

## SCHEDULES

### SCHEDULE 5

#### GENERAL IMPROVEMENT AREAS

##### PART I

###### SECTIONS TO BE SUBSTITUTED FOR HOUSING ACT 1969, SECTION 28

- “**28** (1) Where a report with respect to a predominantly residential area within the district of a local authority is submitted to them by a person or persons appearing to the authority to be suitably qualified (whether or not that person is or those persons include an officer of the authority) and it appears to the authority, upon consideration of the report and of any other information in their possession, that living conditions in the area can most appropriately be improved by the improvement of the amenities of the area or dwellings therein or both and that such an improvement may be effected or assisted by the exercise of their powers under this Act, the authority may cause the area to be defined on a map and by a resolution (in this section referred to as a " preliminary resolution ") declare their intention that the area should become a general improvement area in accordance with the provisions of this section.
- (2) If a local authority have passed a preliminary resolution with respect to any area, they may, subject to the following provisions of this section, proceed by a further resolution (in this section referred to as a " confirmatory resolution ") to confirm the preliminary resolution and to declare the area to be a general improvement area ; and in relation to a confirmatory resolution or a proposed confirmatory resolution, " the relevant preliminary resolution " means the preliminary resolution confirmed or, as the case may be, proposed to be confirmed, by the confirmatory resolution.
- (3) A local authority may not proceed to pass a confirmatory resolution with respect to the area to which the relevant preliminary resolution relates (in the following provisions of this section referred to as " the proposed general improvement area ") unless, within the period of six months beginning with the date on which the relevant preliminary resolution was passed, they notify the Secretary of State in writing of their intention to do so and send to him—
- (a) a copy of the relevant preliminary resolution ;
  - (b) a copy of the map defining the proposed general improvement area;
  - (c) a copy of the report referred to in subsection (1) above, the consideration of which led to the passing of the relevant preliminary resolution; and
  - (d) such other information and documents as the Secretary of State may direct with respect to general improvement areas generally.
- (4) On receipt of a notification or of any other document or information sent to him under subsection (3) above with respect to a proposed general improvement area, the Secretary of State shall send a written acknowledgment to the authority by whom the notification or other document was sent and, if it appears to him to be appropriate to do so, he may, at any time within the appropriate period, send a notification to the authority—

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- (a) that they may not pass a confirmatory resolution with respect to the proposed general improvement area ; or
  - (b) that he requires more time to consider the proposed declaration of that area as a general improvement area.
- (5) Where the Secretary of State notifies a local authority as mentioned in subsection (4) (b) above, he shall, on completion of his consideration of the matter, send a further notification to the authority—
- (a) that they may not pass a confirmatory resolution with respect to the proposed general improvement area ; or
  - (b) that they are at liberty to proceed to pass such a resolution.
- (6) Without prejudice to subsection (3) above, if—
- (a) a local authority have notified the Secretary of State as mentioned in that subsection with respect to a proposed general improvement area but are not yet able to proceed to pass a confirmatory resolution with respect to it, and
  - (b) the Secretary of State, by a direction given with respect to that particular area, so requires,
- the local authority shall send to him such other information and documents with respect to that area as may be specified in the direction.
- (7) In this section " the appropriate period", in relation to the proposed general improvement area to which a preliminary resolution relates, means the period—
- (a) of 28 days or such longer period as the Secretary of State may by order made by statutory instrument specify for the purposes of this subsection, and
  - (b) beginning on the date on which the acknowledgment or, as the case may be, the last acknowledgment of any document or information with respect to that proposed general improvement area was sent to the local authority concerned under subsection (4) above.
- (8) In any case where a local authority have passed a preliminary resolution and, in accordance with subsection (3) above, have sent to the Secretary of State a notification and other documents relating to the proposed general improvement area, they may not proceed to pass a confirmatory resolution with respect to that area—
- (a) before the expiry of the appropriate period, and
  - (b) if the Secretary of State notifies them as mentioned in subsection (4)(b) above, unless and until they are notified as mentioned in subsection (5)(b) above,
- but if the authority are notified as mentioned in subsection (4)(a) or subsection (5)(a) above, no resolution confirming that preliminary resolution may be passed with respect to the proposed general improvement area.

### **28A Publicity for, and information with respect to, general improvement area.**

As soon as may be after the passing of a confirmatory resolution, within the meaning of section 28 of this Act, declaring an area to be a general improvement area, the local authority shall—

- (a) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution identifying the area and naming a place or places where a copy of the resolution, of the map on which the area is defined and of the report mentioned in section 28(1) of this Act may be inspected at all reasonable times;

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- (b) take such further steps as may appear to them best designed to secure that the resolution is brought to the attention of persons residing or owning property within the area and that those persons are informed of the name and address of the person to whom any enquiries and representations concerning any action to be taken in the exercise of the local authority's powers under this Part of this Act should be addressed; and
- (c) send to the Secretary of State a copy of the resolution and a statement of the number of dwellings in the area.”