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## SCHEDULES

### NINTH SCHEDULE

Sections 49, 144.

#### REHOUSING BY UNDERTAKERS

- 1 If in the administrative county of London or in any borough or urban district, or in any parish in a rural district, the undertakers have power to take under the enabling Act dwellings occupied by thirty or more persons, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Minister has either approved of a housing scheme under this Schedule or has decided that such a scheme is not necessary.  
  
For the purpose of determining for the purposes of this Schedule, the number of persons by whom any dwellings are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Minister under this Schedule, for his approval of or decision with respect to a housing scheme, shall be taken into consideration.
- 2 The housing scheme shall make provision for the accommodation of such number of persons as is, in the opinion of the Minister, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons displaced ; and in calculating that number the Minister shall take into consideration not only the persons who are occupying the dwellings which the undertakers have power to take, but also any persons who, in the opinion of the Minister, have been displaced within the previous five years in view of the acquisition of land by the undertakers.
- 3 (1) Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part V of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings ; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.  
  
(2) For the purposes of the Acquisition of Land (Authorisation Procedure) Act, 1946, this paragraph shall be deemed to have been in force immediately before the commencement of that Act, and for the purposes of subsection (3) of section eight of the Statutory Orders (Special Procedure) Act, 1945, this paragraph shall be deemed to be an enactment passed before that Act.
- 4 The housing scheme shall provide that any land acquired under the scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings, except so far as the Minister may dispense with such appropriation; and every conveyance, demise, or lease of any such land shall be

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endorsed with notice of tin's provision, and the Minister may require the insertion in the scheme of any provision with respect to the standards of the houses that are to be erected under the scheme, or any conditions to be complied with as to the mode in which the houses are to be erected.

5 If the Minister does not hold a local inquiry with reference to a housing scheme, he shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation by any such authority made within the time fixed by him.

6 The Minister may, as a condition of his approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any dwellings under the enabling Act.

7 Before approving any scheme the Minister may, if he thinks fit, require the undertakers to give such security as the Minister considers proper for carrying the scheme into effect.

8 If the undertakers enter on any dwellings in contravention of the provisions of this Schedule, or of any conditions of approval of the housing scheme made by the Minister, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling.

Any such penalty shall be recoverable by the Minister by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

9 If the undertakers fail to carry out any provision of the housing scheme, the Minister may make such order as he may think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by order of mandamus.

10 The Minister may, on the application of the undertakers, modify any housing scheme which has been approved by him under this Schedule, and any modifications so made shall take effect as part of the scheme.

11 For the purposes of this Schedule—

- (a) the expression " undertakers " means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act;
- (b) the expression " enabling Act " means any Act of Parliament or Order under which the land is acquired ;
- (c) the expression " local authority " means, as respects England and Wales other than the administrative county of London, the council of any county, borough, urban district or rural district, as respects the City of London, the Common Council, and, as respects the administrative county of London other than the City of London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated ;
- (d) the expression " dwelling " or " house " means any house or part of a house occupied as a separate dwelling.