

---

*Status: This is the original version (as it was originally enacted).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

---

## SCHEDULES

### THIRD SCHEDULE

Section 24.

#### ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

##### PART I

###### PROCEDURE FOR MAKING ORDERS

- 1 An order under section twenty-four of this Act (hereafter in this Schedule referred to as the principal section) shall be in the prescribed form and shall describe by reference to a map—
  - (a) the clearance area to which it relates,
  - (b) the area affected by the clearance order to which it relates, and
  - (c) the houses and other buildings to be excluded by the order under the principal section from the clearance area.
- 2 (1) As soon as practicable after making the order, the local authority shall—
  - (a) publish in a newspaper circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the houses and other buildings to be excluded by the order from the clearance area and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours, and
  - (b) serve on every owner and occupier of any house or other building to be excluded by the order from the clearance area a notice in the prescribed form.(2) A notice under paragraph (b) of the foregoing sub-paragraph shall—
  - (a) set out the effect of the order,
  - (b) state that the order is about to be submitted to the Minister for confirmation, and specify the time within which and the manner in which objections to the order can be made, and
  - (c) draw attention to the provisions of Part II of this Schedule which come into effect on the making of the order.(3) After the required notices have been given the local authority shall submit the order to the Minister for confirmation.
- 3 (1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions of this paragraph, the Minister may, if he thinks fit, confirm the order with or without modification.
  - (2) If any objection duly made by any such person is not withdrawn, the Minister shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom an objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed for the purpose, and, after considering any objection not withdrawn and the report of the

---

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

---

person who held the inquiry or of the person appointed as aforesaid, may, subject to the provisions of this paragraph, confirm the order with or without modification.

- (3) An order as confirmed under this paragraph shall not exclude from the clearance area any building which would not have been excluded if the order had been confirmed without modification, except that the Minister may under this paragraph modify an order so as to exclude a house or other building—
- (a) which was properly included in the clearance area only on the ground that by reason of its bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, and
  - (b) which has not been included in a clearance order or compulsory purchase order under Part III of the principal Act,
- if every owner of the building, and the occupier of every part of the building, have given their consent in writing.
- (4) The order shall come into force when it is confirmed.
- (5) As soon as the order is confirmed the local authority—
- (a) shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and
  - (b) shall serve a like notice on every person having an interest in every house or other building comprised in the order, whether as freeholder, lessee, mortgagee or otherwise.

## PART II

### CONSEQUENCE OF MAKING ORDER

#### *Suspension of duty to vacate and demolish budding*

- 4 (1) On the date on which an order is made under the principal section, subsection (3) of section forty-four of the principal Act (which makes it the duty of the owner of a building comprised in a clearance order to demolish it) shall cease to apply to the houses and other buildings comprised in the order under the principal section.
- (2) On the said date—
- (a) so much of the clearance order as relates to the vacation of buildings, and
  - (b) subsections (2), (3) and (4) of section forty-five of the principal Act (which relate to the recovery of possession), and
  - (c) any notice served under the said section forty-five,
- shall cease to apply to the houses and other buildings comprised in the order under the principal section.

#### *Re-imposition of duties where order is not confirmed*

- 5 (1) If the Minister notifies the local authority that he declines to confirm the order, or if the order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Minister, the provisions of this paragraph

---

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

---

shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.

- (2) The local authority shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and may fix different dates for different buildings ; and sections forty-four and forty-five of the principal Act shall apply as if that date had been fixed for those purposes by the clearance order.
- (3) The local authority shall not less than twenty-eight days before the date (or the earliest date) fixed under the last foregoing sub-paragraph serve on the owner or owners of the houses or other buildings a notice giving them that date and informing them of their duty under subsection (3) of the said section forty-four as applied by this paragraph to demolish the houses or other buildings.

*Payments for well maintained houses and houses held by owner-occupiers*

- 6 (1) After the, making of an order under the principal section the right to any payment under section sixty or section sixty-one of the principal Act (under which payments may be made for houses in clearance areas which have been well maintained or, in certain circumstances, which are held by an owner-occupier) shall be suspended as respects the houses or other buildings comprised in the order, but—
  - (a) if the Minister notifies the local authority that he declines to confirm the order, that right shall again be enforceable, and
  - (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Minister, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.
- (2) Except so far as any undertaking given to a local authority so provides, the coming into operation of an order under the principal section shall not give rise to a duty to repay any payment which has been made under the said section sixty or the said section sixty-one before that time.

*Condemned houses let to local authorities*

- 7 Paragraphs 4 and 5 of this Schedule shall not apply to a house comprised in a clearance order which, in pursuance of section forty-six of the principal Act, provides that the demolition of the house in pursuance of the clearance order is to be postponed until the authority determine that the house is no longer required for use for housing purposes.

*Condemned houses temporarily occupied under licence*

- 8 (1) Sub-paragraph (2) of paragraph 4 of this Schedule shall not apply to any house as respects which a licence is for the time being in force under section fifty-three of the principal Act (which relates to houses in existing clearance areas temporarily occupied under licence from the local authority), and paragraph 5 of this Schedule shall not apply to a house as respects which such a licence is in force at the time when the Minister notifies the local authority that he declines to confirm the order or, as the case may be, at the time when he confirms the order.

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

---

- (2) On the confirmation of an order under the principal section any licence in force under the said section fifty-three as respects a house excluded from the clearance area by the order shall cease to have effect.