



Housing Act 1961

1961 CHAPTER 65

PART II

AMENDMENTS OF HOUSING ACT, 1957

Houses in multiple occupation

17 Right of appeal against notice requiring execution of works

- (1) A person on whom a notice is served under either of the two last foregoing sections may, within twenty-one days from the service of the notice, or within such longer period as the local authority may in writing allow, appeal to a county court on any of the following grounds which are appropriate in the circumstances of the particular case—
- (a) that the condition of the house did not justify the local authority, having regard to the considerations in subsection (1) of section fifteen of this Act, in requiring the execution of the works specified in the notice, or, in the case of a notice under the last foregoing section, that the notice is not justified by the terms of that section,
 - (b) that there has been some informality, defect or error in, or in connection with, the notice,
 - (c) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
 - (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose, and
 - (e) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

Status: This is the original version (as it was originally enacted).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

- (2) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (3) Where the grounds upon which an appeal under this section is brought include the ground specified in paragraph (e) of subsection (1) of this section, the court, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, may on the hearing of the appeal make such order as it thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is executed by the local authority, to the local authority.
- (4) If on an appeal under this section against a notice served under section fifteen of this Act the court is satisfied that the number of persons living in the house has been reduced, and that adequate steps (whether by the exercise by the local authority of the powers conferred by the following provisions of this Part of this Act to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased, the court may if it thinks fit revoke the notice or vary the list of works specified in the notice.