



Housing Act 1957

1957 CHAPTER 56

PART V

PROVISION OF HOUSING ACCOMMODATION

General powers and duties of local authorities

104 Power of disposing of houses provided under Part V

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose in regard to the maintenance or use of the houses, and upon any such sale or on the grant of any such lease they may, if they think fit, agree to the price or any premium being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.
- (2) For the purposes of the foregoing subsection the consent of the Minister may be given generally either to all local authorities or to any local authority or authorities and either in relation to all houses or to any house or houses, and may be given subject to such conditions as the Minister thinks expedient as to the price or rent to be obtained or otherwise as to the exercise of any powers of the authority under this section in connection with the sale or lease.
- (3) On the sale of a house in accordance with this section (not being a sale to a local authority, county council, development corporation, housing association or housing trust subject to the jurisdiction of the Charity Commissioners) a local authority may in any case, and shall if so required by the Minister, impose conditions—
 - (a) limiting the price at which the house may be sold during any period not exceeding five years from the completion of the sale,
 - (b) limiting the rent at which the house may be let to the limit imposed by section twenty of the Rent Act, 1957, during any such period,

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- (c) precluding the purchaser (including any successor in title of his and any person deriving title under him or any such successor) from selling or letting the house during any such period unless he has notified the authority of the proposed sale or letting and offered to resell or sell the house to them and the authority have refused the offer or have failed to accept it within one month after it is made, and prescribing or providing for the determination of the price to be paid in the event of the acceptance of such an offer.
- (4) Where a house has been sold by a local authority subject to any such condition as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection the following enactments, that is to say—
- (a) section seven of the Building Materials and Housing Act, 1945 (which, as amended by section forty-three of the Housing Act, 1949, imposes penalties for breach of certain conditions of building licences),
 - (b) paragraphs (a) and (b) of subsection (3) and subsection (4) of section nine of that Act (which contains supplementary provisions for ascertaining when a house is sold or let, or sold or let at an excessive price or rent), and
 - (c) subsection (6) of section forty-three of the Housing Act, 1949 (which relates to the jurisdiction of justices to try offences under the said section seven),
- shall apply as if the house were constructed under the authority of a building licence granted subject to the like condition, and for that purpose shall have effect as if for the reference in the said section seven (as amended as aforesaid) to the period of eight years beginning with the passing of the said Act of 1945 there were substituted a reference to the period specified in the condition.
- (5) Where any such condition as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of subsection (3) of this section is imposed on the sale of a house by a local authority, the condition shall be registered in the register of local land charges by the proper officer of the local authority in such manner as may be specified by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, but without prejudice to the registration under section ten of that Act of any condition being an estate contract within the meaning of that Act.
- (6) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (7) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.