



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.

Improvement of dwellings outside improvement areas

19 Dwellings outside improvement areas

- (1) A tenant occupying a dwelling which is not in an improvement area and is not in a tenement block, and which is without one or more of the standard amenities, may make representations in writing to the local authority with a view to the exercise by the local authority of their powers under this section.
- (2) The local authority shall notify the person having control of the dwelling of any representations so made.
- (3) If on taking the representations into consideration the local authority are satisfied—
- (a) that the person making representations with a view to the exercise by the local authority of their powers under this section is a tenant who is occupying the dwelling, and
 - (b) that the dwelling 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) that, having regard to all the circumstances, the dwelling ought to be improved to the full standard or, as the case may be, to the reduced standard, and that it is unlikely that it will be so improved unless the local authority exercise their powers under this section, and
 - (d) that the dwelling 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 may serve a preliminary notice (that is to say a notice containing the particulars to be contained in a preliminary notice under paragraphs (i) and (ii) of section 14(1) of this Act) on the person having control of the dwelling, and shall serve a copy of any preliminary notice so served on the tenant and on every other person who is to the knowledge of the local authority 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.

If the local authority decide not to serve a preliminary notice under this subsection they shall notify the tenant of the dwelling of their decision and, if the tenant so requests, shall give him a written statement setting out their reasons for making their decision.

- (4) 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

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by the local authority for improving the dwelling ; and 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 date when the representations in writing made under subsection (1) of this section were received by them, the local authority may, if satisfied that the dwelling still falls within paragraphs (b), (c) and (d) of subsection (3) of this section, serve a notice (in this Part of this Act referred to as "an immediate improvement notice") on the person having control of the dwelling.

- (5) The immediate improvement notice shall 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, and—
- (a) the 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,
 - (b) the works specified in the notice may be different from the works specified in the preliminary notice, and the notice may require the improvement of the dwelling to the full standard or, as the case may be, to the reduced standard notwithstanding that the preliminary notice provided for the improvement of the dwelling to the other of the two standards, and
 - (c) if the works are to a lower standard than full improvement, the improvement notice may, at the discretion of the local authority, specify a period shorter than twelve months.
- (6) In addition to serving the immediate improvement 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.
- (7) The power of serving a preliminary notice under this section, and of taking any further steps authorised under this Part of this Act, may be exercised by the local authority notwithstanding that the tenant who made representations under this section quits the dwelling and notwithstanding that after the tenant has made those representations the local authority pass a resolution declaring an area which comprises the dwelling to be an improvement area.
- (8) As soon as may be after service of an immediate 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.

- (9) In the application of this section to Scotland—
- (a) in subsection (1), the words "and is not in a tenement block" shall be omitted ;
 - (b) subsection (8) shall not apply, but as soon as practicable after service of an immediate improvement notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

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Tenement blocks in England and Wales

20 Tenement blocks in England and Wales

- (1) If as respects a tenement block in England and Wales, whether in an improvement area or not, the local authority are satisfied—
 - (a) that all or any of the dwellings in the tenement block are without one or more of the standard amenities, and
 - (b) that those dwellings are capable of improvement at reasonable expense to the full standard or, if not, to the reduced standard, and
 - (c) that those dwellings 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 living accommodation for a period of not less than fifteen years,they may at any time serve a notice (in this Part of this Act referred to as " a preliminary notice ") on the person having control of the tenement block—
 - (i) specifying the works which in the opinion of the local authority are required so as to improve the dwellings in the tenement block to the full standard or, so far as in the opinion of the local authority the dwellings are not capable of improvement at reasonable expense to the full standard, 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 notice) and time and place at which the local authority's proposals for the carrying out of the works, any alternative proposals, and the views and interests of the tenants and any other matters may be discussed.
- (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 tenement block, serve a copy of the notice on the occupier of each of the dwellings in the tenement block and on every other person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the premises; and the person having control of the premises and every owner, lessee or mortgagee of the premises shall be entitled to be heard when the local authority's proposals are discussed in accordance with the notice.
- (3) Where in the opinion of the local authority any two or more dwellings in the tenement block, although not capable of improvement at reasonable expense to the full standard so as to include in each a bathroom containing a fixed bath or shower, can be provided for the exclusive use of the occupants of the dwellings with a number of such bathrooms which is not less than half the number of those dwellings, the works specified in the notice may include works for the provision of such bathrooms to that number for the exclusive use of the occupants of those dwellings.
- (4) It shall be the duty of every local authority to cause an inspection of their district to be made with a view to ascertaining whether there are any premises in their district which ought to be dealt with under this section, 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.

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21 Immediate improvement notices as respects tenement blocks

- (1) After the service of a preliminary notice under the last foregoing section, the local authority shall take into consideration all representations made on or before the occasion when their proposals with respect to the tenement block 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 tenement block.
- (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 service of the preliminary notice on the person having control of the tenement block, the local authority may, if satisfied that the premises still fall 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 immediate improvement notice") on the person having control of the tenement block requiring that person to carry out the works specified in the notice within twelve months (or such other period as may be prescribed) from the date when the notice becomes operative or within such longer period as the local authority may by permission given in writing from time to time allow.
- (3) In addition to serving the notice on the person having control of the tenement block, the local authority shall at the same time serve a copy of the notice on the person occupying each dwelling in the tenement block and on every other person who is to the knowledge of the local authority an owner, lessee or mortgagee of the tenement block.
- (4) The immediate improvement notice shall specify the works which in the opinion of the local authority are required to improve the dwellings in the tenement block to the full standard or, so far as in the opinion of the local authority the dwellings are not capable of improvement at reasonable expense to the full standard, for improvement to the standard permitted under subsection (3) of the last foregoing section or to the reduced standard.
- (5) The works specified in the immediate improvement notice may be different from the works specified in the preliminary notice but shall not require the improvement of any dwelling to the full standard unless the preliminary notice provided for the improvement of that dwelling to the full standard.
- (6) As soon as may be after service of an immediate 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 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.

Tenements in improvement areas in Scotland

22 Immediate improvement notices in respect of dwellings in tenements in improvement areas in Scotland

- (1) At any time within two years (or such other period as may be prescribed) after the passing by a local authority in Scotland of a resolution declaring an area in their district

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to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area—

- (a) 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
- (b) 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,

serve a notice (in this Part of this Act referred to as " an immediate improvement notice") on the person having control of the dwelling.

- (2) In addition to serving the immediate improvement notice on the person having control of the dwelling, the local authority shall at the same time serve a copy of the 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.
- (3) The immediate 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 and the period, being twelve months (or such other period as may be prescribed) from the date when the immediate improvement notice becomes operative or such longer period as the local authority by permission given in writing may from time to time allow, within which the works are to be carried out.
- (4) If at any time after the service of an immediate improvement notice under this section the local authority consider that the dwelling no longer falls within paragraph (a) or paragraph (b) of subsection (1) of this section, they shall withdraw the said notice.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall at the same time serve a copy of the 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.

- (5) As soon as practicable after service of an immediate improvement notice or a withdrawal notice under this section the local authority shall cause to be recorded in the General Register of Sasines a certificate in the prescribed form stating that such notice has been served as aforesaid.

23 Local authorities may acquire dwellings, etc., in tenements in improvement areas in Scotland

- (1) Subject to the provisions of this section, at any time after the passing by a local authority in Scotland of a resolution declaring an area in their district to be an improvement area such authority may, if they are satisfied that any of the dwellings comprised in a tenement in that area falls within paragraph (a) and paragraph (b) of section 22(1) of this Act, and whether or not they have served an immediate improvement notice in respect of the dwelling under the said section 22, acquire—
 - (a) the dwelling, if in the opinion of the authority it is unlikely that it will be improved to the full or, as the case may be, to the reduced standard unless it is acquired by them;
 - (b) any other part of the tenement in which the dwelling is comprised, if—
 - (i) the authority in satisfying themselves that the dwelling falls within the said paragraph (a) have formed the opinion that it is capable of

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- improvement at reasonable expense to the full or, as the case may be, to the reduced standard only if the said part is used or made available, wholly or partly, for the purposes of such improvement, and
- (ii) in the opinion of the authority it is unlikely that the said part will be used or made available as aforesaid unless it is acquired by them.

In this subsection the references to a part of a tenement include references to any yard, garden, outhouses, pertinents or rights pertaining to any estate or interest in the tenement or any part thereof or usually enjoyed along with that estate or interest.

- (2) The provisions of sections 63 to 65 of the Act of 1950 (which relate to the acquisition by a local authority of land for the purposes of Part V of that Act and to the powers of a local authority in dealing with land so acquired) shall apply in relation to the acquisition of land under the foregoing subsection and to land acquired under that subsection as if such acquisition were for the purposes of the said Part V:

Provided that a compulsory purchase order shall not be made by a local authority by virtue of section 64 of the Act of 1950 as applied by this subsection after the expiry of two years (or such other period as may be prescribed) from the passing by the authority of the resolution declaring the area in which the land proposed to be acquired is situated to be an improvement area.

- (3) This section shall be included among the enactments to which section 22 of the Scottish Act of 1957 (which provides a special procedure for completion of compulsory acquisition of land under certain enactments) applies; and accordingly subsection (1) of that section shall have effect as if after the words " Housing (Scotland) Act 1962 " there were inserted the words " or section 23 of the Housing Act 1964 ".
- (4) Where a local authority acquire a dwelling under paragraph (a) of subsection (1) of this section, they shall execute, or secure the execution of, such works on that dwelling as are necessary to improve the dwelling to the full or, as the case may be, to the reduced standard; and a local authority shall secure that, so far as is necessary, any subjects acquired by them under paragraph (b) of the said subsection are used or made available for the improvement of the dwelling in connection with the improvement of which they were acquired.
- (5) The power conferred on a local authority by section 131(1) of the Act of 1950 to pay certain allowances to persons displaced in consequence of the exercise of certain powers shall include power to pay allowances to any person displaced from a house or building which, or a part of which, has been acquired by a local authority under this section ; and accordingly in the said section 131(1) after paragraph (e) there shall be inserted the following paragraph—

“, or

- (f) which, or a part of which, has been acquired by the local authority under section 23 of the Housing Act 1964”.

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

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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 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.

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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 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

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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.

General provisions as to improvement notices and undertakings

26 General provisions as to improvement notices

- (1) Any improvement notice shall, if no appeal is brought against the improvement notice under the next following section, become operative on the expiration of six weeks from the date of the service of the improvement notice on the person having control of the dwelling or other premises; and any improvement notice against which an appeal is so brought shall, if and so far as it is confirmed by the county court, or on appeal from the county court, become operative on the final determination of the appeal.
- (2) For the purposes of the foregoing subsection the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the improvement notice or decision appealed against.
- (3) An improvement notice shall, subject to the right of appeal conferred by the next following section, be final and conclusive as to any matters which could be raised on any such appeal.
- (4) Without prejudice to the provisions of this Part of this Act making it the duty of a local authority to withdraw an improvement notice in specified circumstances, the local authority may, if they think fit, at any time withdraw any improvement notice, including a final improvement notice served in connection with a suspended improvement notice.

The withdrawal shall be effected by serving notice of the withdrawal on the person having control of the dwelling or other premises, 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 person who, to the knowledge of the local authority, is an owner, lessee or mortgagee of the dwelling or other premises.

If the improvement notice relates to a tenement block a copy of the notice shall be served on the occupier of every dwelling in the tenement block.

- (5) In the application of this section to Scotland—
- (a) the words " or other premises ", wherever they occur, shall be omitted;
 - (b) in subsection (1), for the words from " and any " to the end there shall be substituted the words " and any improvement notice against which an appeal is so brought shall—
 - (i) if and so far as it is confirmed by the sheriff, become operative on the final determination of the appeal;
 - (ii) if, in the case of an immediate improvement notice served under section 22 of this Act, it is suspended by the sheriff under paragraph (a)(ii) of section 27(10) of this Act, it shall become

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operative on the suspension ceasing to have effect in terms of the said paragraph " ;

- (c) any period after the service of an immediate improvement notice under section 22 of this Act and while an undertaking given under section 25 of this Act is under consideration, and any period while a suspension order under paragraph (a) of subsection (1) of the said section 25 is in force, shall be left out of account in reckoning, in relation to the said immediate improvement notice, the period of six weeks referred to in subsection (1) of this section ;
- (d) in subsection (2), the words " or decision" shall be omitted;
- (e) in subsection (4), the words from " If the improvement notice " to the end shall be omitted ;
- (f) as soon as practicable after service of a withdrawal notice under this section 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.

27 Appeal against improvement notice

- (1) Within six weeks from the service on the person having control of the premises of an improvement notice, any such person or any other person having an estate or interest in the premises, other than a person whose only estate or interest is as a tenant occupying the premises, may appeal to the county court against the improvement notice.
- (2) The grounds of the appeal may be all or any of the following, that is—
 - (a) that it is not practicable to comply with the requirements of the improvement notice at reasonable expense, regard being had to the estimated cost of the works and the value which it is estimated that the dwelling or other premises will have when the works are completed;
 - (b) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works specified in the notice are otherwise unreasonable in character or extent;
 - (c) that the dwelling, or any of the dwellings in the premises, is not, or is no longer, without one or more of the standard amenities, or that the dwelling or other premises after being improved would not be in such condition as to be fit for human habitation, and likely, subject to normal maintenance, to remain in that condition and available for use as living accommodation for a period of not less than fifteen years ;
 - (d) that some person other than the appellant will as the holder of an estate or interest in the dwelling or other premises, derive a benefit from the execution of the works and that that person ought to pay the whole or part of the cost of the execution of the works;
 - (e) that the improvement notice is invalid on the ground that any requirement of this Act has not been complied with or on the ground of some informality, defect or error in or in connection with the improvement notice.
- (3) In so far as an appeal under this section is based on the ground that the improvement notice is invalid, the court shall confirm the improvement notice unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.
- (4) No appeal shall be brought against a final improvement notice on any ground which is a ground on which an appeal was brought, or might have been brought, against the

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- suspended improvement notice to which the final improvement notice relates except so far as that ground depends on an alteration in the dwelling or the building of which the dwelling forms part, or on some other change in circumstances, which has taken place since the service of the suspended improvement notice.
- (5) On any appeal under this section the court may, subject to subsection (7) of this section, make such order either confirming or quashing or varying the improvement notice as the court thinks fit but not, in the case of an immediate improvement notice or a final improvement notice, so as to extend the period within which the works are to be carried out.
- (6) On any appeal under this section the court may, if the court thinks fit, accept from an appellant or any other party to the proceedings an undertaking to carry out the works specified in the improvement notice, or any such works as might have been so specified if the court exercised its jurisdiction to vary the improvement notice ; and any undertaking accepted by the court shall have the same effect as if it had been given to and accepted by the local authority under this Part of this Act, and had not been given to the court.
- (7) An improvement notice shall not be varied on an appeal under this section—
- (a) so as to require the carrying out of works to improve a dwelling to the full standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the reduced standard, or
 - (b) so as to require the carrying out of works to improve a dwelling to the reduced standard if the works specified in the improvement notice appealed against were works to improve the dwelling to the full standard.
- (8) Where the grounds on which an appeal under this section is brought include the grounds specified in subsection (2)(d) of this section, the court 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 works are carried out by the local authority, to the local authority.
- (9) If an improvement notice is quashed by the county court, or on appeal from the county court, the court taking the decision may, if it thinks fit, and subject to compliance by the local authority with such terms and conditions as the court thinks fit to impose, extend the time within which, under section 15(2), section 19(4) or section 21(2) of this Act, as the case may be, the local authority may serve a further improvement notice in respect of the dwelling.
- (10) This section shall apply to Scotland subject to the following modifications:—
- (a) the persons who may appeal under subsection (1) against an immediate improvement notice served under section 22 of this Act in respect of any dwelling shall include a tenant occupying that dwelling, and subsections (2) to (9) shall not apply in relation to an appeal by such a tenant, but—
 - (i) such a tenant may appeal only on the ground that the carrying out of the works specified in the improvement notice will cause unreasonable hardship to him or to any member of his family residing with him, regard being had to the age, health and any infirmity of the tenant or any such member;
 - (ii) on such an appeal the sheriff may either confirm or suspend the improvement notice as he thinks fit, and any such suspension shall cease to have effect when there is a change in the occupation of the dwelling;

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- (iii) for the purposes of sub-paragraph (ii) of this paragraph there is a change in the occupation of a dwelling when the tenant who was occupying the dwelling when the improvement notice was suspended by the sheriff ceases to occupy the dwelling, except that there is no change in the occupation of the dwelling if, on the tenant 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;
- (b) any period after the service of an immediate improvement notice under section 22 of this Act and while an undertaking given under section 25 of this Act is under consideration, and any period while a suspension order under paragraph (a) of subsection (1) of the said section 25 is in force, shall be left out of account in reckoning, in relation to the said immediate improvement notice, the period of six weeks referred to in subsection (1) of this section;
- (c) in subsection (2), the words " or other premises ", where ever they occur, and the words " or any of the dwellings in the premises " shall be omitted ;
- (d) where in pursuance of subsection (6) of this section the sheriff accepts an undertaking to carry out works on a dwelling comprised in a tenement, being a dwelling in respect of which an immediate improvement notice has been served under section 22 of this Act, he shall direct the local authority to make an order (in this Part of this Act referred to as a " suspension order ") suspending the immediate improvement notice appealed against and any other immediate improvement notice which in the opinion of the sheriff ought to be suspended in consequence of his acceptance of the undertaking, and for the purposes of this Part of this Act a suspension order made by a local authority in compliance with a direction of the sheriff given under this paragraph shall be deemed to have been made by them under section 25(1)(a) of this Act;
- (e) in subsection (9), the words " or on appeal from the county court" shall be omitted, and for the words " section 21(2) " there shall be substituted the words " section 22(1) ";
- (f) where an improvement notice is quashed on an appeal under this section the local authority shall as soon as practicable thereafter cause to be recorded in the General Register of Sasines a notice stating that the said notice has been quashed as aforesaid.

28 Enforcement of improvement notices and undertakings to carry out works

- (1) If the works to be carried out in compliance with an immediate improvement notice or a final improvement notice (as read with the suspended improvement notice), or an undertaking accepted under this Part of this Act, have not been carried out in whole or in part within the period specified in the notice or undertaking, or within any further period which the local authority have by permission given in writing allowed, the local authority may themselves do the work which has not been completed.
- (2) If before the expiration of the period mentioned in the foregoing subsection the person who is for the time being the person having control of the dwelling or who is bound by the undertaking notifies the local authority in writing that he does not intend or is unable to do the work in question, the local authority may, if they think fit, do the work before the expiration of the said period.
- (3) Not less than twenty-one days before beginning to do the work, the local authority shall serve notice of their intention on the occupier of the dwelling, on the person

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having control 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) This section shall apply in relation to an improvement notice or undertaking relating to a tenement block as if for the reference in subsection (3) to the occupier of the dwelling there were substituted a reference to the occupier of each dwelling in the tenement block and as if in subsections (2) and (3) references to the dwelling in any other context were references to the tenement block.
- (5) Subsection (4) of this section shall not apply to Scotland.

29 Recovery of expenses incurred by local authority in England and Wales on default under improvement notice

- (1) Any expenses reasonably incurred by the local authority under the last foregoing section in carrying out works (not being works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act) may, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by them by action from the person on whom the improvement notice was served:

Provided that if the person served with an improvement notice proves that he—

- (a) was only properly served with the notice as being an agent or trustee for some other person, and
- (b) does not have, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

- (2) If the person served with an improvement notice was only properly served as being an agent or trustee for some other person, the said expenses may be recovered by the local authority under subsection (1) of this section either from him or from that other person, or as to part from him and as to the remainder from that other person.
- (3) Expenses recoverable by the local authority under subsection (1) of this section shall carry interest at the rate, or the highest rate, for the time being fixed under section 10(6) of the Act of 1957.

A demand for the expenses so recoverable, together with interest so payable, shall be served on the person on whom the improvement notice was served, and interest shall be payable from the date when the demand is so served until payment.

- (4) The amount of any expenses and interest thereon due to a local authority under this section shall, as from the date when the demand under subsection (3) of this section becomes operative, be a charge on the premises in respect of which the expenses were incurred, and on all estates and interests in those premises, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

The power of appointing a receiver under this subsection shall be exercisable at any time after the expiration of one month from the date when the said demand becomes operative.

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- (5) On the date on which a local authority under subsection (3) of this section serve a demand for expenses incurred by them, they shall also serve a copy of the demand on any person who is to their knowledge an owner or lessee or mortgagee of the dwelling or other premises to which the improvement notice relates; and within twenty-one days from that date any person may appeal to the county court against the demand.

On the appeal no question may be raised which might have been raised on an appeal against the improvement notice (or, in the case of a final improvement notice, against the relevant suspended improvement notice).

- (6) Any such demand shall, if no appeal is brought under the last foregoing subsection, become operative on the expiration of twenty-one days from the date of service of the demand ; and any such demand as respects which an appeal is so brought shall, if and so far as it is confirmed on appeal, become operative on the final determination of the appeal.

For the purposes of this subsection the withdrawal of an appeal shall be deemed to be a final determination thereof having the like effect as a decision confirming the demand appealed against.

- (7) Any such demand shall, subject to the right of appeal conferred by subsection (5) of this section, be final and conclusive as to any matters which can be raised on such an appeal.
- (8) This section shall not apply to Scotland.

30 Recovery of expenses incurred by local authority in England and Wales on default by person giving undertaking

- (1) Any expenses reasonably incurred by the local authority under section 28 of this Act in carrying out works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act, together with interest from the date when a demand for the expenses is served until payment, may be recovered by them by action from the person who gave the undertaking.
- (2) Interest under this section shall be at the rate, or the highest rate, for the time being fixed under section 10(6) of the Act of 1957.
- (3) This section shall not apply to Scotland.

31 Recovery of expenses incurred by local authority in Scotland

- (1) Subsections (3), (4) and (5) of section 8 of the Act of 1950 (which relate to the recovery by a local authority of expenses incurred by them in executing works on an insanitary house) shall, subject to any necessary modifications, apply for the purpose of enabling a local authority to recover any expenses reasonably incurred by them under section 28 of this Act in carrying out works in pursuance of that section as they apply for the purpose of enabling a local authority to recover the first-mentioned expenses, so, however, that the person from whom expenses incurred by a local authority in carrying out works in pursuance of the said section 28 may be recovered shall, in the case of works to which that section applied as being works as respects which an undertaking was accepted under this Part of this Act, be the person who gave the undertaking.

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- (2) Section 16 of the Act of 1950 (appeals) shall apply in relation to a demand by a local authority for the recovery of expenses incurred by them in carrying out works in pursuance of section 28 of this Act and in relation to an order made by a local authority with respect to any such expenses.
- (3) This section shall not apply in relation to the recovery by a local authority of any expenses so far as such expenses are by any direction of the sheriff on appeal recoverable under an order of the sheriff.

32 Charging orders in favour of persons carrying out works in England and Wales

Sections 14 and 15 of the Act of 1957 (charging orders in favour of owner executing works) shall apply as if any reference to works required to be executed by a notice under Part II of that Act included a reference to works required to be carried out by an immediate improvement notice or a final improvement notice.

33 Charging orders in Scotland

- (1) Where any person has completed, in respect of any dwelling, any works required to be executed by an improvement notice or any works as respects which an undertaking was accepted under this Part of this Act, he may apply to the local authority for a charging order, and subsections (2) to (4) of section 20, and section 21, of the Act of 1950 shall, with any necessary modifications, apply in relation to any such application or order as they apply in relation to an application or order under the said section 20 and as if any reference in the said section 21 to Part II of the Act of 1950 included a reference to this Part of this Act.
- (2) Where under section 28 of this Act a local authority have themselves incurred expenses in the execution of works, it shall be competent for them to make a charging order in favour of themselves in respect of such expenses, and subsections (2) to (4) of section 20, and section 21, of the Act of 1950 shall, with any necessary modifications, apply to a charging order so made in like manner as they apply to a charging order made under the said section 20 and as if any reference in the said section 21 to Part II of the Act of 1950 included a reference to this Part of this Act.

Relations between lessors and lessees

34 Adjustment of relations between lessors and lessees

- (1) Where a person who incurs expenditure in complying with an improvement notice is a lessor of the premises to which the notice relates, he may apply to the county court for an increase of the rent payable under the lease (not being controlled rent) and the court, after giving to the lessee and any sub-lessee an opportunity of being heard, and having regard to the amount of the expenditure, to any transfer of the burden of the expenditure from the lessor to any other person and to all the other circumstances, may, if the court thinks fit, make such an order for the variation of the lease by an increase of the rent payable under the lease as will in the opinion of the court afford an appropriate return in respect of the expenditure.
- (2) This section shall not authorise the county court to increase the rent payable to the landlord in respect of an agricultural holding as defined in the Agricultural Holdings Act 1948.

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- (3) In this section " controlled rent" means rent which is subject to a limit imposed by the Rent Act 1957 or any other enactment.
- (4) Subsection (2) of this section shall not apply to Scotland, but this section shall not authorise the sheriff to increase the rent payable to the landlord in respect of—
 - (a) an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act 1949, or
 - (b) a croft within the meaning of the Crofters (Scotland) Act 1955, or
 - (c) a holding within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931.

35 Rent limit in Rent Act 1957 in England and Wales: increase for improvement under Part II

- (1) In the case of an improvement effected in compliance with an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act, section 5 of the Rent Act 1957 (increase for improvements) shall have effect subject to the provisions of this section.
- (2) If—
 - (a) the landlord, or a predecessor in title of the landlord, is the person who expended money on the improvement, and
 - (b) a standard grant under section 4 of the Act of 1959 in respect of the improvement, although obtainable, has not been obtained,
 the said section 5(4) (under which, as amended by section 27 of the Act of 1959, the making of a standard grant reduces the increase of rent authorised by that section) shall apply as if that standard grant had been obtained.
- (3) In any proceedings relating to the increase authorised by the said section 5 in respect of the improvement it shall be assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement.
- (4) The local authority shall, at the request in writing of the landlord or the tenant, give to him an estimate in writing of what the amount of the standard grant would have been if it had been obtained, and for the purposes of any such proceedings that estimate shall be sufficient evidence of what that amount would have been.
- (5) Section 25 of the Rent Act 1957 shall apply for the interpretation of this section.

36 Increase in controlled rent in Scotland in respect of improvement under Part II

- (1) In the case of an improvement effected in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act, section 2(1)(a) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 (increase for improvements) shall have effect subject to the provisions of this section.
- (2) If a standard grant under section 19 of the Act of 1959 in respect of the improvement, although obtainable, has not been obtained, the said section 2(1)(a) (under which the amount of the permitted increase in rent in respect of expenditure incurred by the landlord on the improvement of a dwelling-house to which the said Act of 1920 applies is limited to an amount calculated at a rate per annum not exceeding twelve and one half per cent. of the amount so expended) shall apply as if for the reference therein to

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the amount expended on the improvement there were substituted a reference to that amount diminished by a sum equal to what the amount of the said standard grant would have been if it had been obtained.

- (3) In any proceedings relating to the increase permitted by the said section 2(1)(a) in respect of the improvement it shall be assumed, until the contrary is proved, that a standard grant was obtainable in respect of the improvement.
- (4) The local authority shall, at the request in writing of the landlord or the tenant, give to him an estimate in writing of what the amount of the standard grant would have been if it had been obtained, and for the purposes of any such proceedings that estimate shall be sufficient "evidence of what that amount would have been.
- (5) In this section " landlord " and " tenant" have the same meanings respectively as in the said Act of 1920.

37 Amendments of Agricultural Holdings Act 1948

- (1) Section 9 of the Agricultural Holdings Act 1948 (increases of rent for improvements carried out by landlord) shall apply as if references in subsection (1) of that section to improvements carried out at the request of the tenant included references to improvements carried out in compliance with an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act:

Provided that where the tenant has contributed to the cost incurred by the landlord in carrying out the improvement, the increase in rent provided for by the said section 9 shall be reduced proportionately.

- (2) Any works carried out in compliance with an immediate improvement notice or final improvement notice or an undertaking accepted under this Part of this Act shall be included among the improvements specified in paragraph 8 of Schedule 3 to the Agricultural Holdings Act 1948 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 78 of that Act to amend the said Schedule 3 ; and section 49 of that Act (which makes that right to compensation conditional on the landlord consenting to the carrying out of the improvements) shall not apply to any works carried out in compliance with such a notice or undertaking.
- (3) Where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with any such notice or undertaking, compensation in respect of the works, as assessed under section 48 of the said Act of 1948, shall be reduced proportionately.

38 Adjustment of relations between lessors and lessees of agricultural holdings, etc., in Scotland

- (1) Section 8 of the Agricultural Holdings (Scotland) Act 1949 (increases of rent for improvements carried out by landlord) shall apply as if references in subsection (1) of that section to improvements carried out at the request of the tenant included references to improvements carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act:

Provided that where the tenant has contributed to the cost incurred by the landlord in carrying out the improvement, the increase in rent provided for by the said section 8 shall be reduced proportionately.

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- (2) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall be included among the improvements specified in paragraph 18 of Schedule 1 to the Agricultural Holdings (Scotland) Act 1949 (tenant's right to compensation for erection, alteration or enlargement of buildings), but subject to the power conferred by section 79 of that Act to vary the said Schedule 1; and sections 51 and 52 of that Act (which make that right to compensation subject to certain conditions) shall not apply to any works carried out in compliance with such a notice or undertaking:

Provided that where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with any such notice or undertaking, compensation in respect of the works, as assessed under section 49 of the said Act of 1949, shall be reduced proportionately.

- (3) Any works carried out in compliance with an immediate improvement notice or a final improvement notice or an undertaking accepted under this Part of this Act shall—
- (a) if carried out on a croft within the meaning of the Crofters (Scotland) Act 1955, be permanent improvements on that croft and be deemed to be suitable to the croft for the purposes of section 14(1)(a) of the said Act of 1955 (crofter's right to compensation for improvements),
 - (b) if carried out on a holding within the meaning of the Small Landholders (Scotland) Acts 1886 to 1931, be permanent improvements on that holding and be deemed to be suitable to the holding for the purposes of section 8(a) of the Crofters Holdings (Scotland) Act 1886 (landholder's right to compensation for improvements),

and accordingly, after paragraph 1 of Schedule 5 to the said Act of 1955, and after paragraph 1 of the Schedule to the said Act of 1886 (both of which Schedules relate to permanent improvements), there shall be inserted the following paragraph—

“(1A) Works carried out in compliance with an immediate improvement notice or a final improvement notice served, or an undertaking accepted, under Part II of the Housing Act 1964”.

Other supplemental provisions

39 Provisions as to carrying out of works

- (1) The person having control of any premises—(a) which consist of or comprise a dwelling in an improvement area which is without all or any of the standard amenities, or
- (b) which consist of or comprise a dwelling in respect of which representations have been made by the tenant under section 19(1) of this Act, or
 - (c) which consist of a tenement block in respect of which a preliminary notice has been served,

shall, as against any other person having an estate or interest in the premises, have the right to enter the premises in order to carry out any survey or examination required with a view to providing the dwelling or, as the case may be, any of the dwellings in the tenement block, with any of the standard amenities.

- (2) After service of an immediate improvement notice or a final improvement notice in respect of any dwelling or tenement block, the person having control of the dwelling or, as the case may be, the tenement block shall have the right, as against any other

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person having an estate or interest in the premises, to take any reasonable steps for the purpose of complying with the improvement notice; and any person bound by an undertaking accepted under this Part of this Act shall have the right as against the occupier of the premises to which the undertaking relates to take any reasonable steps for the purpose of complying with the undertaking.

- (3) Section 161 of the Act of 1957 (penalty for preventing execution of works) shall apply as if any reference in that section to Part II of that Act included a reference to this Part of this Act.
- (4) Without prejudice to the provisions of subsection (2) of this section, the carrying out of works in pursuance of an improvement notice or an undertaking accepted under this Part of this Act shall not give rise to any liability on the part of a lessee to reinstate the premises at any time in the condition in which they were before the works were carried out, or to any liability for failure so to reinstate the premises.
- (5) In the application of this section to Scotland—
 - (a) in subsections (1) and (2), the references to a tenement block shall be omitted ;
 - (b) in subsection (3), for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950.

40 Further powers and duties of local authority

- (1) Section 159 of the Act of 1957 (which confers powers of entry on local authorities for the purposes mentioned in that section) shall apply to entry for the purpose of survey and examination of any dwelling with a view to ascertaining whether the requirements of any improvement notice served, or undertaking accepted, under this Part of this Act have been complied with.
- (2) A local authority may by agreement with a person having control of a dwelling or any other person having an estate or interest in a dwelling execute at his expense any work which that person is required to carry out in the dwelling in pursuance of an improvement notice or of an undertaking accepted under this Part of this Act, and for that purpose the local authority shall have all such rights as that person would have as against any other person having an interest in the dwelling.
- (3) Where under this Part of this Act a local authority are required to serve a copy of a notice on any person who is to their knowledge an owner, lessee or mortgagee of any premises, any person having an estate or interest in those premises who is not served with a copy of the notice shall, on application in writing to the local authority, be entitled to obtain a copy of that notice.
- (4) In the application of this section to Scotland, in subsection (1) for the reference to the Act of 1957 there shall be substituted a reference to the Act of 1950.

41 Exclusion of dwellings controlled by Crown or a public authority

- (1) No preliminary notice or improvement notice shall be served in respect of any premises in which there is a Crown or Duchy interest except with the consent of the appropriate authority and, where a preliminary notice or improvement notice is served with the consent of the appropriate authority, this Part of this Act shall apply to the premises as it applies to premises in which there is no such interest.

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- (2) No preliminary notice or improvement notice shall be served in respect of any premises if the person having control of the premises is—
- (a) a local authority,
 - (b) the Commission for the New Towns or a development corporation,
 - (c) a housing association satisfying one of the conditions set out in paragraphs (a), (b) and (c) of section 33(2) of the Housing Repairs and Rents Act 1954 (exclusion of certain lettings from Rent Acts) or, in Scotland, a housing association satisfying one of the conditions set out in paragraphs (a), (b) and (c) of section 25(2) of the Scottish Act of 1954 (exclusion of certain lettings from Rent Acts),
 - (d) a housing trust which is a charity within the meaning of the Charities Act 1960 or, in Scotland, a housing trust within the meaning of section 39(1) of the Scottish Act of 1954 which was in existence on 13th November 1953,
 - (e) the Scottish Special Housing Association,
 - (f) the Housing Corporation established under Part I of this Act, or
 - (g) an executive council constituted under section 32 of the National Health Service (Scotland) Act 1947,
- and if after such a notice is served any such authority as is mentioned in paragraphs (a) to (g) above becomes the person having control of the premises, any such notice as respects the premises, and any undertaking accepted under this Part of this Act as respects the premises, shall cease to have effect.
- (3) If, in consequence of the provisions of subsection (2) of this section, an improvement notice ceases to have effect it shall be the duty of the authority mentioned in paragraphs (a) to (g) of that subsection—
- (a) where the notice related to a dwelling or other premises in England and Wales, to notify the officer who registered the notice or undertaking in the register of local land charges, and to furnish him with all information required by him for the purpose of cancelling the registration, and
 - (b) where the notice related to a dwelling in Scotland, to notify the local authority and to furnish them with all information required by them for the purpose of recording in the General Register of Sasines a notice stating that the improvement notice has ceased to have effect, and the local authority shall as soon as practicable after receiving such notification cause to be recorded in the General Register of Sasines a notice to the said effect.
- (4) In this section " Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, and " the appropriate authority "—
- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;
 - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
 - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and

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- (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

- (5) In this section " local authority " means—
- (a) in relation to England and Wales, any authority being, within the meaning of the Local Loans Act 1875 an authority having power to levy a rate, and includes—
- (i) any joint board or joint committee all the constituent members of which are such authorities as aforesaid, and
- (ii) any police authority, but does not include the Receiver for the Metropolitan Police District;
- (b) in relation to Scotland, a local authority, joint board or joint committee as respectively defined by the Local Government (Scotland) Act 1947.

42 Exclusion of certain dwellings provided after 1944

This Part of this Act shall not apply to a dwelling provided after the end of the year 1944, unless the dwelling was provided by the conversion before 3rd October 1961 or, in the case of a dwelling provided in Scotland, by the conversion before the end of the year 1958, of a building erected before the end of the year 1944.

43 Definition of standard amenities and related expressions

- (1) Subject to this section, in this Part of this Act " the standard amenities ", in relation to a dwelling, mean the following amenities provided for the exclusive use of the occupants of the dwelling, that is—
- (a) a fixed bath or shower, which, subject to subsection (2) of this section, is to be in a bathroom ;
- (b) a wash-hand basin ;
- (c) a hot and cold water supply at a fixed bath or shower, which, if reasonably practicable, is to be in a bathroom ;
- (d) a hot and cold water supply at a wash-hand basin;
- (e) a hot and cold water supply at a sink ;
- (f) a water closet; and
- (g) satisfactory facilities for storing food.
- (2) The fixed bath or shower mentioned in paragraph (a) above may, if it is not reasonably practicable for it to be provided in a bathroom, but it is reasonably practicable for it to be provided with a hot and cold water supply, be in a part of the dwelling which is not a bathroom or bedroom.
- (3) The water closet mentioned in paragraph (f) above must, if reasonably practicable, be in, and readily accessible from, the dwelling or, if that is not reasonably practicable, in such a position in the curtilage of the dwelling, or where the dwelling is part of a larger building, in that building, as to be readily accessible from the dwelling.
- (4) In relation to a dwelling which is without one or more of the standard amenities, references in this Part of this Act to the improvement of the dwelling to the full

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standard are references to the carrying out of works to provide the dwelling with those of the standard amenities which it does not have.

- (5) In relation to a dwelling which is without one or more of the standard amenities listed in paragraphs (e), (f) and (g) of subsection (1) of this section, references in this Part of this Act to the improvement of the dwelling to the reduced standard are references to the carrying out of works to provide the dwelling with those of the said standard amenities listed in paragraphs (e), (f) and (g) of subsection (1) of this section which it does not have.
- (6) In determining for the purposes of this Part of this Act whether a dwelling is capable of improvement at reasonable expense to the full standard, or to the reduced standard, regard shall be had to the estimated cost of the works which would be required to provide the dwelling with amenities to the full standard or to the reduced standard, as the case may be, and to the value which it is estimated that the dwelling (or the building of which the dwelling forms part) would have if those works were carried out.
- (7) An order under section 4 or, in relation to Scotland, section 19 of the Act of 1959 varying the standard amenities for the purposes of that Act may also vary the provisions of this section and may contain such transitional and other supplemental provisions, including transitional provisions to take account of the provisions of this Part of this Act, as may appear to the Minister or, as the case may be, to the Secretary of State to be expedient.

44 Interpretation and construction of Part II

- (1) In this Part of this Act, unless the context otherwise requires—
- " dwelling " means a building or part of a building occupied or intended to be occupied as a separate dwelling;
 - " flat " means a separate set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally ;
 - " improvement area " means an improvement area under section 13 of this Act;
 - " improvement notice " means a suspended improvement notice, an immediate improvement notice or a final improvement notice;
 - " local authority " means the council of a county borough, London borough or county district or the Common Council of the City of London, and in relation to Scotland means a local authority for the purposes of the Act of 1950; and, in relation to a dwelling or other premises, references to the local authority are references to the local authority in whose district the premises are situated;
 - " owner ", in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple, and in relation to Scotland has the meaning given by section 184(1) of the Act of 1950 ;
 - " the person having control "—
- (a) in relation to any premises in England and Wales, means the person who receives any rent (including a rack-rent) payable by the tenant (as defined in this section) of the premises, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if the premises were let at a rack-rent, and for the purposes of this

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definition " rack-rent" means rent which is not less than two-thirds of the full net annual value of the premises, and

(b) in relation to any premises in Scotland has the meaning given by section 7(3) of the Act of 1950;

" tenement " means a building which as constructed contained, and which contains, two or more flats;

" tenement block " means a building or a part of a building which was constructed in the form of, and consists of, two or more flats.

(2) In this Part of this Act, unless the context otherwise requires, " tenant"—

(a) includes a sub-tenant and a tenant (as defined in section 12(1)(g) of the Rent and Mortgage Interest (Restrictions) Act 1920) who retains possession by virtue of the Rent Acts and not as being entitled to a tenancy, but does not include—

(i) in relation to England and Wales, a tenant holding under a lease granted for a term certain of more than twenty-one years at a rent of less than two-thirds of the full net annual value of the demised premises, or a mortgagee in possession,

(ii) in relation to Scotland, a tenant holding under a lease granted for a period of more than twenty-one years at a rent of less than two-thirds of the net annual value for rating purposes of the leased premises, or a heritable creditor in possession, and

(b) includes, in relation to a dwelling, a person employed in agriculture (as defined in section 17(1) of the Agricultural Wages Act 1948, or in relation to Scotland, section 17 of the Agricultural Wages (Scotland) Act 1949) who occupies or resides in the dwelling as part of the terms of his employment,

and " tenancy " shall be construed accordingly.

References in this Part of this Act to a tenant occupying a dwelling include, in the case of a tenant within paragraph (b) of this definition, a tenant residing in the dwelling and " occupation " and " occupied " and related expressions shall be construed accordingly; and in relation to a dwelling occupied by such a tenant " the person having control" of the dwelling means, in this Part of this Act, the employer or other person by whose authority the tenant occupies the dwelling.

(3) Sections 4 and 5 of the Act of 1957 or, in relation to Scotland, section 24 of the Act of 1962 and section 23 of the Act of 1950 shall apply for the determination for the purposes of this Part of this Act of any question whether any dwelling—

(a) is fit or unfit for human habitation, or

(b) will be likely, subject to normal maintenance, to remain fit for human habitation and available for use as a dwelling for a period of not less than fifteen years,

and in determining the question under paragraph (b) of this subsection the term " normal maintenance " shall include only such repairs as are reasonable having regard to the prospective life of the dwelling.

(4) This Part of this Act, in its application to England and Wales, shall be construed as one with the Act of 1957 and, in its application to Scotland, shall be construed as one with the Act of 1950.