



Housing Act 1974

1974 CHAPTER 44

PART VIII

COMPULSORY IMPROVEMENT OF DWELLINGS

Dwellings in general improvement areas and housing action areas

85 Provisional notice of local authority's proposals for improvement of dwelling

- (1) If it appears to the local authority by whom a general improvement area or a housing action area has been declared that a dwelling in that area—
- (a) is without one or more of the standard amenities, whether or not it is also in a state of disrepair, and
 - (b) is capable at reasonable expense of improvement to the full standard or, failing that, to the reduced standard, and
 - (c) was provided (by erection or by the conversion of a building already in existence) before 3rd October 1961,
- then, subject to subsection (3) below, the authority may serve a notice under subsection (2) below on the person having control of the dwelling.
- (2) A notice under this subsection (in the following provisions of this Part of this Act referred to as a "provisional notice") shall—
- (a) specify the works which in the opinion of the local authority are required for the dwelling to be improved to the full standard or, as the case may be, to the reduced standard; and
 - (b) state the date, being a date not less than 21 days after service of the provisional notice, and time and place at which the authority's proposals for the carrying out of the works, any alternative proposals, any proposed housing arrangements, the views and interests of the occupying tenant (if any) and any other matters may be discussed.

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- (3) A local authority may not serve a provisional notice in respect of a dwelling which is owner-occupied unless it appears to them that the circumstances are such that it is not reasonably practicable for another dwelling—
- (a) which is in the same building as, or is adjacent to, the dwelling which is owner-occupied, and
 - (b) which is not owner-occupied or in respect of which an application for a grant under Part VII of this Act has been approved,
- to be improved to the full standards or, as the case may be, to the reduced standard without effecting the improvement to one of those standards of the dwelling which is owner-occupied.
- (4) A local authority shall, not less than 21 days before the date stated in a provisional notice as mentioned in subsection (2)(b) above, in addition to serving the notice on the person having control of the dwelling, serve a copy of the notice on the occupying tenant (if any) 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; and the person having control of the dwelling, the occupying tenant (if any) and every other person who is an owner, lessee or mortgagee of the dwelling shall be entitled to be heard when the authority's proposals are discussed in accordance with the notice.
- (5) After the service of a provisional notice and before taking any other action under this Part of this Act, a 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 notice and, in particular, any representations with respect to the nature of the works proposed by them for improving the dwelling or with respect to any proposed housing arrangements.

86 Housing arrangements

- (1) In this Part of this Act "housing arrangements", in relation to a dwelling falling within section 85(1) above, means arrangements falling within subsection (2) below and making provision for the housing of an occupying tenant of the dwelling and his household—
- (a) during the period when improvement works are being carried out, or
 - (b) after the completion of those works, or
 - (c) during that period and after completion of those works,
- and for any matters incidental or ancillary thereto.
- (2) The arrangements referred to in subsection (1) above are arrangements contained in a written agreement to which the occupying tenant and either or both of his landlord and the local authority concerned are parties.

87 Acceptance of undertakings to do works

- (1) In any case where an improvement notice has not yet been served in respect of a dwelling falling within subsection (1) of section 85 above, the local authority referred to in that subsection may, subject to subsection (3) below, 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 practicable at reasonable expense for the dwelling to be improved to the full standard, to the reduced standard.

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- (2) The undertaking shall specify the works agreed to be carried out and the period within which (subject to any variation by the local authority as mentioned in subsection (4)(a) below) the works are to be carried out, being a period ending not more than 9 months after the date on which the undertaking is accepted.
- (3) Before accepting an undertaking under this section with respect to any dwelling, the local authority shall satisfy themselves—
 - (a) that, if there is an occupying tenant, the housing arrangements are satisfactory or no housing arrangements are required and the undertaking incorporates the written consent of the occupying tenant signed by him, to the carrying out of the works specified in the undertaking; and
 - (b) that the person giving the undertaking has a right to carry out the works specified in the undertaking as against all other persons having an estate or interest in the dwelling.
- (4) Where a local authority accept an undertaking under this section with respect to any dwelling, they shall serve a notice to that effect on the person by whom the undertaking was given and shall not thereafter serve an improvement notice with respect to that dwelling—
 - (a) unless any works specified in the 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.
- (5) A local authority who have accepted an undertaking under this section—
 - (a) shall discharge the undertaking if at any time they consider that the dwelling no longer falls within paragraph (a) or paragraph (b) of subsection (1) of section 85 above, and
 - (b) may discharge the undertaking in any other case,and the discharge of an undertaking under this subsection shall be effected by serving a notice of the discharge on the person by whom the undertaking was given.
- (6) Where a local authority serve a notice under subsection (4) or subsection (5) above on the person by whom an undertaking was given, they shall at the same time serve a copy of the notice on the person (if any) who is at that time the occupying tenant of the dwelling and on every other person who, to the knowledge of the authority, is at that time an owner, lessee or mortgagee of the dwelling.

88 Conditions for service of improvement notices

- (1) If a local authority have served a provisional notice in respect of a dwelling and—
 - (a) no undertaking has yet been accepted in respect of the dwelling under section 87 above, or
 - (b) such an undertaking has been accepted but paragraph (a) or paragraph (b) of subsection (4) of section 87 above applies,the local authority may, subject to the following provisions of this section, serve an improvement notice on the person having control of the dwelling.
- (2) Before serving an improvement notice in respect of any dwelling by virtue of subsection (1) above, a local authority shall satisfy themselves—

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- (a) that the dwelling continues to be in a general improvement area or a housing action area; and
 - (b) that the provisions of paragraphs (a) and (b) of subsection (1) of section 85 above still apply in relation to the dwelling; and
 - (c) that the dwelling is not for the time being owner-occupied or that the circumstances specified in subsection (3) of that section apply or still apply in relation to it; and
 - (d) if there is an occupying tenant, that the housing arrangements are satisfactory or that no housing arrangements are required or that the occupying tenant has unreasonably refused to enter into any housing arrangements.
- (3) An improvement notice may not be served in respect of any dwelling by virtue of subsection (1) above,—
- (a) if paragraph (a) of that subsection applies, more than 9 months after the service of the provisional notice referred to in that subsection; and
 - (b) if paragraph (b) of that subsection applies, more than 6 months after the expiry of the period specified in the undertaking mentioned in that paragraph or, as the case may be, such longer period as the local authority may by permission in writing have allowed for the completion of the works specified in the undertaking.
- (4) Where, by virtue of subsection (1) above, a local authority serve an improvement notice on the person having control of a dwelling, they shall at the same time serve a copy of the notice on the occupying tenant (if any) of the dwelling and on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling.

Dwellings outside general improvement areas and housing action areas

89 Compulsory improvement of dwellings outside general improvement areas and housing action areas

- (1) An occupying tenant of a dwelling which—
- (a) is not in a general improvement area or a housing action area, and
 - (b) is without one or more of the standard amenities, whether or not it is also in a state of disrepair, and
 - (c) was provided (by erection or by the conversion of a building already in existence) before 3rd October 1961,
- may make representations in writing to the local authority for the area in which the dwelling is situated with a view to the exercise by the authority of their powers under this section.
- (2) A local authority shall notify the person having control of the dwelling of any representations made to them under subsection (1) above.
- (3) If, on taking the representations into consideration, the local authority are satisfied—
- (a) that the person making the representations is an occupying tenant of the dwelling in question, and
 - (b) that the provisions of paragraphs (a) to (c) of subsection (1) above apply in relation to the dwelling, and

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- (c) that the dwelling is capable at reasonable expense of improvement to the full standard or, failing that, to the reduced standard, and
- (d) 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,

the following provisions of this section shall apply.

- (4) If the local authority are satisfied as mentioned in subsection (3) above, they shall either—
 - (a) serve a provisional notice on the person having control of the dwelling, or
 - (b) notify the occupying tenant of the dwelling of their decision not to serve a provisional notice and give him a written statement setting out their reasons for making that decision,

and where a provisional notice is served by virtue of paragraph (a) above, the provisions of subsections (4) and (5) of section 85 above shall apply accordingly and the dwelling shall be treated for the purposes of section 86 above as being one falling within section 85(1) above.

- (5) Subject to subsection (6) below, in any case where—
 - (a) representations have been made to a local authority under subsection (1) above, and
 - (b) as a result of those representations, a provisional notice has been served by virtue of subsection (4)(a) above,

the local authority may, at any time before the expiry of the period of 12 months beginning with the date on which the representations were received by them, serve an improvement notice on the person having control of the dwelling; and subsection (4) of section 88 above shall apply as it applies in relation to an improvement notice served by virtue of subsection (1) of that section.

- (6) Before serving an improvement notice in respect of a dwelling by virtue of subsection (5) above, a local authority shall satisfy themselves—
 - (a) that the provisions of paragraphs (b) to (d) of subsection (3) above still apply in relation to the dwelling; and
 - (b) that the housing arrangements are satisfactory or that no housing arrangements are required or that the occupying tenant has unreasonably refused to enter into any housing arrangements.

- (7) The power of serving a provisional notice by virtue of subsection (4)(a) above and of taking any further steps authorised under this Part of this Act may be exercised by a local authority notwithstanding that the occupying tenant who made representations under subsection (1) above quits the dwelling and notwithstanding that, after the occupying tenant has made those representations, the authority pass a resolution declaring an area in which the dwelling is situated to be a general improvement area or a housing action area.

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General provisions as to improvement notices

90 Improvement notices: content and registration

- (1) Subject to the following provisions of this section, a notice under this section (in this Part of this Act referred to as an "improvement notice") shall—
 - (a) 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) state the authority's estimate of the cost of carrying out those works; and
 - (c) require the person having control of the dwelling to carry out to the authority's satisfaction the works specified in the notice within the period of 12 months beginning with the date when the improvement notice becomes operative or such longer period as the authority may by permission in writing from time to time allow.
- (2) The works specified in an improvement notice may be different from the works specified in the provisional notice but shall not require the improvement of a dwelling to the full standard if the provisional notice specified works for improving the dwelling only to the reduced standard.
- (3) In an improvement notice which requires the improvement of a dwelling only to the reduced standard the local authority may, if they think fit, substitute for the period of 12 months specified in paragraph (c) of subsection (1) above such shorter period as appears to them to be appropriate.
- (4) As soon as may be after an improvement notice has been served it shall be registered in the register of local land charges—
 - (a) by the proper officer, for the purposes of section 15 of the Land Charges Act 1925, of the council in whose area the dwelling concerned is situated, and
 - (b) in such manner as may be prescribed by rules under section 19 of that Act, and in this subsection "council" means a district council, a London borough council or the Common Council of the City of London.

91 Appeals against improvement notices

- (1) Within 6 weeks from the service on the person having control of the dwelling of an improvement notice, that person, the occupying tenant (if any) of the dwelling or any other person having an estate or interest in the dwelling may appeal to the county court against the improvement notice in accordance with the following provisions of this section.
- (2) Subject to subsection (3) below, the grounds on which an appeal may be brought under this section are all or any of the following.—
 - (a) that it is not practicable to comply with the requirements of the improvement notice at reasonable expense;
 - (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 is within an area declared to be a clearance area under Part III of the Housing Act 1957 and, having regard to all the circumstances of

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- the case, it would be unreasonable for the local authority to require the works specified in the improvement notice to be carried out;
- (d) that the dwelling is not, or is no longer, without one or more of the standard amenities ;
 - (e) that, in a case where the improvement notice requires the improvement of the dwelling to the full standard, the works specified in the notice are inadequate to secure that the dwelling will attain that standard;
 - (f) that some person other than the appellant will, as the holder of an estate or interest in the dwelling (whether or not that estate or interest entitles him to occupation), 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;
 - (g) that the improvement notice is invalid on the ground that any requirement of this Part 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) Without prejudice to the grounds on which he may appeal by virtue of subsection (2) above,—
- (a) an owner-occupier may bring an appeal under this section on the ground that the local authority are in error in considering that the circumstances specified in section 85(3) above exist in relation to the dwelling; and
 - (b) the occupying tenant may bring an appeal under this section on the ground that the condition in section 88(2)(d) above or, as the case may be, section 89(6)(b) above for the service of the improvement notice is not fulfilled.
- (4) Subject to the following provisions of this section, on an appeal under this section the court may make such order either confirming or quashing or varying the improvement notice as the court thinks fit.
- (5) An improvement notice shall not be varied on an appeal under this section—
- (a) so as to extend the period within which the works specified in the notice are to be carried out; or
 - (b) so as to require the carrying out of works to improve a dwelling to the full standard if the works specified in the notice were works to improve the dwelling to the reduced standard ; or
 - (c) so as to require the carrying out of works to improve a dwelling to the reduced standard if the work specified in the notice were works to improve the dwelling to the full standard.
- (6) Where an appeal is brought under this section on the grounds specified in paragraph (f) of subsection (2) above (with or without other grounds), the court may on hearing of the appeal make such order as it thinks fit with respect to the payment to be made by the other person referred to in that paragraph to the appellant or where, by virtue of section 93 below, the works are carried out by the local authority to the local authority.
- (7) 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.

92 Operative effect and withdrawal of improvement notices

- (1) If no appeal is brought against an improvement notice under section 91 above, the notice shall become operative at the expiry of the period of 6 weeks beginning with the

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date of the service of the notice on the person having control of the dwelling, 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 subsection (1) above 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 section 91 above, be final and conclusive as to any matters which could be raised on any such appeal.
- (4) A local authority may, if they think fit, at any time withdraw an improvement notice by serving notice of the withdrawal on the person having control of the dwelling, and the local authority shall serve a copy of any such notice on the occupier of the dwelling (if different from the person having control of it) and on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling.

93 Enforcement of improvement notices

- (1) If the works to be carried out in compliance with an improvement notice have not been carried out in whole or in part within the period specified in the notice, or within such longer period as the local authority by whom the notice was served may by permission in writing have allowed, the authority may themselves carry out so much of the works as has not been completed.
- (2) If before the expiry of the period mentioned in subsection (1) above the person who is for the time being the person having control of the dwelling notifies the local authority in writing that he does not intend or is unable to do the works in question, the authority may, if they think fit, do the works before the expiry of that period.
- (3) If the local authority by whom an improvement notice was served have reason to believe that the person who is for the time being the person having control of the dwelling does not intend or is unable to do the works in question in compliance with the notice,—
 - (a) the authority may, before the expiry of the period mentioned in subsection (1) above, but not earlier than 6 months after the date on which the improvement notice becomes operative, serve on that person a notice requiring him to furnish them, within 21 days of the service of the notice, with evidence of his intentions with respect to the carrying out of the works; and
 - (b) if, from any evidence furnished to them in pursuance of a notice under paragraph (a) above or otherwise, the authority are not satisfied that that person intends to carry out the works in compliance with the notice, they may, if they think fit, do the works before the expiry of the period mentioned in subsection (1) above.
- (4) Not less than 21 days before beginning to do the works the local authority shall serve notice of their intention on the occupier of the dwelling, on the person having control of the dwelling and on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling.

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94 Recovery of expenses incurred by local authority on default under improvement notice

- (1) Subject to subsections (2) and (3) below, any expenses reasonably incurred by a local authority under section 93 above in carrying out works 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 having control of the dwelling.
- (2) A demand for the expenses recoverable by a local authority under subsection (1) above, together with interest thereon in accordance with subsection (3) below, shall be served on the person having control of the dwelling; and on the date on which a demand is so served, the local authority shall serve a copy of the demand on every other person who, to the knowledge of the authority, is an owner, lessee or mortgagee of the dwelling concerned.
- (3) Expenses in respect of which a demand is served under subsection (2) above shall carry interest—
 - (a) from the date on which the demand is so served until payment of all sums due thereunder, and
 - (b) at the rate fixed by section 171(2) of the Local Government Act 1972 (rates of interest in relation to various sums due to local authorities).
- (4) The amount of any expenses and interest thereon due to an authority under this section shall, as from the date when the demand under subsection (2) above 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 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; and the power of appointing a receiver under this subsection shall be exercisable at any time after the expiry of one month from the date when the said demand becomes operative.
- (5) Within 21 days from the date of service of a demand under subsection (2) above, any person on whom the demand or a copy thereof was so served may appeal to the county court against the demand, but on such an appeal no question may be raised which might have been raised on an appeal against the improvement notice relating to the dwelling in question.
- (6) A demand served under subsection (2) above—
 - (a) against which no appeal is brought under subsection (5) above shall become operative on the expiry of 21 days from the date of service of the demand,
 - (b) against 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,and for the purposes of this subsection the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the demand appealed against.
- (7) A demand served under subsection (2) above shall, subject to the right of appeal conferred by subsection (5) above, be final and conclusive as to any matters which can be raised on such an appeal.

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95 Charging orders in favour of persons carrying out works

Sections 14 and 15 of the Housing Act 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 improvement notice, and in the application of those sections by virtue of this section any reference to a house or the owner of a house shall be construed as a reference to a dwelling, within the meaning of this Part of this Act, or, as the case may require, the person having control of it, within the meaning of this Part.

Supplementary

96 Provisions as to carrying out of works

- (1) The person having control of any premises—
 - (a) which consist of or include a dwelling in a general improvement area or a housing action area which is without all or any of the standard amenities, or
 - (b) which consist of or include a dwelling in respect of which representations have been made by the occupying tenant under section 89 above,shall, as against the occupying tenant of the dwelling and 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 with any of the standard amenities and, where appropriate, of putting it in good repair (disregarding internal decorative repair) having regard to its age and character and the locality in which it is situated.
- (2) On and after the date on which an improvement notice in respect of a dwelling becomes operative, the person having control of the dwelling shall have the right, as against the occupying tenant (if any) of the dwelling and any other person having an estate or interest in the premises which consist of or include the dwelling, 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 occupying tenant (if any) of the dwelling to which the undertaking relates to take any reasonable steps for the purpose of complying with the undertaking.
- (3) Section 161 of the Housing Act 1957 (penalty for preventing execution of works) shall apply as if—
 - (a) any reference in that section to Part II of that Act included a reference to this Part of this Act;
 - (b) the reference therein to receiving notice of the intended action included a reference to receiving an improvement notice or a copy thereof; and
 - (c) any reference therein to the owner of any premises included a reference to the person having control thereof.
- (4) Without prejudice to subsection (2) above, 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 any 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.

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97 Further powers and duties of local authorities

- (1) Section 159 of the Housing Act 1957 (powers of entry of local authorities for certain purposes) shall apply to entry for the purpose of survey and examination of any dwelling with a view to ascertaining whether the requirements of an improvement notice served, or undertaking accepted, under this Part of this Act have been complied with, and section 160 of that Act (penalty for obstructing execution of Act) shall apply accordingly.
- (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 works which that person is required to carry out in the dwelling in pursuance of an improvement notice served, or 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 the occupying tenant (if any) of the dwelling and 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, to their knowledge, is an owner, lessee or mortgagee of any dwelling, any person having an estate or interest in the dwelling 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.

98 Consequential modifications 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, subject to subsection (2) below, 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 improvement notice or an undertaking accepted under this Part of this Act.
- (2) Where a tenant has contributed to the cost incurred by his landlord in carrying out such an improvement as is referred to in subsection (1) above, the increase in rent provided for by the said section 9 shall be reduced proportionately.
- (3) Any works carried out in compliance with an 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 that Schedule; and section 49 of that Act (tenant's 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.
- (4) Where a person other than the tenant claiming compensation has contributed to the cost of carrying out the works in compliance with an improvement notice or an undertaking accepted under this Part of this Act, compensation in respect of the works, as assessed under section 48 of the Agricultural Holdings Act 1948, shall be reduced proportionately.

99 Exclusion of dwellings controlled by Crown or a public authority

- (1) No provisional notice or improvement notice may be served in respect of a dwelling in which there is a Crown or Duchy interest except with the consent of the appropriate

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authority and, where a provisional notice or improvement notice is served with the consent of the appropriate authority, this Part of this Act shall apply in relation to the dwelling as it applies in relation to a dwelling in which there is no such interest.

(2) No provisional notice or improvement notice may be served in respect of a dwelling if the person having control of the dwelling is—

- (a) a local authority ;
- (b) the Commission for the New Towns ;
- (c) the Housing Corporation ;
- (d) a registered housing association;
- (e) a development corporation within the meaning of the New Towns Act 1965 ;
- or
- (f) a housing trust as defined in section 5(3) of the Rent Act 1968 which is a charity within the meaning of the Charities Act 1960.

(3) If, after a provisional notice or an improvement notice has been served in respect of any dwelling,—

- (a) any such body as is mentioned in paragraphs (a) to (f) of subsection (2) above becomes the person having control of the dwelling, or
- (b) in the case of a dwelling in which there is a Crown or Duchy interest, the appropriate authority becomes the person having control of the dwelling,

any such notice with respect to the dwelling and any undertaking accepted under this Part of this Act with respect to the dwelling shall cease to have effect.

(4) If, by virtue of subsection (3) above, an improvement notice with respect to any dwelling ceases to have effect, it shall be the duty of the body which or person who has become the person having control of the dwelling as mentioned in that subsection to notify the officer who registered the notice in the register of local land charges and to furnish him with all information required by him for the purpose of cancelling the registration.

(5) 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
- (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.

(6) In this section " local authority " includes, in addition to the bodies which, by virtue of section 104(1) below, are local authorities for the purposes of this Part of this Act,—

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- (a) a county council;
- (b) the Greater London Council;
- (c) a parish or community council;
- (d) the trustees of the Honourable Society of the Inner Temple;
- (e) the trustees of the Honourable Society of the Middle Temple;
- (f) the police authority for any police area ; and
- (g) any joint board or joint committee all the constituent members of which are local authorities for the purposes of this section.

100 Duty of local authority to offer loans to meet expenses of compulsory improvement

- (1) Any person who is liable to incur expenditure in complying with an improvement notice served, or undertaking accepted, under this Part of this Act, or who is liable to make a payment as directed by a court under section 91(6) above, may apply to the local authority for a loan.
- (2) Subject to the following provisions of this section, if the local authority are satisfied that the applicant for a loan can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure or payment to which the application relates, the local authority shall offer to enter into a contract with the applicant for a loan by the local authority to the applicant of that amount, to be secured to the local authority by a mortgage of the applicant's interest in the dwelling concerned.
- (3) Subject to the following provisions of this section, if the local authority are not satisfied as mentioned in subsection (2) above but consider that the applicant can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of a smaller amount, the local authority may, if they think fit, offer to enter into a contract with the applicant for a loan by the local authority to the applicant of that smaller amount, to be secured as mentioned in subsection (2) above.
- (4) Any contract entered into by a local authority under this section shall contain a condition to the effect that, if an improvement grant or intermediate grant becomes payable under Part VII of this Act in respect of the expenditure or payment to which the application under this section relates, the local authority shall not be required to lend a sum greater than the amount of the expenditure or payment to which the application relates after deduction of the amount of the improvement grant, or, as the case may be, the intermediate grant.
- (5) A local authority shall not make an offer under the preceding provisions of this section unless they are satisfied—
 - (a) that the applicant's interest in the dwelling concerned amounts to an estate in fee simple absolute in possession or an estate for a term of years which will not expire before the date for final repayment of the loan; and
 - (b) that, according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated that the mortgaged security will bear after improvement of the dwelling to the full standard or, as the case may be, to the reduced standard.
- (6) The rate of interest payable on a loan under this section shall be such as the Secretary of State may direct either generally or in any particular case and the Secretary of State

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may, if he thinks fit, give directions, either generally or in any particular case, as to the time within which a loan under this section, or any part of such a loan, is to be repaid.

- (7) Subject to the preceding provisions of this section, the contract offered by a local authority under this section shall require proof of title and contain such other reasonable terms as the local authority may specify in their offer and, in particular, may provide for the advance being made by instalments from time to time as the works specified in the improvement notice progress.
- (8) An application under this section shall be made in writing within the period of 3 months beginning with the date when the improvement notice becomes operative or the undertaking is accepted or the payment is to be made as directed by the court, as the case may be, or such longer period as the local authority by permission given in writing may allow.
- (9) Where an improvement grant or intermediate grant is payable under Part VII of this Act partly in respect of expenditure or a payment to which the application under this section relates and partly in respect of other expenditure or another payment, the references in subsection (4) above to an intermediate grant or an improvement grant shall be taken as a reference to the part of the intermediate grant or improvement grant which in the opinion of the local authority is attributable to the expenditure or payment to which the application under this section relates.

101 Right of person served with improvement notice to serve purchase notice

- (1) Where a local authority have served an improvement notice under this Part of this Act on the person having control of a dwelling, that person may, by notice in writing served on the local authority at any time within the period of 6 months beginning with the date on which the improvement notice becomes operative, require the local authority to purchase his interest in the dwelling in accordance with this section.
- (2) Where the person having control of a dwelling serves a notice on a local authority under subsection (1) above—
 - (a) the authority shall be deemed to be authorised under and for the purposes of Part V of the Housing Act 1957 to acquire that person's interest in the dwelling compulsorily and to have served a notice to treat in respect of that interest on the date of the service of the notice under subsection (1) above; and
 - (b) the power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall not be exercisable in the case of the notice to treat which is deemed to have been so served.
- (3) Within 21 days of the receipt of a notice under subsection (1) above served by the person having control of a dwelling the local authority shall notify every other person who, to their knowledge, is an owner, lessee or mortgagee of the dwelling or who is the occupier thereof.

102 Effect of an area ceasing to be a general improvement area or housing action area after improvement notice is served

If, after an undertaking has been accepted under this Part of this Act in respect of a dwelling or an improvement notice has been served in respect of a dwelling by virtue of section 88(1) above, the general improvement area or housing action area in which the dwelling is situated ceases to be such an area or the land on which the dwelling is situated is excluded from such an area, the provisions of this Part of this

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Act shall continue to apply in relation to that undertaking or notice as if the dwelling continued to be in a general improvement area or housing action area declared by the local authority by whom the undertaking was accepted or, as the case may be, the notice was served.

103 Service of notices, etc.

- (1) In section 102(1) of the Housing Act 1964 (where a local authority are under a duty to serve a notice on a person described in a particular way, the local authority are to take reasonable steps to identify the person coming within that description) for the words " or Part II, Part III" there shall be substituted the words " Part VIII of the Housing Act 1974 ".
- (2) In section 103(1) of the Housing Act 1964 (method of service of notices, etc.) after the words " those Acts " there shall be inserted the words " or under Part VIII of the Housing Act 1974 ".
- (3) In section 103(2) of the Housing Act 1964 (service of notices, etc. where more than one person comes within the description of the person to be served) for the words " Part II", in the last place where they occur, there shall be substituted the words " Part VIII of the Housing Act 1974 ".

104 Interpretation of Part VIII

- (1) In this Part of this Act, unless the context otherwise requires,—
 - " the full standard " has the same meaning as it has for the purposes of section 66 of this Act (intermediate grants);
 - " housing arrangements " has the meaning assigned to it by section 86 above;
 - " improvement " includes alteration and enlargement and, so far as also necessary to enable a dwelling to reach the full standard or the reduced standard, repair, and " improved " shall be construed accordingly;
 - " improvement notice " means a notice under section 90 above;
 - " lessee " includes any person entitled, at law or in equity, to a tenancy or any other term of years certain, whether in possession or in reversion ;
 - " local authority ", subject to section 99(6) above, has the same meaning as in Part VII of this Act;
 - " occupying tenant ", in relation to a dwelling, means the person who is not an owner-occupier, but who—
 - (a) occupies or is entitled to occupy the dwelling as a lessee; or
 - (b) is a statutory tenant of the dwelling, within the meaning of the Rent Act 1968 ; or
 - (c) occupies the dwelling as a residence under a Part VI contract, within the meaning of Part VI of the Rent Act 1968 (furnished lettings); or
 - (d) is employed in agriculture (as defined in section 17(1) of the Agricultural Wages Act 1948) and occupies or resides in the dwelling as part of the terms of his employment;
 - " owner ", in relation to a dwelling, means the person who, otherwise than as a mortgagee in possession, is for the time being entitled to dispose of the fee simple in the dwelling;

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" owner-occupier ", in relation to a dwelling, means the person who, as owner or as lessee under a long tenancy, occupies or is entitled to occupy the dwelling, and " owner-occupied " shall be construed accordingly ;

" the person having control ", in relation to a dwelling shall be determined in accordance with subsection (2) below;

" provisional notice " means a notice under section 85(2) above;

" the reduced standard " has the same meaning as it has for the purposes of section 66 of this Act (intermediate grants);

" standard amenities " has the same meaning as in Part VII of this Act.

- (2) References in this Part of this Act to the person having control of a dwelling shall be construed as follows:—
- (a) if the dwelling is owner-occupied, the person having control of it is the owner-occupier ;
 - (b) if there is an occupying tenant of the dwelling and he is a person employed in agriculture (as defined in section 17(1) of the Agricultural Wages Act 1948) who occupies or resides in the dwelling as part of the terms of his employment, the employer or other person by whose authority the occupying tenant occupies or resides in the dwelling is the person having control of it; and
 - (c) in any other case, the person who has control of a dwelling is the person who is either the owner of it or the lessee of it under a long tenancy and whose interest in the dwelling is not in reversion on that of another person who has a long tenancy.
- (3) Section 3 of the Leasehold Reform Act 1967 (meaning of " long tenancy ") shall apply for the purposes of subsections (1) and (2) above as it applies for the purposes of Part I of that Act.
- (4) References in the following provisions of the Housing Act 1957 to that Act shall be construed as including a reference to this Part of this Act, that is to say—
- (a) section 169 (service of notices etc. on persons other than local authorities);
 - (b) section 170 (power of local authority to require information as to ownership of premises);
 - (c) section 178 (power of Secretary of State to prescribe information, etc.); and
 - (d) section 179 (dispensation with advertisements and notices).