

## SCHEDULE

### PART 1

#### ACTION UNDER THE 1985 ACT RELATING TO UNFITNESS

##### **Closing orders**

2.—(1) A closing order made under section 264 or 368(4) of the 1985 Act before the first commencement date shall cease to have effect on that date unless it is an order to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a closing order—

- (a) which has become operative as mentioned in section 268(2) of the 1985 Act before the first commencement date; or
- (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) During the period beginning on the first commencement date and ending on 5th April 2008, the following shall not have effect in relation to a closing order to which sub-paragraph (2) applies—

- (a) the repeal of sections 264, 267(2) and (3), 269(2A) and (3A), 276 to 278, 368, 395, 396, 397, 604 and 604A of the 1985 Act;
- (b) the repeals in sections 317, 319(1)(b) and 323 of that Act; and
- (c) the amendments made by section 48(2) and (4) of, and paragraphs 13, 14, 22, 26, 27 and 33 of Schedule 15 to the 2004 Act.

(4) Where—

- (a) an appeal in respect of a closing order to which sub-paragraph (2) applies is allowed; and
- (b) the judge includes in his judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority shall take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) A closing order to which sub-paragraph (2) applies shall cease to have effect on 6th April 2008 except in relation to anything done in connection with the order before that date.

(6) The amendments made by—

- (a) paragraphs 3, 4(3), 5 and 6 of Schedule 15 to the 2004 Act (which amend the Land Compensation Act 1973); and
- (b) paragraphs 30 and 31 of that Schedule (which substitute compensation provisions of the Housing Act 1985),

shall not have effect in relation to a closing order to which sub-paragraph (2) applies.