



Housing Act 1964

1964 CHAPTER 56

PART II

COMPULSORY IMPROVEMENT OF DWELLINGS TO PROVIDE STANDARD AMENITIES

Improvement of dwellings: improvement areas

13 Declaration of improvement area

- (1) If a local authority are satisfied that any area in their district contains dwellings lacking one or more of the standard amenities and that, of the dwellings in that area which are so lacking, at least one half—
- (a) are so constructed that it is practicable to improve them to the full standard, and
 - (b) will, after they have been improved to the full standard, be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as dwellings for a period of not less than fifteen years,

the local authority may cause the area to be defined on a map and may pass a resolution declaring the area so defined to be an improvement area for the purposes of this Part of this Act.

- (2) As soon as may be after the passing of a resolution under this section the local authority shall publish in one or more local newspapers circulating in the locality where the improvement area is situated a notice—
- (a) stating that the area has been declared an improvement area, giving sufficient particulars to identify the limits of the area, and naming a place where a copy of the resolution and of the map defining the area may be seen at all reasonable hours, and
 - (b) setting out the effect of the provisions of this Part of this Act regarding the compulsory improvement of dwellings in an improvement area.

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- (3) It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether there is any area in the district which ought to be declared to be an improvement area, and for that purpose it shall be the duty of each local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as the Minister may prescribe.
- (4) After the declaration of an improvement area under this section it shall be the duty of the local authority to take such action under this Part of this Act as appears to them appropriate as respects the dwellings in the improvement area.
- (5) No account shall be taken under subsection (1) of this section of dwellings in any tenement block, and no improvement notice shall be served in respect of a dwelling in a tenement block under the following provisions of this Act relating to improvement areas.
- (6) This section shall apply to Scotland subject to the following modifications:—
 - (a) in relation to the passing by a local authority of a resolution under subsection (1) of this section in respect of any area every dwelling in which is comprised in a tenement, that subsection shall have effect as if for the references to improvement to the full standard there were substituted references to improvement to the full or to the reduced standard;
 - (b) subsection (3) shall have effect as if the words from " and for that purpose " to the end were omitted ;
 - (c) subsection (5) shall not apply, but no preliminary notice or improvement notice shall be served under sections 14 to 18 of this Act in respect of a dwelling comprised in a tenement.

14 Preliminary notice of local authority's proposals for improvement of dwelling

- (1) At any time after publication of a notice of the declaration of an improvement area as required by subsection (2) of the last foregoing section the local authority, if satisfied that a dwelling in the improvement area—
 - (a) is for the time being occupied by a tenant, and
 - (b) is without one or more of the standard amenities but is capable of improvement at reasonable expense to the full standard or, if not, is capable of improvement at reasonable expense to the reduced standard, and
 - (c) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,
 may serve a notice (in this Part of this Act referred to as " a preliminary notice") on the person having control of the dwelling—
 - (i) specifying the works which in their opinion are required for the dwelling to be improved to the full standard' or, as the case may be, to the reduced standard, with an estimate of the cost of carrying out those works, and
 - (ii) stating the date (being a date not less than twenty-one days after service of the preliminary notice) and time and place at which the future use of the dwelling, the local authority's proposals for the carrying out of the works, any alternative proposals, and the views and interests of the tenant and any other matters may be discussed.

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- (2) The local authority shall, not less than twenty-one days before the date so stated in the preliminary notice, in addition to serving the notice on the person having control of the dwelling, serve a copy of the notice on the tenant and on every other person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling ; and the person having control of the dwelling, and every owner, lessee or mortgagee of the dwelling shall be entitled to be heard when the local authority's proposals are discussed in accordance with the notice.

15 Improvement notices

- (1) After the service of a preliminary notice, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the dwelling are discussed in accordance with the preliminary notice and, in particular, any representations with respect to the nature of the works proposed by the local authority for improving the dwelling.
- (2) At any time after the occasion when the local authority's proposals are so discussed, but not more than two years (or such other period as may be prescribed) after the passing of the resolution declaring the area to be an improvement area, the local authority may, if satisfied that the dwelling still falls within paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section, serve a notice (in this Part of this Act referred to as " an improvement notice ") on the person having control of the dwelling.
- (3) In addition to serving the notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the notice on the tenant of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.
- (4) The improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwelling to the full standard or, as the case may be, to the reduced standard.
- (5) The works specified in the improvement notice may be different from the works specified in the preliminary notice but shall not require the improvement of a dwelling to the full standard or, as the case may be, to the reduced standard if the preliminary notice provided for the improvement of the dwelling to the other of the two standards.
- (6) As soon as may be after service of an improvement notice under this section, it shall be registered in the register of local land charges by the proper officer of the local authority in the prescribed manner.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection ; and in this subsection " prescribed " means prescribed by rules made in the exercise of that power.

- (7) Subsection (6) of this section shall not apply to Scotland, but as soon as practicable after service of an improvement notice under this section in Scotland 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.

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16 Immediate improvement notices

- (1) If when the improvement notice is served on the person having control of the dwelling the local authority have received from the person who is then the tenant occupying the dwelling his consent to the improvement of the dwelling to the standard provided in the preliminary notice, the local authority shall in the improvement notice require the person having control of the dwelling to carry out the works specified in the improvement notice within twelve months (or such other period as may be prescribed) from the date when the improvement notice becomes operative or such longer period as the local authority by permission given in writing may from time to time allow.
- (2) The tenant's consent must be in writing, signed by him, and shall be irrevocable.
- (3) An improvement notice to which this section applies is referred to in this Part of this Act as " an immediate improvement notice ".

17 Suspended improvement notices

- (1) If the last foregoing section does not apply, the improvement notice shall be in the form prescribed by this section and is referred to in this Part of this Act as " a suspended improvement notice ".
- (2) A suspended improvement notice shall refer to the provisions of this section, and shall indicate that in the circumstances specified in this and the next following section the local authority propose to exercise the powers conferred on them by this Part of this Act with a view to requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice.
- (3) If at any time after the service of a suspended improvement notice on the person having control of the dwelling—
 - (a) the local authority are satisfied that there has been a change in the occupation of the dwelling since the suspended improvement notice was so served, or
 - (b) the local authority have received from a person who at that time is occupying the dwelling as a tenant his consent to the improvement of the dwelling to the standard required in the suspended improvement notice,
 and the local authority are satisfied that the dwelling—
 - (i) is still without one or more of the standard amenities but is capable of improvement at reasonable expense to the standard required in the suspended improvement notice, and
 - (ii) after being so improved will be in such condition as to be fit for human habitation, and will be likely, subject to normal maintenance, to remain in that condition and available for use as a dwelling for a period of not less than fifteen years,

the local authority shall serve on the person having control of the dwelling a copy of the suspended improvement notice together with a further notice (in this Part of this Act referred to as a " final improvement notice ") requiring the person having control of the dwelling to carry out the works specified in the suspended improvement notice within twelve months (or such other period as may be prescribed) from the date when the final improvement notice becomes operative or within such longer period as the local authority may by permission given in writing from time to time allow.

The tenant's consent given for the purposes of this subsection must be in writing, signed by him, and shall be irrevocable.

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- (4) In addition to serving the final improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the suspended improvement notice and of the final improvement notice on the occupier of the dwelling and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the dwelling.
- (5) If at any time after the service of a suspended improvement notice on the person having control of a dwelling, but before the service of a final improvement notice in respect of that dwelling, and before the expiration of a period of five years from the declaration of the area as an improvement area, there is a change in the occupation of the dwelling it shall be the duty of the person who is for the time being the person having control of the dwelling to inform the local authority by notice in writing of that fact and of the time when it occurred.
- (6) If the local authority have not received a notice required under the last foregoing subsection within six weeks from the time when the change took place, any person who was within the meaning of this Act a person having control of the dwelling when the change took place and who knowingly failed to comply with that requirement shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 or section 23 of the Summary Jurisdiction (Scotland) Act 1954 (time limit for proceedings) proceedings for the offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the local authority or within three years from the commission of the offence, whichever is the earlier.
- A certificate stating the date when evidence of an offence under this section came to the knowledge of the local authority, and purporting to be signed by an officer of the local authority, shall be sufficient evidence of the facts stated in the certificate in any proceedings for an offence under this section.
- (7) Where an offence punishable under the last foregoing subsection which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (8) The local authority shall withdraw a suspended improvement notice—
- (a) if at any time before service of the final improvement notice they consider that the dwelling no longer falls within paragraph (i) or paragraph (ii) of subsection (3) of this section, or
 - (b) if they are satisfied that a tenant for the time being occupying the dwelling has become an owner of the dwelling, or that on the coming to an end of the tenancy of a person who was occupying the dwelling, a member of his family who was residing with him immediately before the end of the tenancy has become an owner of the dwelling.

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

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- (9) For the purposes of this section there is a change in the occupation of a dwelling when the person who was occupying the dwelling when the suspended improvement notice was served on the person having control of the dwelling ceases to occupy the dwelling, except that there is no change in the occupation of a dwelling occupied by a tenant if, on his ceasing to occupy the dwelling, it is occupied by a member of his family who was residing with him immediately before he ceased to occupy the dwelling.
- (10) As soon as practicable after service of a withdrawal notice under subsection (8) of this section in Scotland 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.

18 Suspended improvement notices: effect after 5 years

- (1) No obligation to serve a final improvement notice shall arise under the last foregoing section after the date when the period of five years from the declaration of the area as an improvement area expires, but in the period of six months (or such other period as may be prescribed) from that date the local authority may, subject to this section, proceed under that section to serve a final improvement notice irrespective of whether or not either of the conditions set out in paragraph (a) and paragraph (b) of subsection (3) of that section is fulfilled; and if, when that further period beginning from the said date expires, there is any suspended improvement notice in connection with which no final improvement notice has been served, that suspended improvement notice shall cease to have effect.
- (2) If neither of those conditions is fulfilled, the local authority shall afford to the person, if any, who is occupying the dwelling as a tenant a reasonable opportunity of making an application in writing to the local authority before the time when they serve the final improvement notice with a request to the local authority to provide the tenant with suitable alternative accommodation: and if the tenant duly makes the application and the local authority proceed to serve a final improvement notice, it shall be the duty of the local authority to offer, or arrange for some other authority or person to offer, suitable alternative accommodation to the tenant, so as to afford to the tenant a reasonable opportunity of taking up that alternative accommodation.
- (3) Within six weeks of service of a copy of the final improvement notice on the tenant in accordance with subsection (4) of the last foregoing section, the tenant may appeal to the county court on the ground that the local authority have not complied with their obligations under the last foregoing subsection and on the appeal the court shall, if satisfied that the local authority have not complied with those obligations, order that the final improvement notice shall not become operative unless, within twelve months (or such other period as may be prescribed) from the hearing of the appeal, the local authority satisfy the court that they have complied with those obligations.

If the local authority have not so satisfied the court, they shall at the end of that period from the hearing of the appeal withdraw the improvement notice and the withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of the notice on the occupier of the dwelling and on every person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling.

- (4) If an appeal is brought under the last foregoing subsection it shall be the duty of the local authority, when served with notice of the appeal, to inform the person having control of the dwelling, and every other person who, to the knowledge of the local

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authority, is an owner, lessee or mortgagee of the dwelling, of the bringing of the appeal and to draw their attention to the provisions of the last foregoing subsection and the effect which it may have on the improvement notice.

- (5) As soon as practicable after service of a withdrawal notice under subsection (3) of this section in Scotland 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.