



Housing and Planning Act 1986

1986 CHAPTER 63

PART I

HOUSING

Other Provisions with respect to public sector housing

9 Redevelopment of dwelling-house subject to secure tenancy.

- (1) In Schedule 2 to the Housing Act 1985 (grounds for possession of dwelling houses let under secure tenancies), in Part II (grounds on which court may order possession if suitable alternative accommodation is available), after ground 10 (redevelopment by landlord) insert—

“ Ground 10A

The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State or the Housing Corporation in accordance with Part V of this Schedule and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling-house in accordance with the scheme.

or

Part of the dwelling-house is in such an area and the landlord intends within a reasonable time of obtaining possession to dispose of that part in accordance with the scheme and for that purpose reasonably requires possession of the dwelling-house.”.

- (2) At the end of that Schedule insert—

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“PART V

APPROVAL OF REDEVELOPMENT SCHEMES FOR PURPOSES OF GROUND 10A

- 1
 - (1) The Secretary of State may, on the application of the landlord, approve for the purposes of ground 10A in Part II of this Schedule a scheme for the disposal and redevelopment of an area of land consisting of or including the whole or part of one or more dwelling-houses.
 - (2) For this purpose—
 - (a) “disposal” means a disposal of any interest in the land (including the grant of an option), and
 - (b) “redevelopment” means the demolition or reconstruction of buildings or the carrying out of other works to buildings or land ; and it is immaterial whether the disposal is to precede or follow the redevelopment.
 - (3) The Secretary of State may on the application of the landlord approve a variation of a scheme previously approved by him and may, in particular, approve a variation adding land to the area subject to the scheme.

- 2
 - (1) Where a landlord proposes to apply to the Secretary of State for the approval of a scheme or variation it shall serve a notice in writing on any secure tenant of a dwelling-house affected by the proposal stating—
 - (a) the main features of the proposed scheme or, as the case may be, the scheme as proposed to be varied,
 - (b) that the landlord proposes to apply to the Secretary of State for approval of the scheme or variation, and
 - (c) the effect of such approval, by virtue of section 84 and ground 10A in Part II of this Schedule, in relation to proceedings for possession of the dwelling-house,
 and informing the tenant that he may, within such period as the landlord may allow (which shall be at least 28 days from service of the notice), make representations to the landlord about the proposal.
 - (2) The landlord shall not apply to the Secretary of State until it has considered any representations made to it within that period.
 - (3) In the case of a landlord to which section 105 applies (consultation on matters of housing management) the provisions of this paragraph apply in place of the provisions of that section in relation to the approval or variation of a redevelopment scheme.

- 3
 - (1) In considering whether to give his approval to a scheme or variation the Secretary of State shall take into account, in particular—
 - (a) the effect of the scheme on the extent and character of housing accommodation in the neighbourhood,

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- (b) over what period of time it is proposed that the disposal and redevelopment will take place in accordance with the scheme, and
 - (c) to what extent the scheme includes provision for housing provided under the scheme to be sold or let to existing tenants or persons nominated by the landlord ;
 - and he shall take into account any representations made to him and, so far as they are brought to his notice, any representations made to the landlord.
 - (2) The landlord shall give to the Secretary of State such information as to the representations made to it, and other relevant matters, as the Secretary of State may require.
- 4 The Secretary of State shall not approve a scheme or variation so as to include in the area subject to the scheme—
- (a) part only of one or more dwelling-houses, or
 - (b) one or more dwelling-houses not themselves affected by the works involved in redevelopment but which are proposed to be disposed of along with other land which is so affected,
- unless he is satisfied that the inclusion is justified in the circumstances.
- 5 (1) Approval may be given subject to conditions and may be expressed to expire after a specified period.
- (2) The Secretary of State, on the application of the landlord or otherwise, may vary an approval so as to—
- (a) add, remove or vary conditions to which the approval is subject ;
 - or
 - (b) extend or restrict the period after which the approval is to expire.
- (3) Where approval is given subject to conditions, the landlord may serve a notice under section 83 (notice of proceedings for possession) specifying ground 10A notwithstanding that the conditions are not yet fulfilled but the court shall not make an order for possession on that ground unless satisfied that they are or will be fulfilled.
- 6 Where the landlord is a registered housing association, the Housing Corporation, and not the Secretary of State, has the functions conferred by this Part of this Schedule.
- 7 In this Part of this Schedule references to the landlord of a dwelling-house include any authority or body within section 80 (the landlord condition for secure tenancies) having an interest of any description in the dwelling-house.”.
- (3) Section 29 of the ^{M1}Land Compensation Act 1973 (home loss payments) is amended as follows—

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- (a) in subsection (1) (circumstances in which, and persons by whom, payment to be made) after paragraph (d) insert—
 - “(e) the making of an order for possession on ground 10 or 10A in Part II of Schedule 2 to the Housing Act 1985 ;” ; and
- (b) in the same subsection, after paragraph (iv) insert—
 - “(v) where paragraph (e) applies, the landlord.”; and
- ^{F1}(c)

(4) In section 32 of the Land Compensation Act 1973 (supplementary provisions about home loss payments), after subsection (7A) insert—

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Where a landlord obtains possession by agreement of a dwelling subject to a secure tenancy within the meaning of Part IV of the Housing Act 1985 and—

- (a) notice of proceedings for possession of the dwelling has been served, or might have been served, specifying ground 10 or 10A in Part II of Schedule 2 to that Act, or
- (b) the landlord has applied, or could apply, to the Secretary of State or the Housing Corporation for approval for the purposes of ground 10A of a redevelopment scheme including the dwelling, or part of it,

the landlord may make to the person giving up possession a payment corresponding to any home loss payment which they would be required to make to him if an order for possession had been made on either of those grounds.”.

<p>Textual Amendments</p> <p>F1 S. 9(3)(c) repealed (25. 09. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 84(6), Sch. 19 Pt.III; S.I. 1991/2067, art.3</p>
<p>Marginal Citations</p> <p>M1 1973 c. 26.</p>

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