority may make application to the county court, and the county court may, after giving the lessor or any such superior landlord an opportunity of being heard,—
    - (a) In the first case, order that the provisions of the lease or agreement be relaxed so far as they are inconsistent with the requirements of the byelaws ;
    - (b) in the second case, grant to the person who carries out the works necessary for compliance with the byelaws, on proof to the satisfaction of the local authority that the works have been properly carried out, a charging order charging on the premises an annuity to repay the expenses properly incurred in carrying out

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the works or such part of those expenses as the county court consider ought to be so charged.

- (7) The annuity shall be of such amount and extend over such number of years as the county court may determine.
- (8) Subsection (3) of section thirty-six and section thirty-seven except subsection (4) of the principal Act, and section nineteen of the Housing, Town Planning, &c. Act, 1909, shall apply to charging orders and annuities under this section in like manner as to charging orders and annuities under the said section thirty-six.
- (9) Where a local authority have themselves acquired a leasehold interest in any house under the powers conferred upon them by this Act, the Local Government Board, on the application of the local authority, may make a similar order with regard to the relaxation of the provisions of the lease and to charging an annuity on the premises as might, had the lessee not been the local authority, have been made on the application of the local authority by the county court, and in that case the decision of the Local Government Board as to the amount and duration of any such annuity shall be final.
- (10) This section shall apply to the administrative county of London with the following modifications :—
  - (a) As respects the county of London, the byelaws for the purposes specified in subsection (1) of this section shall be made by the London County Council, and any byelaws so made shall supersede any byelaws made for those purposes by the council of any metropolitan borough, . and shall be observed and enforced by the council of each metropolitan borough except as regards byelaws for the purposes specified in paragraph (f) of subsection (1) which shall be enforced by the London County Council ;
  - (b) As respects the City of London, such byelaws shall be made and enforced by the common council except as regards byelaws for the purposes specified in paragraph (f) of subsection (1), which shall be made and enforced by the London County Council.

## **27 Power to authorise conversion of a house into several tenements**

Where it is proved to the satisfaction of the county court on an application by the local authority or any person interested in a house that, owing to changes in the character of the neighbourhood in which such house is situate, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements and that, by reason of the provisions of the lease or of any restrictive covenant affecting the house or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think, just.

## **28 Repair of houses**

- (1) If the owner of any house suitable for occupation by persons of the working classes fails to make and keep such house in all respects reasonably fit for human habitation then, without prejudice to any other powers, the local authority may serve a notice upon the owner of such house requiring him within a reasonable time, not being

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less than twenty-one days, specified in the notice, to execute such works as may be necessary to make the house in all respects reasonably fit for human habitation :

Provided that, if such house is not capable without reconstruction of being rendered fit for human habitation, the owner may, within twenty-one days after the receipt of such notice, by written notice to the local authority declare his intention of closing the house for human habitation, and thereupon a closing order shall be deemed to have become operative in respect of such house. Any question arising under this proviso shall, in case of difference between the owner and the local authority, be determined by the Local Government Board.

- (2) If the notice of the local authority is not complied with, the local authority may—
- (a) at the expiration of the time specified in that notice if no such notice as aforesaid has been given by the owner ; and
  - (b) at the expiration of twenty-one days from the determination by the Local Government Board if such notice has been given by the owner, and the Local Government Board have determined that the house is capable without reconstruction of being made fit for human habitation ;
- do the work required to be done.
- (3) Any expenses incurred by the local authority under this section may be recovered in a court of summary jurisdiction, together with interest at a rate not exceeding five pounds per centum per annum from the date of service of a demand for the same till payment thereof from the owner, and until recovery of such expenses and interest the same shall be a charge on the premises. In all summary proceedings by the local authority for the recovery of any such expenses, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.
- (4) The local authority may by order declare any such expenses to be payable by monthly or annual instalments within a period not exceeding thirty years with interest at a rate not exceeding five pounds per centum per annum from the date of the service of notice of demand until the whole amount is paid, and any such instalments and interest or any part thereof may be recovered in a summary manner from the owner or occupier, and, if recovered from the occupier, may be deducted by him from the rent of such premises.
- (5) In this section "owner" shall have the same meaning as in the Public Health Act, 1875.
- (6) This section shall be deemed to be part of Part II. of the principal Act.

## **29 Information to tenants of houses for the working classes**

In the case of houses intended or used for occupation by the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in every rent book or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected ; and, if any person demands or collects any rent in contravention of the provisions of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding forty shillings.

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### **30 Power to authorise superior landlord to enter and execute works**

- (1) Where it is proved to the satisfaction of the court, on an application in accordance with rules of court of any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes, that the premises on the land are or are likely to become dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced, or that the applicant should be entrusted with the carrying out of a scheme of reconstruction or improvement approved by the local authority of the district in which the land is situate, the court may make an order empowering the applicant forthwith to enter on the land and within the time fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative underlease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.
- (2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose area the land is situated or which has approved a scheme of reconstruction or improvement under this section to exercise such supervision or take such action as may be necessary for the purpose.
- (3) For the purposes of this section, " court" means the High Court of Justice, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.

### **31 Extension of powers under Settled Land Acts**

The powers conferred upon a tenant for life by the Settled Land Acts, 1882 to 1890, shall include the following further powers :—

- (a) A power to make a grant in fee simple or absolutely, or a lease for any term of years, for a nominal price or rent or for less than the best price or rent which could be obtained for the purpose of the erection thereon of dwellings for the working classes or the provision of gardens to be held in connection therewith. Provided that no more than two acres in the case of land situate in an urban district or ten acres in the case of land situate in a rural district shall be granted as a site for such dwellings or gardens in any one parish without payment of the full price or rent for the excess, except under an order of the court;
- (b) A power, where money is required for the provision of dwellings available for the working classes, to raise the money on mortgage of the settled land or of any part thereof by conveyance of the fee simple or other the estate subject to the settlement or by creation of a term of years in the settled land or any part thereof or otherwise, and the money so raised shall be capital money for that purpose and may be paid or applied accordingly.

### **32 Penalty on re-letting house ordered to be closed**

If any owner of a house in respect of which a closing order is in force, or any other person, lets or attempts to let or occupies or permits to be occupied that house or any part thereof as a dwelling-house, he shall on summary conviction be liable to a fine not exceeding twenty pounds.

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### **33 Amendment of s.11 of principal Act**

The enactments regulating the provision to be made under Part I. of the principal Act for the accommodation of persons of the working classes displaced by the operation of a scheme under that Part shall be the same in cases where the area comprised in the scheme is situate in the county or city of London as in other cases, and accordingly subsection (1) of section eleven of that Act, and in subsection (2) the words "where " and "comprises an area situate elsewhere than in the county or city of London, it " shall be repealed.

### **34 Arrangements between the Local Government Board and other Departments**

The Local Government Board may make arrangements with any other Government Department for the exercise or performance by that Department of any of their powers and duties under the Housing Acts which in their opinion could be more conveniently so exercised and performed, and in such case the Department and officers of the Department shall have the same powers and duties as are by the Housing Acts conferred on the Local Government Board and their officers.

### **35 Provisions of Housing Acts not to be affected by the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915**

Nothing in the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, or in the enactments amending that Act, shall be deemed to affect the provisions of section seventeen of the Housing, Town Planning, &c. Act, 1909, or to prevent a local authority from obtaining possession of any house the possession of which is required by them for the purpose of exercising their powers under the Housing Acts or under any scheme made under' those Acts.

### **36 Compensation in cases of subsidence**

Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891, a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any houses belonging to such local authority or council, and provided under a housing scheme towards the losses on which the Local Government Board is liable to contribute under this Act.

### **37 Application of Act to New Forest**

The provision of houses under the Housing Acts shall be deemed to be a local sanitary requirement for the purpose of the New Forest (Sale of Lands for Public Purposes) Act, 1902. Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed 30 acres.

### **38 Extension of powers of Commissioners of Woods**

The Commissioners of Woods may under and in accordance with the provisions of the Crown Lands Acts, 1829 to 1906, sell or let to a local authority for the purposes of Part III. of the principal Act any part of the land described on the duplicate plans which have been deposited with the Clerk of Parliaments and the Clerk of the House of Commons notwithstanding that such land may be part or parcel of a royal park,

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if the Local Government Board, after holding a local inquiry, are satisfied that the acquisition of the land by the local authority for such purposes as aforesaid is desirable in the national interest.

### **39 Procedure and minor amendments of Housing Acts, 40. Construction**

- (1) The amendments specified in the second column of the Second Schedule to this Act (which relate to procedure under Part I. and Part II. of the principal Act and to minor details) shall be made in the provisions of the principal Act the Housing of the Working Classes Act, 1903, and the Housing, Town Planning, &c. Act, 1909, specified in the first column of that schedule.
- (2) Sections fourteen and fifteen of the Housing, Town Planning, &c. Act, 1909, shall be deemed to be part of Part II. of the principal Act.

### **40 Construction.**

This Part of this Act shall be construed as one with the principal Act, and any provisions of this Part of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained, and references in this Part of this Act to, the principal Act or to any provision of the principal Act shall be construed as references to that Act or provision as amended by any subsequent enactment, including this Part of this Act;

In this Part of this Act—

The expression "houses for the working classes" has the same meaning as the expression "lodging-houses for the working classes" has in the principal Act;

The expression "sale" includes sale in consideration of an annual rentcharge, and the expression "sell" has a corresponding meaning;

The expression "public utility society" means a society registered under the Industrial and Provident Societies Acts, 1893 to 1913, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding six per cent. per annum ;

The expression "housing trust" means a corporation or body of persons which, by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto ;

The expression "building byelaws" includes byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings including the drainage thereof and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets, and any byelaws made with respect to such matters under any such local Act,

### **41 Application to London of certain provisions of the Housing Acts**

- (1) For the purposes of the application of Part III of the principal Act to the county of London—

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- (a) the London County Council shall be the local authority for the county, to the exclusion of any other authority, so far as regards the provision of any houses outside the administrative county of London ;
- (b) the council of a metropolitan borough shall be the local authority for the metropolitan borough, to the exclusion of any other authority, so far as regards the provision of houses within the metropolitan borough ;

Provided—

- (i) that nothing in this section shall prejudice or affect the rights, powers and privileges of the London County Council in regard to any lands, buildings or works acquired, provided or carried out by the County Council before the date of the passing of this Act; and
  - (ii) that where the London County Council are satisfied that there is situate within the area of a metropolitan borough land suitable for development for housing, the county council may submit a scheme for the approval of the Local Government Board for the development of such land to meet the needs of districts situate outside the area of such borough, and the county council may carry into effect any scheme which is so approved, and such approval shall have the like effect as if it had been given under section one of this Act;
  - (c) the Local Government Board may by order direct that any of the powers or duties of the council of a metropolitan borough under Part III. of the principal Act shall be transferred to the London County Council, or that any of the powers or duties of the London County Council under Part III. of the principal Act shall be transferred to the council of a metropolitan borough.
- (2) Any loss which may be incurred by the council of a metropolitan borough in carrying out a scheme to which section seven of this Act applies shall be repaid to them by the London County Council, and any payments so made by the London County Council shall be deemed to have been made as part of the expenses incurred by them in carrying out a scheme to which that section applies.
- (3) The London County Council and the Common Council of the City of London may at any time enter into an agreement for carrying out any scheme for the purposes of Part I. or Part III. of the principal Act, and for the apportionment of the expenses incurred in carrying out such scheme, and, if the scheme is a scheme to which section seven of this Act applies, any payments made under such apportionment by the county council and the common council shall be deemed to have been made as part of the expenses incurred in carrying out a scheme to which that section applies.