

1972 No. 1792

HOUSING, ENGLAND AND WALES**The Housing (Payments for Well Maintained Houses) Order 1972**

Made - - - - - 3rd November 1972
Laid before Parliament 6th November 1972
Coming into Operation 30th November 1972

The Secretary of State for the Environment, in exercise of powers conferred by paragraph 1(1) of Part I of Schedule 2 to the Housing Act 1957(a), as the said Part has effect by virtue of section 66 of the Housing Act 1969(b) and now vested in him (c), and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Housing (Payments for Well Maintained Houses) Order 1972 and shall come into operation seven days after it is approved by resolution of each House of Parliament.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(3) In this order—

“the Act of 1957” means the Housing Act 1957;

“the Act of 1961” means the Land Compensation Act 1961(e);

“Part I” means Part I of Schedule 2 to the Act of 1957, as the said Part has effect by virtue of section 66 of the Housing Act 1969; and

“unfitness order” means an order under paragraph 2 of Schedule 2 to the Act of 1961.

2.—(1) For the purposes of Part I in its application to any payment made under section 30 or section 60 of the Act of 1957 after the coming into operation of this order, where the relevant order in consequence of which the right to the payment arises becomes operative on or after 17th October 1972, the multiplier shall be eight instead of four as set out in paragraph 1(1) of Part I.

(2) Where in the case of the compulsory acquisition of land to which paragraph 2(1) of Schedule 2 to the Act of 1961 applies, an unfitness order is confirmed in circumstances in which the provisions of section 60 of the Act of 1957 apply, the unfitness order shall be treated as the relevant order for the

(a) 1957 c. 56.

(c) S.I. 1970/1681 (1970 III, p. 5551)

(e) 1961 c. 33.

(b) 1969 c. 33.

(d) 1889 c. 63.

purposes of paragraph (1) of this article and it shall for those purposes be regarded as becoming operative—

(a) in the circumstances described in paragraph 2(2)(a) of Schedule 2 to the Act of 1961, when the relevant compulsory purchase order becomes operative; and

(b) in any of the circumstances described in paragraph 2(2)(b) of Schedule 2 to the Act of 1961, when the unfitness order is confirmed.

(3) In relation to a house which might have been the subject of a demolition order but which has, without the making of such order, been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority having power to make the order, paragraph (1) of this article shall have effect as if the house had been vacated in pursuance of a demolition order made, served and becoming operative at the date when the undertaking was given.

Peter Walker,

Secretary of State for the Environment.

3rd November 1972.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under sections 30 and 60 of the Housing Act 1957 (hereinafter called “the Act”) local authorities may be required to make payments in respect of houses which are unfit for habitation but have been well maintained and, by virtue of section 67 of the Housing Act 1969, payments under those provisions may be payable for partial good maintenance and for parts of buildings at half the rate for full maintenance.

Under paragraph 1(1) of Part I of Schedule 2 to the Act, which has effect in its amended form, as set out in Schedule 4 to the Housing Act 1969, where the “relevant date” (as defined in paragraph 3 of that Schedule) is later than 23rd April 1968, the amount of any payment under section 30 or section 60 of the Act is, subject to the other provisions of Part I, to be calculated by reference to the rateable value of the house multiplied by 4 or such other multiplier as may be prescribed.

This order, which applies to England and Wales, prescribes a multiplier of 8 instead of 4, to be used in calculating any payment made after the coming into operation of this order for full good maintenance under section 30 or section 60 of the Act as a result of any relevant order which becomes operative on or after 17th October 1972 (being the date of the publication of the White Paper Cmd. No. 5124). The order provides specifically for its application to cases where unfitness orders are made and where undertakings to demolish houses are given. The order comes into operation on 30th November 1972.

SI 1972/1792
ISBN 0-11-021792-6

