



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

Supplementary provisions

319 Powers of entry.

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving [^{F1}seven days] notice of his intention to the occupier, and to the owner if the owner is known, enter premises—
- (a) for the purpose of survey and examination where it appears to the authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises; or
 - (b) for the purpose of survey and examination where a demolition ^{F2}. . . order, ^{F3}. . . , has been made in respect of the premises; or
 - (c) for the purpose of survey or valuation where the authority are authorised by this Part to purchase the premises compulsorily.
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised [^{F4}and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

Textual Amendments

- F1** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 39\(1\)](#)
- F2** Words in s. 319(1)(b) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

Changes to legislation: *Housing Act 1985, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F3** Words in s. 319(1)(b) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F4** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 39\(2\)](#)

320 Penalty for obstruction.

- (1) It is a summary offence [^{F5}intentionally] to obstruct an officer of the local housing authority or of the Secretary of State, or any person authorised to enter premises in pursuance of this Part, in the performance of anything which he is by this Part required or authorised to do.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding [^{F6}level 3] on the standard scale.

Textual Amendments

- F5** Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 40\(1\)](#)
- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 40\(2\)](#)

321 ^{F7}

Textual Amendments

- F7** S. 321 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 41](#), [Sch. 12 Pt. II](#)

[^{F8}322 Minor definitions.

- (1) In this Part the following expressions have the same meaning as in Part 1 of the Housing Act 2004 (see sections 1(5) to (7) and 2(1) of that Act)—
 - “ building containing one or more flats ”,
 - “ category 1 hazard ”,
 - “ category 2 hazard ”,
 - “ common parts ”, in relation to a building containing one or more flats,
 - “ dwelling ”,
 - “ flat ”,
 - “ hazard ”.
- (2) In this Part—
 - “ health ” includes mental health;
 - “ house in multiple occupation ” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act);

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“ owner ”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in premises, whether in possession or reversion, and
 - (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years;
- “ premises ” in relation to a demolition order, means the dwelling, house in multiple occupation or building in respect of which the order is made.

(3) This Part applies to unoccupied HMO accommodation (as defined by section 1(5) of the Housing Act 2004) as it applies to a house in multiple occupation, and references to a house in multiple occupation in this Part are to be read accordingly.]

[^{F9}(4) In this Part “appropriate tribunal” means—

- (a) in relation to premises in England the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal; and
- (b) in relation to premises in Wales, a residential property tribunal.]

Textual Amendments

- F8** S. 322 substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 26](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F9** S. 322(4) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 46](#) (with Sch. 3)

323 Index of defined expressions: Part IX.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section or paragraph):—

[^{F10} appropriate tribunal]	[^{F10} section 322]
[^{F11} assured agricultural occupancy]	[^{F11} section 622]
[^{F11} assured tenancy]	[^{F11} section 622]
[^{F12} building containing one or more flats]	[^{F12} section 322]
[^{F13} category 1 hazard]	[^{F13} section 322]
[^{F14} category 2 hazard]	[^{F14} section 322]
clearance area	section 289(1)
^{F15}	^{F15}
.....	
[^{F16} common parts]	[^{F16} section 322]
demolition order	section 267(1)
district (of a local housing authority)	section 2(1)
[^{F17} dwelling]	[^{F17} section 322]

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[^{F18} dwelling house]	[^{F18} sections 266 and 322]
F19	F19
.....
.....
[^{F18} flat]	[^{F18} section 322]
F20	F20
.....
[^{F21} hazard]	[^{F21} section 322]
[^{F22} health]	[^{F22} section 322]
[^{F18} house in multiple occupation]	[^{F18} section 322]
F20	F20
lease, lessee and lessor	section 621
listed building	section 303
local housing authority	section 1, 2(2)
F23	F23
.....
F24	F24
.....
owner (of premises)	section 322
F20	F20
[^{F18} premises]	[^{F18} section 322]
prescribed	section 614
reasonable expense	section 321
rehabilitation order	Schedule 11
the Rent Acts	section 622
[^{F25} residential property tribunal]	[^{F25} section 229 of the Housing Act 2004]
F20	F20
.....
standard scale (in reference to the maximum fine on summary conviction)	section 622
underground room	section 280
F26	F26

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Textual Amendments

- F10** S. 323: entry in table inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013](#) (S.I. 2013/1036), [art. 1](#), [Sch. 1 para. 47](#) (with Sch. 3)
- F11** Entries inserted by [Housing Act 1988](#) (c. 50, SIF 61), s. 140(1), [Sch. 17 Pt. I para. 49](#)
- F12** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F13** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F14** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F15** S. 323: entry in table repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)
- F16** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), {Sch. 15 para. 27}; S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F17** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F18** Entries inserted by [Local Government and Housing Act 1989](#) (c. 42, SIF 61), s. 165(1)(b), [Sch. 9 Pt. II para. 43\(c\)](#)
- F19** S. 323: entry in table repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)
- F20** Entries repealed by [Local Government and Housing Act 1989](#) (c. 42, SIF 61), ss. 165(1)(b), 194(4), [Sch. 9 Pt. II para. 43\(a\)](#), [Sch. 12 Pt. II](#)
- F21** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F22** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)
- F23** S. 323: entry in table repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)
- F24** S. 323: entry in table repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#), ss. 266, 270(4)(5), {Sch. 16}; S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)
- F25** S. 323: entry in table inserted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004](#) (c. 34), ss. 265(1), 270(4)(5), [Sch. 15 para. 27](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

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F26 S. 323: entry in table repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by 2021 c. 7, ss. 79(3), 90(6); S.I 2021/1038, reg. 3(c))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 81B by 2016 c. 22, Sch. 7 para. 4 is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by 2004 c. 34, Sch. 16; S.I. 2006/1060, art. 2(1)(e), Sch.; S.I. 2006/1535, art. 2(c), Sch.)
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)