

1988 No. 2189

HOUSING, ENGLAND AND WALES

**The Housing (Prescribed Forms) (Repair Notices etc.)
Regulations 1988**

Made - - - - *14th December 1988*

Laid before Parliament *21st December 1988*

Coming into force *15th January 1989*

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of their powers under section 614 of the Housing Act 1985(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Housing (Prescribed Forms) (Repair Notices etc.) Regulations 1988 and shall come into force on 15th January 1989.

Prescribed Forms

2.—(1) The forms listed in Part I and set out in Part II of the Schedule to these Regulations, or forms substantially to the like effect, shall be the forms to be used for the following purposes of the Housing Act 1985:—

- (a) Forms 1, 2 and 3 as appropriate shall be used for the purposes of section 189 (repair notice in respect of unfit dwelling-house)(b);
- (b) Forms 4, 5 and 6 as appropriate shall be used for the purposes of section 190 (repair notice in respect of dwelling-house in disrepair but not unfit)(b);
- (c) Form 7, subject to paragraph (2), shall be used for the purposes of section 194 (notice of local authority's intention to enter and execute works)(b);
- (d) Form 8, subject to paragraph (2), shall be used for the purposes of section 197 (powers of entry); and
- (e) Form 9, subject to paragraph (2), shall be used for the purposes of paragraph 3 of Schedule 10 (service of demand for expenses incurred by local housing authority).

(2) Forms 7, 8 and 9 are prescribed for use only in cases where the notice or demand in question is served in relation to a repair notice served on or after the coming into force of these Regulations.

Revocation and Saving

3.—(1) Forms 2A, 2B and 2C in Schedule 2 to the Housing (Prescribed Forms) Regulations 1972(c) shall cease to have effect.

(a) 1985 c.68.

(b) These provisions are amended by section 130 of, and Schedule 15 to, the Housing Act 1988 (c.50).

(c) S.I. 1972/228 continued in force by section 2 of the Housing (Consequential Provisions) Act 1985 (c.71). Relevant amendments were made by S.I. 1975/500 and 1981/1347.

(2) Form 1 in Schedule 2 to the Housing (Prescribed Forms) Regulations 1972 shall cease to have effect for the purposes of its use under section 197 of the Housing Act 1985 in relation to a repair notice served on or after the coming into force of these Regulations.

12th December 1988

Nicholas Ridley
Secretary of State for the Environment

14th December 1988

Peter Walker
Secretary of State for Wales

SCHEDULE

Regulation 2

PART I LIST OF FORMS

FORM NO.

1. Notice to execute repairs to an unfit dwelling-house which is not a flat.
2. Notice to execute repairs to an unfit flat.
3. Notice to execute repairs to a part of a building containing an unfit flat.
4. Notice to execute repairs to a dwelling-house which is not a flat.
5. Notice to execute repairs to a flat.
6. Notice to execute repairs to a part of a building containing a flat.
7. Notice of local housing authority's intention to enter and execute works.
8. Notice before entry for purpose of survey and examination.
9. Demand for recovery of expenses incurred by local housing authority.

PART II

FORM 1

HOUSING ACT 1985

Section 189

NOTICE TO EXECUTE REPAIRS TO
AN UNFIT DWELLING-HOUSE WHICH IS NOT A FLAT

To

of

1. You are the person having control of the dwelling-house known as
(“the dwelling-house”).
2. The Council, having had regard to the matters specified in section 604 of the Housing Act 1985 (“the Act”), are satisfied that the dwelling-house is unfit for human habitation.
3. The Council, having had regard to the matters specified in section 206 of the Act, are not satisfied that the dwelling-house cannot be made so fit at reasonable expense.
4. In the opinion of the Council the works specified in the schedule to this notice will make the dwelling-house fit for human habitation.
5. Under section 189 of the Act the Council require you to carry out the works and to begin them not later than the day of 19 and to complete them within [days] [weeks] [months] of that date.

Schedule
Specification of works to be carried out

[Date and signature].

NOTES
(as set out after Form 6 below)

FORM 2

HOUSING ACT 1985

Section 189

**NOTICE TO EXECUTE REPAIRS
TO AN UNFIT FLAT**

To _____ of _____

1. You are the person having control of the flat known as _____ ("the flat").
2. The _____ Council, having had regard to the provisions of section 604 of the Housing Act 1985 ("the Act"), are satisfied that the flat is unfit for human habitation.
3. The Council, having had regard to the matters specified in section 206 of the Act, are not satisfied that the flat cannot be made so fit at reasonable expense.
4. In the opinion of the Council the works specified in the schedule to this notice ("the works") [together with the additional works specified in the repair notice served on _____ of _____, being the person having control of a part of the building containing the flat, namely _____], will make the flat fit for human habitation.
5. Under section 189 of the Act the Council require you to carry out the works and to begin them not later than the _____ day of _____ 19____ and to complete them within [days] [weeks] [months] of that date.

Schedule

Specification of works to be carried out

[Date and signature].

NOTES

(as set out after Form 6 below)

FORM 3

HOUSING ACT 1985

Section 189

NOTICE TO EXECUTE REPAIRS TO A
PART OF A BUILDING CONTAINING AN UNFIT FLAT

To _____ of _____

1. You are the person having control of the premises [known as] [comprising] ("the premises").
2. The premises are part of the building containing the flat known as ("the flat").
3. The _____ Council, having had regard to the provisions of section 604 of the Housing Act 1985 ("the Act"), are satisfied that the flat is unfit for human habitation by reason of the defective condition of the premises.
4. The Council, having had regard to the matters specified in section 206 of the Act, are not satisfied that the flat cannot be made so fit at reasonable expense.
5. In the opinion of the Council the works specified in the schedule to this notice ("the works") [together with the additional works specified in the repair notice served on _____ of _____, being the person having control of the flat], will make the flat fit for human habitation.
6. Under section 189 of the Act the Council require you to carry out the works and to begin them not later than the _____ day of _____ 19 _____ and to complete them within [days] [weeks] [months] of that date.

Schedule

Specification of works to be carried out

[Date and signature].

NOTES

(as set out after Form 6 below)

FORM 4

HOUSING ACT 1985

Section 190

NOTICE TO EXECUTE REPAIRS TO A
DWELLING-HOUSE WHICH IS NOT A FLAT

To _____ of _____

1. You are the person having control of the dwelling-house known as
("the dwelling-house").

[2. The _____ Council are satisfied that the dwelling-house is in such a
state of disrepair that, although not unfit for human habitation, substantial repairs are necessary
to bring it up to a reasonable standard, having regard to its age, character and locality.]

OR

[2. The _____ Council are satisfied that the dwelling-house is in such a
state of disrepair that, although not unfit for human habitation, its condition is such as to interfere
materially with the personal comfort of the occupying tenant.]

3. Under section 190 of the Housing Act 1985, the Council require you to carry out the works
specified in the schedule to this notice and to begin them not later than the _____ day of
_____ 19 _____ and to complete them within _____ [days] [weeks] [months] of that date.

Schedule

Specification of works to be carried out, not being
works of internal decorative repair

[Date and signature].

NOTES

(as set out after Form 6 below)

FORM 5

HOUSING ACT 1985

Section 190

NOTICE TO EXECUTE REPAIRS TO A FLAT

To _____ of _____

1. You are the person having control of the dwelling-house which is a flat known as
("the flat").

[2. The _____ Council are satisfied that the flat [and the building containing
the flat] [is] [are] in such a state of disrepair that, although the flat is not unfit for human
habitation, substantial repairs are necessary to the flat [and a part of the building outside the flat]
to bring the flat up to a reasonable standard, having regard to its age, character and locality.]

OR

[2. The _____ Council are satisfied that the flat [and the building containing
the flat] [is] [are] in such a state of disrepair that, although the flat is not unfit for human
habitation, the condition of the flat [and a part of the building outside the flat] is such as to
interfere materially with the personal comfort of the occupying tenant.]

3. Under section 190 of the Housing Act 1985, the Council require you to carry out to the flat
the works specified in the schedule to this notice and to begin them not later than the _____ day
of _____ 19 _____ and to complete them within _____ [days] [weeks] [months] of that
date.

Schedule

Specification of works to be carried out to the flat,
not being works of internal decorative repair

[Date and signature].

NOTES

(as set out after Form 6 below)

FORM 6

HOUSING ACT 1985

Section 190

NOTICE TO EXECUTE REPAIRS TO A PART OF
A BUILDING CONTAINING A FLAT

To _____ of _____

1. You are the person having control of the premises [known as] [comprising] ["the premises"].
2. The premises are part of the building containing the flat known as ("the flat").

[3. The _____ Council are satisfied that the building [and the flat] [is] [are] in such a state of disrepair that, although the flat is not unfit for human habitation, substantial repairs are necessary to the premises [and the flat] to bring the flat up to a reasonable standard, having regard to its age, character and locality.]

OR

[3. The _____ Council, are satisfied that the building [and the flat] [is] [are] in such a state of disrepair that, although the flat is not unfit for human habitation, the condition of the premises [and the flat] is such as to interfere materially with the personal comfort of the occupying tenant.]

4. Under section 190 of the Housing Act 1985, the Council require you to carry out to the premises the works specified in the schedule to this notice and to begin them not later than the _____ day of _____ 19 _____ and to complete them within _____ [days] [weeks] [months] of that date.

Schedule

Specification of works to be carried out to the premises,
not being works of internal decorative repair

[Date and signature].

NOTES

(as set out below)

NOTES TO FORMS 1 TO 6

(Sections and schedules referred to in these notes are in the Housing Act 1985 as amended by Schedule 15 to the Housing Act 1988.)

Right of Appeal

1. If you do not agree with this notice you may appeal against it to the county court but you must do this within 21 days after this notice is served on you. (section 191(1))

2. For example, you may appeal if you think that some other person who is an "owner" of the premises to which the notice relates should do the works or pay the whole or part of the cost of doing them. For this purpose "owner" means a person who has the freehold or a lease with more than 3 years to run. (section 191(1A) and section 207)

Operation of Notice

3. If you do not appeal the notice will become operative at the end of 21 days from the date it is served. (section 189(4)/section 190(4))

4. If you do appeal and the county court upholds the notice, it will not become operative until you have had an opportunity to appeal to the Court of Appeal and if you do so the notice will not become operative unless and until it is upheld by the Court of Appeal. (section 191(4))

5. If you start an appeal to the county court and then withdraw it, the notice will become operative on the day on which it would have done had the county court upheld the notice on the day on which you withdrew the appeal.

(section 191(4))

Effect of Notice

6. If you do not comply with the notice the Council may do the works themselves and charge you with the cost.

(section 193(1) and Schedule 10)

7. To comply with the notice you must start and finish the works—

- (a) if you do not appeal, by the date (which must be at least 7 days after the notice becomes operative) and within the time (which must be a reasonable one) stated in the notice;
- (b) if you do appeal and the notice is upheld, by such date and within such time as the court will fix; and
- (c) if you start an appeal and then withdraw it, by the 21st day after the date on which the notice becomes operative and within the time (beginning on that 21st day) stated in the notice.

(section 193(2))

8. If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intention to do so, step in and do the work themselves and charge you with the cost.

(sections 193(2A) and 194(1))

Penalty

9. If you intentionally fail to comply with the notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale (as at 15th January 1989, a maximum of £1,000).

(section 198A(1))

Land Charge

10. When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of Local Land Charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.

(section 189(5)/190(5))

Grant

11. You may be entitled to a repairs grant towards the cost of the works. You should apply to the Council for the grant before you start the works.

(sections 494 and 498A inserted by paragraph 6 of Schedule 3 to the Housing and Planning Act 1986)

County Court

12. If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this notice. You will also need an extra copy of your request for the court to send to the Council.

13. If you appeal on the ground that some other person should do or pay for the works (see note 2 above) you will have to serve a copy of your request on this other person.

(section 191(3A))

Advice

14. If you do not understand this notice or wish to know more about it, you should go to a Citizens Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half an hour of legal advice for about £5. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

FORM 7

HOUSING ACT 1985

Section 194

NOTICE OF LOCAL HOUSING AUTHORITY'S INTENTION TO ENTER AND EXECUTE WORKS

To _____ of _____

1. You are the [person having control] [owner] of the premises [known as] [comprising] ["the premises"].

2. The _____ Council on _____ 19 _____ served a notice under [section 189 (repair notice in respect of unfit dwelling-house)] [section 190 (repair notice in respect of dwelling-house in disrepair but not unfit)] of the Housing Act 1985 ("the Act") requiring certain works to be carried out to the premises.

3. [The repair notice has not been complied with] [It appears to the Council that reasonable progress is not being made towards compliance with the repair notice] and the Council, under section 193 of the Act (power of local housing authority to execute works), may now themselves do the works required by the notice [as varied by the county court].

4. The Council, under section 194 of the Act, hereby give you notice that they are about to enter upon the premises in order to do the works.

[Date and signature].

NOTES

(Sections and schedules referred to in these notes are in the Housing Act 1985 as amended by Schedule 15 to the Housing Act 1988.)

Effect of Notice

1. If at any time after 7 days from the date that this notice is served and while any workman or contractor employed by the Council is carrying out works in the premises, you or any workman employed by you or by any contractor employed by you is in the premises for the purpose of carrying out any works, you will be committing an offence punishable by a fine (see note 4 below), unless you are able to show that there was an urgent necessity to carry out the works in order to avoid danger to occupants of the premises.

(section 194(2))

Recovery of Expenses

2. If you are the person having control of the premises, the Council may recover from you the expenses they reasonably incur in carrying out the works, together with interest at a reasonable rate from the date of service of a demand for the expenses until full payment is made and the expenses will be a charge on the premises.

(Schedule 10)

3. If the works are now carried out by the person having control of the premises, any administration and other expenses incurred by the Council with a view to doing the works themselves may be recovered by them as if they were expenses incurred in carrying out the works.

(section 193(4))

Penalty for Obstruction

4. It is an offence, punishable in the magistrates' court by a fine not exceeding level 3 on the standard scale (as at 15th January 1989, a maximum of £400) to obstruct a person authorised by the Council to enter the premises in connection with the carrying out of the works.

(section 198(2))

Advice

5. If you do not understand this notice or wish to know more about it, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half an hour of legal advice for about £5.

FORM 8

HOUSING ACT 1985

Section 197

NOTICE BEFORE ENTRY FOR PURPOSE OF
SURVEY AND EXAMINATION

To _____ of
_____, the [occupier] [owner] of the premises known as

Under section 197 of the Housing Act 1985, I _____, being a person authorised in writing by
the _____ Council, intend
on _____, between the hours of _____ and _____, to enter the
premises for the purpose of survey and examination.

[It appears to the Council that survey and examination is necessary in order to decide whether
any powers under Part VI of the Housing Act 1985 (repair notices) should be exercised in respect
of the premises.]

OR

[A repair notice under Part VI of the Housing Act 1985 has been served in respect of the premises.]

OR

[The Council are authorised under Part VI of the Housing Act 1985 (repair notices) to purchase
the premises compulsorily.]

Dated	Signature	} of the person authorised to enter.
	Description	
	Address	
	Telephone Number	

NOTES

1. At least 24 hours notice of the intention to enter must be given to the occupier of the premises and to the owner, if known.

2. It is an offence, punishable in the magistrates' court by a fine not exceeding level 3 on the standard scale (as at 15th January 1989, a maximum of £400), to obstruct the person authorised to enter the premises in carrying out the work he is authorised to do.

(Housing Act 1985, section 198 as amended by paragraph 7 of Schedule 15 to the Housing Act 1988.)

FORM 9

HOUSING ACT 1985

Schedule 10, paragraph 3

DEMAND FOR RECOVERY OF EXPENSES
INCURRED BY LOCAL HOUSING AUTHORITY

To _____ of _____

1. The _____ Council on _____, in exercise of their powers under section [189] [190] of the Housing Act 1985 ("the Act") served a notice requiring works to be carried out to the premises [known as] [comprising]

2. The works were not [carried out] [completed] in accordance with the notice and the Council, in exercise of their powers under section 193 of the Act have themselves [carried out] [completed] the works.

3. The Council demand payment by you of the sum of £ _____, being the expenses they have incurred in [carrying out] [completing] the works, together with interest at the rate of _____ per cent per _____ from the date of the service of this demand until payment of all sums due.

[Date and signature].

NOTES

(Schedules and sections referred to in these notes are in the Housing Act 1985 as amended by Schedule 15 to the Housing Act 1988).

Right of Appeal

1. If you do not think you should pay the sum demanded you may appeal against this demand to the county court. You must do this within 21 days of the date this demand is served on you. (Schedule 10, paragraph 6(1))

2. If you do appeal you will not be able to raise any questions which might have been raised on an appeal against the notice referred to in paragraph 1 of the demand, for example a question whether the works described in the notice were necessary. (Schedule 10, paragraph 6(4))

3. If the Council carried out the works themselves because they thought that reasonable progress was not being made towards compliance with the notice, you may appeal on the ground that, at the time the Council gave notice under section 194 of their intention to enter and do the works, reasonable progress was being made towards compliance with the notice. (Schedule 10, paragraph 6(1A))

Operation of the Demand

4. If there is not an appeal the demand will become operative at the end of 21 days from the date on which it is served. (Schedule 10, paragraph 3(3))

5. If an appeal is brought and the demand is confirmed, the demand becomes operative when the appeal is finally decided. (Schedule 10, paragraph 6(3))

County Court

6. If you decide to appeal you will need to apply to your local county court (you can find the address and telephone number in the telephone directory under 'Courts'). The court staff will show you how to word your request. You must put with your request a copy of this demand. You will also need an extra copy of your request for the court to send to the Council.

Expenses and Interest

7. The expenses demanded by the Council must have been reasonably incurred and the rate of interest charged must be a reasonable one.

(Schedule 10, paragraphs 1 and 4)

Agents or Trustees

8. If, in relation to the premises described in paragraph 1 of the demand, you act as agent or trustee for some other person, you should tell the Council this at once as it may reduce the amount you are liable to pay under this demand.

(Schedule 10, paragraph 2)

Expenses and Interest a Charge on the Premises

9. The expenses which are the subject of this demand, together with interest as it becomes due, are, until recovered by the Council, a charge on the premises referred to in paragraph 1 of the demand.

(Schedule 10, paragraph 7)

Advice

10. If you do not understand this demand or wish to know more about it, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or any part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half an hour of advice for about £5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe new forms for use by local housing authorities for the purposes of Part VI of the Housing Act 1985 (repair notices) as amended by Schedule 15 to the Housing Act 1988. These amendments do not have effect in relation to any repair notices, within the meaning of Part VI, served before 15th January 1989.