



# Housing Act 1985

## 1985 CHAPTER 68

### PART XVII

#### COMPULSORY PURCHASE AND LAND COMPENSATION

##### *Compulsory purchase*

580— ..... F1  
581.

##### Textual Amendments

F1 Ss. 579–581 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1), 194(4), Sch. 9 Pt. IV para. 73, Sch. 12 Pt. II

#### 582 Restriction on recovery of possession after making of compulsory purchase order.

(1) This section applies where a local housing authority have made a compulsory purchase order authorising—

(a) the acquisition of a house in multiple occupation under—  
section 17 (provision of housing),

..... F2  
section 300 (purchase of condemned house for temporary housing use), or

(b) the acquisition of land under [F3section 93(2) of the Local Government and Housing Act 1989 (land in renewal area)] on which there are premises consisting of or including housing accommodation),

and within the period specified in subsection (2) proceedings for possession of premises forming part of the house or land in question are brought in the county court against a person who was the lessee of the premises when the order was made, or became the lessee after the order was made, but is no longer the lessee.

*Status: Point in time view as at 01/02/1991.*

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- (2) The period referred to in subsection (1) is the period beginning with the making of the compulsory purchase order and ending with—
  - (a) the third anniversary of the date on which the order became operative, or
  - (b) any earlier date on which the Secretary of State notifies the authority that he declines to confirm the order or the order is quashed by a court.
- (3) Where this section applies the court may suspend the execution of any order for possession for such period, and subject to such conditions, as it thinks fit.
- (4) The period of suspension ordered by the court shall not extend beyond the end of the period of three years beginning with the date on which the court makes its order or, if earlier, the date on which the compulsory purchase order became operative.
- (5) The court may from time to time vary the period of suspension (but not so as to enlarge it beyond the end of the period of three years referred to in subsection (4)), or terminate it, or vary the terms of the order in other respects.
- (6) If at any time—
  - (a) the Secretary of State notifies the authority that he declines to confirm the compulsory purchase order, or the order is quashed by a court, or
  - (b) the authority decide, whether before or after the order has been submitted to the Secretary of State for confirmation, not to proceed with it,

the authority shall notify the person entitled to the benefit of the order for possession 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 the same discretion in fixing the date on which possession is to be given as the court might exercise if it were then making an order for possession for the first time.
- (7) This section does not apply—
  - (a) where the person entitled to possession of the premises is the local housing authority;
  - (b) where [<sup>F4</sup>, in the case of a compulsory purchase order made before 1st April 1990,] the net annual value for rating of the premises exceeds the county court limit for the purposes of section 21(1) of the <sup>M1</sup>County Courts Act 1984 (actions for the recovery of land).
- (8) In this section “house in multiple occupation” has the same meaning as in Part XI.

#### Textual Amendments

- F2** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(d), 194(4), [Sch. 9 Pt. IV para. 74](#), [Sch. 12 Pt. II](#)
- F3** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 85](#)
- F4** Words inserted by [S.I. 1990/434, reg. 2](#), [Sch. para. 22](#)

#### Marginal Citations

- M1** 1984 c. 24.

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**583 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes.**

- (1) Where a local housing authority—
- (a) are authorised to purchase compulsorily a house which is to be used for housing purposes, and
  - (b) have acquired the right to enter on and take possession of the house by virtue of having served a notice under section 11 of the <sup>M2</sup>Compulsory Purchase Act 1965,
- they may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house, or part of it, authorising him to continue in occupation upon terms specified in the notice or on such other terms as may be agreed.
- (2) Where the authority proceed in accordance with subsection(1)—
- (a) the like consequences follow with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house, or a part of it, and
  - (b) the authority may deal with the premises in all respects,
- as if they had taken actual possession on the date of the notice.
- (3) A person who by virtue of this section ceases to be entitled to receive rent in respect of the premises shall be deemed for the purposes of section 20 of the <sup>M3</sup>Compulsory Purchase Act 1965 (compensation of tenants, &c.) to have been required to give up possession of the premises.
- (4) In this section “house” includes—
- (a) any part of a building which is occupied as a separate dwelling, and
  - (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.

**Marginal Citations**

**M2** 1965 c. 56.

**M3** 1965 c. 56.

**584 Power to enter and determine short tenancies of land acquired or appropriated.**

- (1) This section applies where a local housing authority have agreed to purchase or have determined to appropriate land for the purposes of—
- Part II (provision of housing),
  - Part VIII (area improvement), . . . <sup>F5</sup>
  - the provisions of Part IX relating to clearance areas [<sup>F6</sup>or
  - Part VII of the Local Government and Housing Act 1989 (renewal areas)],
- subject to the interest of the person in possession of the land.
- (2) If that person’s interest is not greater than that of a tenant for a year, or from year to year, the authority may, after giving him not less than 14 days’ notice, enter on and take possession of the land, or such part of the land as is specified in the notice, without previous consent.

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- (3) The power conferred by subsection (2) may be exercised at any time after the making of the agreement or determination, except where the appropriation requires Ministerial consent in which case the power is not exercisable until that consent has been given.
- (4) The exercise of the local housing authority's power under subsection (2) is subject to the payment to the person in possession of the like compensation, and interest on the compensation awarded, as would be payable if—
  - (a) the authority had been authorised to acquire the land compulsorily, and
  - (b) that person had been required in pursuance of their powers in that behalf to quit possession before the expiry of his term or interest in the land;
 but without any necessity for compliance with section 11 of the Compulsory Purchase Act 1965 (which prohibits entry on the land acquired before the compensation has been ascertained and paid or secured).

#### Textual Amendments

- F5** Word repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 86](#)
- F6** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 86](#)

#### [<sup>F7</sup>584A Compensation payable in case of closing and demolition orders.

- (1) Subject to subsection (3), where a closing order under section 264 or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner's interest in the premises as a result of the making of the closing order or, as the case may be, the demolition order; and that amount—
  - (a) shall be determined as at the date of the making of the order in question; and
  - (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.
- (3) In any case where—
  - (a) a closing order has been made in respect of any premises, and
  - (b) by virtue of section 279 (closing orders: substitution of demolition order), the closing order is revoked and a demolition order is made in its place,
 the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the closing order.
- (4) For the purposes of this section—
 

“compulsory purchase value”, in relation to an owner's interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961; and

“premises” has the meaning assigned by section 322 (minor definitions for the purposes of Part IX).]

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#### Textual Amendments

- F7** Ss. 584A, 584B inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(d), [Sch. 9 Pt. IV para. 75](#)

#### [<sup>F8</sup> 584B Repayment on revocation of demolition or closing order.

- (1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition or closing order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the closing order is determined under section 278 (determination of closing order on premises being rendered fit),

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

- (2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a closing order, and
- (b) by virtue of section 278, the order is determined as respects part of the premises, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had, at the time the payment was made, an owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),

then, if at the time of the determination of the closing order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (3), (4) and (5).

- (3) The amount referred to in subsection (2) is whichever is the less of—

- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the determination of the closing order; and
- (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;

and the amount referred to in paragraph (a) shall be determined as at the date of the determination of the closing order.

- (4) For the purpose of assessing the amount referred to in subsection (3)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

- (5) Any dispute as to the amount referred to in subsection (3)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1)(a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.

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(6) In this section “premises” has the same meaning as in section 584A.]

#### Textual Amendments

**F8** Ss. 584A, 584B inserted by Local Government and Housing Act 1989 (c. 42, SIF 61), s. 165(1)(d), Sch. 9 Pt. IV para. 75

**585—** ..... **F9**  
**592.**

#### Textual Amendments

**F9** Ss.585—595 repealed by Local Government and Housing Act 1989 (c. 42, SIF 61), ss. 165(1)(d), 194(4), Sch. 9 Pt. IV para. 76, Sch. 12 Pt. II

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**Changes to legislation:**

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