



Housing Act 1964

1964 CHAPTER 56

PART II

COMPULSORY IMPROVEMENT OF DWELLINGS TO PROVIDE STANDARD AMENITIES

Acceptance of undertakings

24 Acceptance of undertakings to carry out works

- (1) The local authority may at any time before an improvement notice has been served under this Part of this Act in respect of a dwelling which is without one or more of the standard amenities accept from the person having control of the dwelling, or from any other person having an estate or interest in the dwelling, an undertaking in writing to improve the dwelling to the full standard or, if in the opinion of the local authority it is not capable of improvement at reasonable expense to the full standard, to the reduced standard.
- (2) The undertaking shall specify the works agreed to be carried out, and the period within which they are to be carried out.
- (3) If the local authority have accepted an undertaking under this section as respects a dwelling they shall not serve an improvement notice under this Part of this Act as respects that dwelling—
 - (a) unless any of the works specified in that undertaking are not carried out within the period so specified, or within such longer period as the local authority may by permission in writing have allowed, or
 - (b) unless the local authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled.
- (4) An improvement notice as respects a dwelling in relation to which the local authority have accepted an undertaking under this section may, notwithstanding the limitation in section 15(2), section 19(4), section 21(2) or section 22(1) of this Act, be served at any time within two years (or such other period as may be prescribed) from the end of

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the period specified in the undertaking or, if the local authority have allowed a longer period, from the end of that longer period.

- (5) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling, except so far as, under subsection (1) or subsection (2) of section 39 of this Act, he may be enabled to carry out those works without the requisite consent; and if the dwelling is for the time being occupied by a tenant there must be incorporated in the undertaking the tenant's written consent, signed by him, to the carrying out of the works specified in the undertaking.
- (6) The local authority shall discharge an undertaking if at any time they consider that the dwelling no longer falls within paragraph (b) or paragraph (c) of section 14(1) of this Act (or the corresponding provision of section 19 of this Act), and may discharge an undertaking under this section in any other case.

The discharge of the undertaking shall be effected by serving notice of the discharge on the person who gave the undertaking, and the local authority shall serve a copy of the notice on the occupier of the dwelling (if different from that person) and on every other person who, to the knowledge of the local authority is an owner, lessee or mortgagee of the dwelling.

- (7) This section shall apply in relation to a tenement block in England and Wales as it applies in relation to a dwelling but as if the reference in subsection (6) of this section to section 19 of this Act included a reference to section 20 of this Act, and subject to any other necessary modifications.

25 Acceptance of undertakings to carry out works on dwellings in certain tenements in Scotland

- (1) Where an immediate improvement notice has been served under section 22 of this Act in respect of any dwelling comprised in a tenement in Scotland, the person having control of the dwelling or any person on whom a copy of the said notice has been served under subsection (2) of the said section may give to the local authority, within a period of twenty-one days from the date of service of the notice or such longer period therefrom as the authority may, either during or after the expiry of the twenty-one days, determine to be appropriate, an undertaking in writing that he will within such period as may be specified in the undertaking carry out such works for the improvement of the dwelling as may be so specified, and if an undertaking is given as aforesaid the authority shall as soon as may be either—
- (a) accept the undertaking and make an order (in this Part of this Act referred to as a "suspension order") suspending the notice and any other immediate improvement notice which in the opinion of the authority ought to be suspended in consequence of their acceptance of the undertaking ; or
 - (b) reject the undertaking and serve on the person who gave the undertaking notice that they have done so.
- (2) A local authority shall not accept an undertaking given under this section if—
- (a) the undertaking proposes improvement of the dwelling to the reduced standard and, in the opinion of the local authority, the dwelling is capable of improvement at reasonable expense to the full standard, or
 - (b) the fulfilment of the undertaking will render necessary the rehousing of any of the occupants of dwellings in the tenement, unless the local authority

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are satisfied that suitable alternative accommodation is available or can be provided for any occupant who will require to be rehoused.

- (3) Before accepting an undertaking under this section, the local authority shall satisfy themselves that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons interested in the dwelling except so far as, under subsection (1) or subsection (2) of section 39 of this Act, he may be enabled to carry out those works without the requisite consent.
- (4) Where a local authority have accepted an undertaking under this section, then if within the period specified in the undertaking, or such longer period as the local authority may by permission in writing have allowed, and before all the works so specified are carried out, the local authority are satisfied that, owing to a change of circumstances since the undertaking was accepted by them, the undertaking is unlikely to be fulfilled, they shall revoke the relevant suspension order made by them under subsection (1) (a) of this section.
- (5) If at any time after accepting an undertaking under this section, the local authority consider that the dwelling no longer falls within paragraph (a) or paragraph (b) of section 22(1) of this Act, they shall discharge the undertaking and withdraw the immediate improvement notice in connection with which the undertaking was given; and they may discharge an undertaking under this section in any other case and in that case shall withdraw the immediate improvement notice in connection with which the undertaking was given.

The discharge of the undertaking and withdrawal of the related immediate improvement notice shall be effected by serving notice of the discharge and withdrawal on the person who gave the undertaking and on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the last-mentioned notice on every other person who to the knowledge of the authority is an owner of the dwelling and on the tenant (if any) of the dwelling.

- (6) As soon as practicable after service of a notice under the last foregoing subsection the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that the said notice has been served as aforesaid.