



Housing Act 1964

1964 CHAPTER 56

PART IV

HOUSES IN MULTIPLE OCCUPATION

Restriction on recovery of possession after making of compulsory purchase order

72 Restriction on recovery of possession after making of compulsory purchase order

- (1) The provisions of this section shall apply where—
- (a) a local authority have made an order under Part I of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, as applied to the acquisition of land under the Act of 1957, authorising the compulsory acquisition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, and
 - (b) any premises forming part of that house are at a time in the relevant period occupied by a person (in this section referred to as " the former lessee ") who was the lessee of those premises when the order was made or became the lessee thereof after the order was made, but who is no longer the lessee thereof.

In this section " the relevant period " means the period of twelve months beginning with the making of the said order or, if at a time before the expiration of the said period of twelve months the Minister notifies the local authority that he declines to confirm the order, or the order is quashed by a court, the period beginning with the making of the order and ending with that time.

- (2) Subject to this section, in proceedings in the county court instituted during the relevant period to enforce against the former lessee the right to recover possession of the premises the court may if it thinks fit—
- (a) suspend the execution of any order for possession of the premises made in the proceedings for such period, not exceeding the period of twelve months beginning with the making of the said compulsory purchase order, and subject to such conditions, if any, as the court thinks fit, and

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- (b) from time to time vary the period of suspension (but not so as to enlarge that period beyond the end of the said period of twelve months), or terminate it, and vary the terms of the order in other respects.

If at any time the Minister notifies the local authority that he declines to confirm the said compulsory purchase order, or that order is quashed by a court, or, whether before or after that order has been submitted to the Minister for confirmation, the local authority decide not to proceed with it, it shall be the duty of the local authority to notify the person entitled to the benefit of the order for possession of the premises, and that person shall be entitled, on applying to the court, to obtain an order terminating the period of suspension, but subject to the exercise of such discretion in fixing the date on which possession is to be given as the court might exercise apart from this subsection if it were then making an order for possession for the first time.

- (3) Subject to this section, it shall not be lawful at any time in the relevant period for the person who, as against the former lessee, is entitled to possession of the premises to enforce against the former lessee, otherwise than by proceedings in the county court, the right to recover possession of the premises.
- (4) Subsections (2) and (3) of this section shall not apply—
- (a) where the person so entitled is the local authority, or
 - (b) where the net annual value for rating of the premises exceeds the limit imposed by section 48 of the County Courts Act 1959 (jurisdiction in actions for recovery of land).
- (5) If any person contravenes the provisions of subsection (3) of this section he shall, without prejudice to any liability or remedy to which he may be subject in civil proceedings, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or both.
- (6) Subsections (4) and (5) of section 23 of the Act of 1961 (criminal liability of directors and other officers of body corporate) shall apply in relation to an offence punishable under this section.
- (7) In the application of this section to Scotland—
- (a) for any reference to the Minister there shall be substituted a reference to the Secretary of State;
 - (b) in subsection (1), for the reference to the Acquisition of Land (Authorisation Procedure) Act 1946 and to the Act of 1957 there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to the Act of 1950;
 - (c) in subsection (2), for any reference to the county court there shall be substituted a reference to a court of competent jurisdiction;
 - (d) for subsections (3), (4) and (5) there shall be substituted the following subsections:—

“(3) Subject to this section, if at any time in the relevant period the person who, as against the former lessee, is entitled to possession of the premises enforces against the former lessee, otherwise than by proceedings in a court of competent jurisdiction, the right to recover possession of the premises, he shall, without prejudice to any liability or remedy to which he may be subject in civil proceedings, be guilty of an offence and liable on summary conviction to a fine not exceeding

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one hundred pounds or to imprisonment for a term not exceeding six months, or both.

- (4) Subsections (2) and (3) of this section shall not apply where the person entitled to possession of the premises is the local authority.”