
STATUTORY INSTRUMENTS

1997 No. 1903

HOUSING, ENGLAND AND WALES

The Housing (Prescribed Forms)
(Amendment) (No. 2) Regulations 1997

<i>Made</i>	- - - -	<i>30th July 1997</i>
<i>Laid before Parliament</i>		<i>7th August 1997</i>
<i>Coming into force</i>	- -	<i>28th August 1997</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 614 of the Housing Act 1985⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing (Prescribed Forms) (Amendment) (No. 2) Regulations 1997 and shall come into force on 28th August 1997.

(2) In these Regulations, “the principal Regulations” means the Housing (Prescribed Forms) (No. 2) Regulations 1990⁽²⁾ and a reference to a numbered form in the Schedule to these Regulations is a reference to the form bearing that number in the Schedule to the principal Regulations.

Amendment of Principal Regulations

2. The forms set out in the Schedule to the principal Regulations shall be amended as set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State

24th July 1997

Nick Raynsford
Parliamentary Under Secretary of State,
Department of the Environment

(1) 1985 c. 68.
(2) S.I.1990/1730, to which there are amendments not relevant to these Regulations.

Status: *This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

Signed by authority of the Secretary of State for Wales

30th July 1997

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE

Regulation 2

1. FORM 1:*Notice to execute repairs to an unfit [dwelling-house] [house in multiple occupation] which is not a flat [in multiple occupation]*

FORM 2:*Notice to execute repairs to an unfit flat [in multiple occupation]*

FORM 3:*Notice to execute repairs to a part of a building containing an unfit flat [in multiple occupation]*

In the notes to forms 1 to 3 set out after Schedule 2 to form 3—

- (a) in the first paragraph, at the beginning, insert “Unless otherwise stated,” and after “the Housing Act 1985” insert “(the 1985 Act)”;
 - (b) under “Group Repair Scheme”—
 - (i) for “sections 127 to 130 of the Local Government and Housing Act 1989” substitute “Chapter II of Part I of the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act)”;
 - (ii) omit “at least four”; and
 - (iii) after “with the owner”, insert “normally”;
 - (c) under “Right of Appeal” after “(which would require the premises to be pulled down)”, insert “or the service of a deferred action notice under section 81 of the 1996 Act” and, at the end, for “of the Act” substitute “of the 1985 Act and section 85 of the 1996 Act”;
 - (d) for the paragraph headed “Grant”, substitute—

“You may be entitled, under Part I of the 1996 Act, to a discretionary grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council about the possibility of obtaining grant, and submit a formal application for grant, before appointing contractors or starting the works.”; and
 - (e) under “County Court”, for “will show you how to word your request” substitute “can supply the request form and advise on procedure”.
- 2. FORM 4:***Notice to execute repairs to a [dwelling-house] [house in multiple occupation]*
- FORM 5:***Notice to execute repairs to a part of a building containing a flat [in multiple occupation]*
- In the notes to forms 4 and 5 set out after the Schedule to form 5—
- (a) in the first paragraph, at the beginning, insert “Unless otherwise stated,” and after “the Housing Act 1985” add “(the 1985 Act)”;
 - (b) under “County Court”, for “will show you how to word your request” substitute “can supply the request form and advise on procedure”; and
 - (c) for the paragraph headed “Grant”, substitute—

“You may be entitled, under Part I of the Housing Grants, Construction and Regeneration Act 1996, to a discretionary grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of grant in each case. You should contact the Council about the possibility of obtaining a grant, and submit a formal application for grant, before appointing contractors or starting the works.”.
- 3. FORM 13:***Closing order*
- (a) In paragraph 2 of the form, after “Housing Act 1985” insert “and section 85 of the Housing Grants, Construction and Regeneration Act 1996”.

- (b) In paragraph 3 of the form, for “Act” substitute “Housing Act 1985”.
- (c) In the notes—
 - (i) in the first paragraph, at the beginning, insert “Unless otherwise stated,”;
 - (ii) under “Right of Appeal” after “section 265” insert “, or service of a deferred action notice under section 81 of the Housing Grants, Construction and Regeneration Act 1996,”;
 - (iii) under “County Court”, for “will show you how to word your request”, substitute “can supply the request form and advise on procedure”; and
 - (iv) under “Compensation payable to owners”, for “compulsory purchase” substitute “open market”.

4. FORM 14: Demolition order

- (a) In paragraph 2 of the form, after “Housing Act 1985”, insert “and section 85 of the Housing Grants, Construction and Regeneration Act 1996”.
- (b) In paragraph 3 of the form, for “Act” substitute “Housing Act 1985”.
- (c) In the Schedule, for “Act” in both places where it appears, substitute “Housing Act 1985”.
- (d) In the notes—
 - (i) in the first paragraph, at the beginning insert “Unless otherwise stated,” and, after “1985”, add “(the 1985 Act)”;
 - (ii) under “Right of Appeal”, after “section 264”, insert “, or the service of a deferred action notice under section 81 of the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act),” and after “section 604A”, insert “of the 1985 Act and section 85 of the 1996 Act”;
 - (iii) under “County Court”, for “will show you how to word your request”, substitute “can supply the request form and advise on procedure”; and
 - (iv) under “Compensation payable to owners”, for “compulsory purchase” substitute “open market”.

5. FORM 19: Demolition order substituted for closing order

In the notes, under “County Court”, for “will show you how to word your request”, substitute “can supply the request form and advise on procedure”.

6. FORM 20: Notice of intention to include a building in a clearance area

- (a) In paragraph 4 of the form, for “Act” substitute “Housing Act 1985 and section 85 of the Housing Grants, Construction and Regeneration Act 1996”.
- (b) In the notes—
 - (i) in the first paragraph, at the beginning, insert “Unless otherwise stated,” and, after “1985”, insert “(the 1985 Act)”;
 - (ii) under “Decision of the Council”—
 - (aa) for “section 604A of the Act” substitute “section 604A of the 1985 Act and under section 85 of the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act)”;
 - (bb) after “189”, “264” and “265”, omit “of the Act”;
 - (cc) after “human habitation” in the second place where it appears, omit “, or”;
 - (dd) after “demolished” add “; or to serve a deferred action notice under section 81 of the 1996 Act”; and

(ee) at the end, in brackets after “269”, insert “of the 1985 Act and sections 81, 82 and 83 of the 1996 Act”.

7. FORM 21:*Notice of determination to purchase premises liable to be demolished or closed*

- (a) In paragraph 3 of the form, after “Housing Act 1985”, insert “and section 85 of the Housing Grants, Construction and Regeneration Act 1996” and after “section 264” and “section 265”, insert “of the Housing Act 1985”.
- (b) In paragraph 4 of the form, for “Act”, substitute “Housing Act 1985”.
- (c) In the Schedule, for “Act” in both places where it appears, substitute “Housing Act 1985”.
- (d) In the notes, under “County Court”, for “will show you how to word your request”, substitute “can supply the request form and advise on procedure”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the forms prescribed by the Housing (Prescribed Forms) (No. 2) Regulations 1990 following the coming into force of Chapter IV of Part I of the Housing Grants, Construction and Regeneration Act 1996 (deferred action notices). A deferred action notice is to be served by a local housing authority if they are satisfied that a dwelling-house or house in multiple occupation is unfit for human habitation and are satisfied that serving such a notice is the most satisfactory course of action.