



# Housing Act 1957

## 1957 CHAPTER 56

### PART I

#### GENERAL PROVISIONS AS RESPECTS LOCAL AUTHORITIES

#### **1 Local authorities for purposes of this Act**

- (1) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects England and Wales other than the administrative county of London shall be the council of the borough, urban district or rural district.
- (2) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects the administrative county of London shall be,—
  - (a) as respects the City of London, the Common Council,
  - (b) as respects the administrative county of London other than the City of London, the metropolitan borough council or the London County Council as hereinafter provided.

#### **2 Approval by Minister of proposals for exercise of local authorities' functions under Parts II and III**

- (1) It shall be the duty of a local authority in carrying out their functions under Parts II and III of this Act to have regard to the proposals in that behalf submitted by them to the Minister and approved by him before the commencement of this Act under the Housing Repairs and Rents Act, 1954, but subject to any modifications made by subsequent proposals approved by the Minister under this section.
- (2) A local authority may at any time, and if directed by the Minister shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals for dealing with unfit houses previously submitted by that authority and approved by the Minister; and the Minister may approve the further proposals with or without modifications.

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- (3) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and shall be open to inspection without charge during ordinary office hours.
- (4) The proposals submitted under this section in respect of any metropolitan borough shall be proposals submitted jointly by the London County Council and the council of the borough.

### **3 Duty of local authority to inspect district and keep records**

- (1) It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any house therein is unfit for human habitation, and for that purpose it shall be the duty of the local authority, and of every officer of the local authority, to comply with such regulations and to keep such records as the Minister may prescribe.
- (2) As respects the administrative county of London other than the City of London the local authority for the purposes of this section shall be the council of the metropolitan borough.

## **PART II**

### PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES

#### *Definition of Standard of Fitness*

### **4 Matters to be taken into account in determining whether a house is unfit**

- (1) In determining for any of the purposes of this Act whether a house is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say—
  - (a) repair;
  - (b) stability;
  - (c) freedom from damp ;
  - (d) natural lighting;
  - (e) ventilation;
  - (f) water supply;
  - (g) drainage and sanitary conveniences ;
  - (h) facilities for storage, preparation and cooking of food and for the disposal of waste water ;

and the house shall be deemed to be unfit for human habitation if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.
- (2) So much of any local enactment—
  - (a) as specifies defects by reason of which a house is to be deemed for the purposes of section nine of this Act not to be in all respects fit for human habitation, or

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- (b) as regulates the matters to be taken into consideration on an appeal under this Part of this Act in respect of a notice requiring the execution of works to remedy any defects so specified,  
shall cease to have effect.

## **5 Prohibition of back-to-back houses**

- (1) Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house shall for the purposes of this Act be deemed to be unfit for human habitation:

Provided that nothing in this section shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the borough or district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

- (2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets, the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, on the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

### *Obligation of Lessors of Small Houses*

## **6 Conditions to be implied on the letting of small houses**

- (1) This section applies—
- (a) to a contract made before the thirty-first day of July, nineteen hundred and twenty-three, for letting for human habitation a house at a rent not exceeding—
- (i) in the case of a house situate in the administrative county of London, forty pounds;
  - (ii) in the case of a house situate in a borough or urban district outside the administrative county of London, being a borough or district which at the date of the contract had according to the last published census a population of fifty thousand or upwards, twenty-six pounds;
  - (iii) in the case of a house situate elsewhere, sixteen pounds, and
- (b) to a contract made on or after the said thirty-first day of July and before the sixth day of July, nineteen hundred and fifty-seven, for letting for human habitation a house at a rent not exceeding—
- (i) in the case of a house situate in the administrative county of London, forty pounds ;
  - (ii) in the case of a house situate elsewhere, twenty-six pounds, and
- (c) to a contract made on or after the said sixth day of July, nineteen hundred and fifty-seven, for letting for human habitation a house at a rent not exceeding—
- (i) in the case of a house situate in the administrative county of London, eighty pounds ;
  - (ii) in the case of a house situate elsewhere, fifty-two pounds.

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- (2) Subject to the provisions of this Act, in any contract to which this section applies there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, fit for human habitation:

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for human habitation, and the lease is not determinable at the option of either party before the expiration of three years.

- (3) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.
- (4) In this section the expression " landlord" means any person who lets for human habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression " house " includes part of a house.

#### **7 Application of foregoing section to houses occupied by agricultural workers otherwise than as tenants**

Notwithstanding any stipulation to the contrary, where under a contract of employment of a workman employed in agriculture the provision of a house or part of a house for his occupation forms part of his remuneration, and the provisions of the last foregoing section are inapplicable by reason only of the house or part of the house not being let to him, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly, with the substitution of " employer " for " landlord ", and such other modifications as may be necessary:

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

#### **8 Information to be given to tenants of working-class houses**

In the case of any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in the rent book, or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and, where there has been any failure to comply with the provisions of this section in respect of any house, any person who while the default continues demands or collects any rent in respect of the house as aforesaid shall on summary conviction be liable to a fine not exceeding forty shillings.

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### *Unfit premises capable of repair at reasonable cost*

## **9 Power of local authority to require repair of unfit house**

- (1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house is unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice—
  - (a) requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice, and
  - (b) stating that, in the opinion of the authority, those works will render the house fit for human habitation.
- (2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.
- (3) In this and the three next following sections references to a house include a reference to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same inclosure for a period of two years next before action is taken under this section.

## **10 Enforcement of notice requiring execution of works**

- (1) If a notice under the last foregoing section requiring the person having control of a house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.
- (2) Where the local authority are about to enter upon a house under the provisions of the foregoing subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of the notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the works in order to obviate danger to occupants of the house.
- (3) Any expenses incurred by the local authority under this section, together with interest from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the house or, if he receives the rent of the house as

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agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person:

Provided that, if the person having control of the house proves that he—

- (a) is receiving the rent merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority ;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

- (4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.
- (5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.
- (6) Any interest payable under subsection (3) or subsection (5) of this section shall be at such rate as the Minister may, with the approval of the Treasury, from time to time fix for the purposes of either or both of those subsections by order contained in a statutory instrument.
- (7) The amount Of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (8) The power of appointing a receiver under the last foregoing subsection shall be exercisable at any time after the expiration of one month from the date of the service under subsection (3) of this section of a demand for the expenses charged on the premises.
- (9) No action taken under this or the last foregoing section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

## **11 Right of appeal**

- (1) Any person aggrieved by—
  - (a) a notice under the foregoing provisions of this Part of this Act requiring the execution of works,
  - (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice,
  - (c) an order made by a local authority with respect to any such expenses,
 may, within twenty-one days of the service of the notice, demand or order, appeal to the county court within the jurisdiction of which the premises to which the notice, demand

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or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order in relation to which an appeal is brought before the appeal has been finally determined.

- (2) On an appeal under paragraph (b) or paragraph (c) of the foregoing subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of works.
- (3) On an appeal to the county court under this section the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit and where the judge allows an appeal against a notice requiring the execution of works to a house, he shall, if requested by the local authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

## **12 Power of local authority to buy house found on appeal not to be capable of repair at reasonable cost**

- (1) Where a person has appealed against a notice under this Part of this Act requiring the execution of works to a house, and the judge or court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement or may be authorised by the Minister to purchase it compulsorily ; and the First Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) The Minister shall not confirm an order for the compulsory purchase of a house under this section unless the order is submitted to the Minister within six months after the determination of the appeal and if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister, within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.
- (3) If the local authority purchase the house compulsorily they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.
- (4) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district, but the payment of compensation on a compulsory purchase in pursuance of this section shall be without prejudice to the making of such payment, if any, in respect of the compulsory purchase as is authorised by sections thirty and thirty-one of this Act.

## **13 Recovery by lessees of proportion of cost of execution of works**

- (1) Where any person who incurs expenditure in complying with a notice under the foregoing provisions of this Part of this Act requiring the execution of works or in defraying expenses incurred by a local authority under those provisions in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined by the county court to be just having regard—

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- (a) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house,
  - (b) to the length of the unexpired term of the lease,
  - (c) to the rent payable under the lease, and
  - (d) to all other relevant circumstances.
- (2) Where a person from whom any sum is recoverable under the foregoing subsection is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure as mentioned in that subsection.
- (3) The foregoing provisions of this section shall not apply in relation to any expenditure in respect of which a charging order is in force under this Part of this Act, or in respect of which an application for such an order is for the time being pending.
- (4) In this section " lease " includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy, and the expressions " lessee" and " lessor" shall be construed accordingly.

#### **14 Charging orders in favour of owner executing works**

- (1) Where any owner has completed in respect of a house any works required to be executed by a notice of a local authority under this Part of this Act, he may apply to the local authority for a charging order.
- (2) An applicant for a charging order under this section shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and accounts of and vouchers for the expenses of the works; and the local authority, when satisfied that the owner has duly executed the required works, and of the amount of the expenses, and of the costs properly incurred in obtaining the charging order, shall make an order accordingly charging on the house an annuity to repay the amount.
- (3) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term of thirty years to the owner named in the order, his executors, administrators, or assigns.
- (4) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk to the authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the house is situate, and be by him filed and recorded.
- (5) Any person aggrieved by a charging order made by a local authority under this section may appeal to Quarter Sessions against the order by a notice of appeal given within one month after notice of the charging order has been served upon him, and where a notice of appeal is so given, no proceedings shall be taken under the order until the appeal is determined or ceases to be prosecuted.
- (6) Section thirty-one of the Summary Jurisdiction Act, 1879, and section eighty-four of the Magistrates' Courts Act, 1952 (which relate to appeals from courts of summary jurisdiction to courts of quarter sessions), shall apply in relation to an appeal under this section with the necessary modifications as if the charging order were an order of a magistrates' court.



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- (7) A court of quarter sessions to which an appeal is brought under this section shall, at the request of either party to the appeal, state the facts in the form of a special case for the opinion of the High Court.

## **15 Form, effect, etc. of charging orders**

- (1) Every charge created by a charging order under this Part of this Act shall be in such form as the Minister may prescribe, and shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—
- (a) tithe commutation rent charge, and
  - (b) any charge on the premises created or arising under any provision of the Public Health Act, 1875, the Public Health Act, 1936, or the Public Health (London) Act, 1936, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority ; and
  - (c) any charge created under any Act authorising advances of public money;
- and where more charges than one are charged under this Part of this Act on any premises such charges shall, as between themselves, take order according to their respective dates.
- (2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this Part of this Act directed with reference to, or consequent on, the obtaining of such an order or the making of such a charge, have been duly served, done, and taken, and that the charge has been duly created, and is a valid charge on the premises declared to be subject thereto.
- (3) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.
- (4) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred; and any such transfer may be in such form as the Minister may prescribe.
- (5) Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Minister.
- (6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last mentioned Act, every charging order under this Part of this Act which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered.

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*Unfit premises beyond repair at reasonable cost*

**16 Power of local authority to accept undertaking as to reconstruction or use of unfit house**

- (1) Where a local authority, on consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house—
  - (a) is unfit for human habitation, and
  - (b) is not capable at a reasonable expense of being rendered so fit,
 they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them.
- (2) Every person upon whom such a notice is served under subsection (1) of this section shall be entitled to be heard when the matter is so taken into consideration.
- (3) A person upon whom such a notice is served under subsection (1) of this section shall, if he intends to submit an offer with respect to the carrying out of works,—
  - (a) within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer, and
  - (b) within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.
- (4) The local authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.
- (5) Nothing in the Rent Acts shall prevent possession being obtained of any premises by any owner thereof in a case where an undertaking has been given under this section that those premises shall not be used for human habitation.
- (6) Any person who knowing that an undertaking has been given under this section that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.
- (7) In this section references to a house include references to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same inclosure for a period of two years next before action is taken under this Part of this Act.

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## **17 Duty of local authority to make demolition or closing order or to purchase house where no undertaking is accepted**

- (1) If no such undertaking as is mentioned in the last foregoing section is accepted by the local authority, or if, in a case where they have accepted such an undertaking,—
- (a) any work to which the undertaking relates is not carried out within the specified period, or
  - (b) the premises are at any time used in contravention of the terms of the undertaking,

then, subject to the provisions of this section, the local authority shall forthwith make a demolition order for the demolition of the premises to which the notice given under the last foregoing section relates:

Provided that if in the case of any house the local authority consider it inexpedient to make a demolition order having regard to the effect of the demolition of that house upon any other house or building, they may make a closing order as respects that house instead of a demolition order.

- (2) Where a local authority would under the foregoing subsection be required to make a demolition or closing order in respect of a house they may, if it appears to them that the house is or can be rendered capable of providing accommodation which is adequate for the time being, purchase the house instead of making a demolition or closing order.
- (3) If in the case of any house—
- (a) a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947, is in force as respects that house, or
  - (b) the house is included in a list compiled or approved under section thirty of that Act by the Minister, or
  - (c) a notice is in force given by the Minister to the local authority and stating that the architectural or historic interest of the house is sufficient to render it inexpedient that the house should be demolished pending determination of the question whether or not it should be made the subject of such a building preservation order as aforesaid or included in such a list as aforesaid,

subsection (2) of this section shall not apply and the order to be made under subsection (1) of this section shall be a closing order and not a demolition order.

## **18 Power to make a closing order as to part of a building**

- (1) A local authority may under the foregoing provisions of this Part of this Act take the like proceedings in relation to—
- (a) any part of a building which is used, or is suitable for use, as a dwelling, or
  - (b) any underground room which is deemed for the purposes of this section to be unfit for human habitation,

as they are empowered to take in relation to a house subject, however, to this qualification that in circumstances in which, in the case of a house, they would have taken action under the last foregoing section (whether by making a demolition or closing order or by purchasing the house) they shall make a closing order as respects the part of the building or, as the case may be, as respects the room.

- (2) Subject to the provisions of section four of this Act as to the circumstances under which a house is to be deemed unfit for human habitation, a room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or

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nearest to the room, or more than three feet below the surface of any ground within nine feet of the room, shall for the purposes of this section be deemed to be unfit for human habitation, if either—

- (a) the average height of the room from floor to ceiling is not at least seven feet, or
- (b) the room does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia or exhalation:

Provided that, if the local authority, after being required to do so by the Minister, fail to make regulations, or such regulations as the Minister approves, the Minister may himself by statutory instrument make regulations which shall have effect as if they had been made by the local authority with the consent of the Minister.

## **19 Service of notice of demolition or closing order or intention to purchase**

Where a local authority—

- (a) have made a demolition or closing order under either of the two last foregoing sections, or
- (b) have determined to purchase a house under the former of those sections,

they shall serve a copy of the order or, as the case may be, a notice of their determination to purchase the house on every person on whom they would be required under subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

## **20 Right of appeal against demolition order, etc.**

- (1) Any person aggrieved by—
  - (a) a demolition or closing order made under this Part of this Act, or
  - (b) a notice of the determination of a local authority to purchase a house served under the last foregoing section,

may, within twenty-one days after the date of the service of the order or notice, appeal to the county court within the jurisdiction of which the premises to which the order or notice relates are situate, and no proceedings shall be taken by the local authority to enforce any order or notice in relation to which an appeal is brought before the appeal has been finally determined.

- (2) No appeal shall lie under this section at the instance of a person who is in occupation of the premises to which the order or notice relates under a lease or agreement of which the unexpired term does not exceed three years.
- (3) On an appeal to the county court under this section the judge may make such order either confirming or quashing or varying the order or notice as he thinks fit and may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the local authority under this Part of this Act:

Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section sixteen of this Act was served an undertaking to carry out any works unless the appellant complied with the requirements of subsection (3) of that section.

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## **21 Content of demolition order**

A demolition order made under this Part of this Act with respect to any premises shall require—

- (a) that the premises shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and
- (b) that the premises shall be demolished within six weeks after the expiration of that period, or, if the premises are not vacated before the expiration of that period, within six weeks after the date on which they are vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify.

## **22 Demolition orders: recovery of possession of building to be demolished**

- (1) Where a demolition order under this Part of this Act has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
  - (a) stating the effect of the order, and
  - (b) specifying the date by which the order requires the building to be vacated, and
  - (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a magistrates' court and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.
- (3) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.
- (4) Any person who, knowing that a demolition order under this Part of this Act has become operative and applies to a building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (5) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

## **23 Demolition orders: enforcement**

- (1) Subject to the provisions of this Part of this Act, when a demolition order under this Part of this Act has become operative, the owner or owners of the premises to which it applies shall demolish those premises within the time limited in that behalf by the order; and if the premises are not demolished within that time, the local authority shall enter and demolish the premises and sell the materials thereof.

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- (2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the premises or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.
- (3) Any surplus in the hands of the authority shall be paid by them to the owner of the premises, or if there is more than one owner, shall be paid as those owners may agree.  

If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the premises, and section sixty-three of the Trustee Act, 1925 (which relates to payment into court by trustees), shall have effect accordingly.
- (4) The county court within the jurisdiction of which the premises are situate shall have jurisdiction to hear and determine any proceedings under subsection (2) of this section, and shall have jurisdiction under section sixty-three of the Trustee Act, 1925, in relation to any such surplus as is mentioned in subsection (3) of this section.
- (5) A county court judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of any premises, shall have regard to their respective interests in the premises, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

## **24 Demolition orders: power to permit reconstruction of condemned house**

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of the last foregoing section to demolish it, in order that the said owner may have an opportunity of carrying out the works.
- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under this Part of this Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

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## **25 Demolition orders: cleansing before demolition**

- (1) If it appears to the local authority that premises to which a demolition order made under this Part of this Act applies require to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which it becomes operative in relation to the premises, serve notice in writing on the owner or owners of the premises that the authority intend to cleanse them before they are demolished.
- (2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the premises and they have been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the premises have been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from the receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition whether the work has then been completed or not.

- (3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section twenty-three of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

## **26 Demolition orders: substitution of closing order in case of house included in building preservation order, etc.**

Where a house with respect to which a demolition order made under this Part of this Act by a local authority applies (whether or not that order has become operative) becomes one to which paragraph (a), (b) or (c) of subsection (3) of section seventeen of this Act applies, the local authority shall determine the demolition order and make a closing order as respects the house ; and the local authority shall serve notice that the demolition order has been determined and a copy of the closing order on every person on whom they would be required by subsection (1) of section sixteen of this Act to serve a notice issued by them under that subsection.

## **27 Closing orders: general provisions**

- (1) A closing order shall be an order prohibiting the use of the premises as respects which the order is made for any purpose other than a purpose approved by the local authority, and any person who, knowing that a closing order has become operative and applies to any premises, uses those premises in contravention of the order, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

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- (2) The approval of the local authority under the foregoing subsection shall not be unreasonably withheld and they shall determine the order on being satisfied that the premises as respects which it was made have been rendered fit for human habitation.
- (3) Any person aggrieved by—
  - (a) the withholding of approval by the local authority of any use of the premises to which the closing order relates, or
  - (b) a refusal by the local authority to determine the closing order,
 may, within twenty-one days after the refusal, appeal to the county court within the jurisdiction of which the premises to which the closing order relates are situated.
- (4) No appeal shall lie under paragraph (b) of the last foregoing subsection at the instance of a person who is in occupation of the premises to which the closing order relates under a lease or agreement of which the unexpired term does not exceed three years.
- (5) Nothing in the Rent Acts shall prevent possession being obtained by the owner of premises in a case where a closing order under the proviso to subsection (1) of section seventeen or under section eighteen of this Act is in force in respect thereof.

## **28 Closing orders: substitution of demolition order**

Where a local authority have made a closing order under the proviso to subsection (1) of section seventeen of this Act, they may at any time revoke it and make a demolition order; and, when the demolition order has been made, the provisions of this Act relating to demolition orders (including the provisions relating to the service of copies of demolition orders and to appeals against demolition orders) shall apply as if the demolition order had been made under the said section seventeen.

## **29 Provisions as to purchase of condemned houses**

- (1) At any time after a notice of the determination of a local authority to purchase a house under section nineteen of this Act has become operative, the local authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the First Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district but the payment of compensation on a compulsory purchase in pursuance of this section shall be without prejudice to the making of such payment, if any, in respect of the compulsory purchase as is authorised by sections thirty and thirty-one of this Act.
- (3) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing accommodation of a standard which is adequate for the time being pending its demolition by the authority.
- (4) In respect of any house purchased under this section the local authority shall have the like powers as they have in respect of houses provided under Part V of this Act, and section six of this Act shall not apply to a contract for the letting by a local authority of any such house.



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### **30 Payments in respect of condemned houses which have been well maintained**

- (1) Within three months of the service by a local authority under section nineteen of this Act of a copy of a demolition order or of a notice of their determination to purchase a house any person may represent to them that the house has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense.
- (2) This section shall apply to a closing order made under the proviso to subsection (1) of section seventeen of this Act as it applies to a demolition order.
- (3) If—
  - (a) the house is vacated in pursuance of the demolition or closing order or purchased compulsorily in pursuance of the notice, and
  - (b) leaving out of account any defects in the house in respect of any such matters as are mentioned in paragraphs (b) to (h) of subsection (1) of section four of this Act, the representation made as respects the house is correct,the local authority shall make to the person by whom the representation was made in respect of the house such payment, if any, as is authorised by Part I of the Second Schedule to this Act.
- (4) If, on receiving the representation, the local authority consider that the condition specified in paragraph (b) of the last foregoing subsection is not satisfied they shall serve on the person by whom the representation was made notice that no payment falls to be made to him under that subsection.
- (5) Any person aggrieved by a notice under the last foregoing subsection may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the house to which the notice relates is situated, and on the appeal to the county court the judge may make such order either confirming or quashing or varying the notice as he thinks fit:

Provided that if the persons who would be entitled to appear and be heard on such an appeal so agree in writing any matter in dispute which might have been the subject of such an appeal shall instead be submitted to arbitration.
- (6) For the purposes of this section a house which might have been the subject of a demolition order under this Part of this Act but which has without the making of such an order been vacated and demolished in pursuance of an undertaking for its demolition given to the local authority shall be deemed to have been vacated in pursuance of a demolition order made and served at the date when the undertaking was given.
- (7) In this section references to a demolition order do not include such an order in respect of a house already subject to a closing order so far as it affects any part of the house in relation to which a payment under this section or under the Second Schedule to this Act has fallen to be made in respect of the closing order.

### **31 Temporary provisions for payments to owner-occupiers and others**

The provisions of Part II of the Second Schedule to this Act shall have effect as respects payments to be made in certain circumstances in respect of houses affected by action taken under this Part of this Act.

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## **32 Payments to persons displaced**

A local authority may pay to any person displaced from a house to which a demolition order made under this Part of this Act, or a closing order, applies, or which has been purchased by them under this Part of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

### *Protection of owners*

## **33 Provisions for protection of owners of houses**

- (1) If an owner of any house who is not the person in receipt of the rents and profits thereof gives notice to the local authority of his interest in the house the local authority shall give to him notice of any proceedings taken by them in relation to the house in pursuance of the foregoing provisions of this Part of this Act or of the provisions of Part III of this Act relating to demolition orders.
- (2) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the right or remedies of any owner for breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority under this Part of this Act; and if any owner is obliged to take possession of a house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance which has occurred before he so took possession.

### *Transitory provisions as respects existing demolition orders*

## **34 Temporary occupation of houses subject to existing demolition orders**

- (1) If it appears to a local authority that any house in respect of which—
  - (a) a demolition order was made by that authority under Part II of the Housing Act, 1936, before the thirtieth day of August, nineteen hundred and fifty-four, or
  - (b) a closing order was made by them under section ten or section eleven of the Local Government (Miscellaneous Provisions) Act, 1953, before that date,
 is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section twenty-two of this Act and the provisions of Part III of this Act as to the vacation of buildings subject to clearance orders or demolition orders shall not apply to it.

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- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid ; and every such licence shall, unless previously revoked, cease to have effect on the thirtieth day of August, nineteen hundred and fifty-seven, or on such later date as the Minister may in any particular case allow in pursuance of an application made by the local authority before the said date in the year nineteen hundred and fifty-seven.
- (5) On the revocation or determination of a licence granted under this section in respect of a house, the local authority may, if they think fit, revoke the demolition order and purchase the house; and section twenty-nine of this Act shall apply as if notice of a determination to buy the house under section nineteen of this Act had become operative.
- (6) Any licence issued under Regulation 68A or 68AA of the Defence (General) Regulations, 1939, and in force immediately before the commencement of this Act in respect of a house subject to a demolition or closing order shall continue in force and have effect as if granted under this section, and may be revoked thereunder accordingly.

### **35 Retention of houses subject to existing demolition orders and required to support other buildings**

- (1) Where a demolition order was made under Part II of the Housing Act, 1936, at any time before the fourteenth day of August, nineteen hundred and fifty-three, and it appears to the local authority by whom the order was made that compliance therewith is inexpedient having regard to the effect of the demolition of that house on any other house or building, they may, whether or not that order has become operative and whether or not the period within which the house is thereby required to be demolished has expired, revoke the demolition order and make a closing order in respect of the house.
- (2) On the making of a closing order under this section the provisions of this Part of this Act shall apply as if the order had been made under the proviso to section seventeen of this Act so, however, that a notice of the revocation of the demolition order shall be served under section nineteen of this Act together with a copy of the closing order.

#### *Houses let in lodgings*

### **36 Power to require execution of works or reduction of number of occupants of house**

- (1) Where it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that with respect to any such matters as are specified in paragraphs (d) to (h) of subsection (1) of section four of this Act the premises are so far defective, having regard to the number of individuals or households, or both, accommodated for

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the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the local authority may serve on the person having control of the house a notice—

- (a) specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for such occupation as aforesaid, and
  - (b) requiring that person, in default of the execution of those works within a period specified in the notice, to take such steps as are reasonably open to him (including if necessary the taking of legal proceedings) for securing that the number of individuals accommodated on the premises or the number of households accommodated there, or both, is limited in any manner so specified.
- (2) A person aggrieved by a notice under this section may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the premises to which the notice relates are situated and on an appeal to the county court under this section—
  - (a) the judge may make such order confirming or quashing or varying the notice as he thinks fit, and
  - (b) the judge shall, if requested by the local authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.
- (3) Nothing in the Rent Acts shall prevent possession being obtained of any house or part of a house possession of which is required for the purpose of complying with a requirement under paragraph (b) of subsection (1) of this section.
- (4) A person who fails to comply with any requirement of a notice under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds; and if the failure continues after conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding two pounds for every day on which the failure so continues.
- (5) In the administrative county of London, other than the City of London, both the metropolitan borough council and the London County Council shall be local authorities for the purposes of this section.

### *Supplemental*

## **37 Date of operation of notices, demands and orders subject to appeal**

- (1) Any notice, demand or order against which an appeal might be brought to a county court under this Part of this Act shall, if no such appeal is brought, become operative on the expiration of twenty-one days from the date of the service of the notice, demand or order, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by a county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.
- (2) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision

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of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, on the expiration of the period within which such an appeal might have been brought.

### **38 Provisions as to appeals under Part II**

- (1) The rules made under section ninety-nine of the County Courts Act, 1934, for regulating the procedure and practice as respects appeals to the county court under this Part of this Act shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that inspection is desirable.
- (2) No appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings originating in an appeal to the county court under this Part of this Act.

### **39 Interpretation of Part II**

- (1) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.
- (2) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression "rack-rent" means rent which is not less than two-thirds of the full net annual value of the house.

### **40 Saving for certain restrictions in Part III**

The powers of a local authority exercisable under this Part of this Act shall be subject to the provisions of Part III of this Act with respect to redevelopment and reconditioning by owners of premises.

### **41 Local authority for Part II in London**

As respects the administrative county of London, other than the City of London, the local authority for the purposes of this Part of this Act shall, save as otherwise expressly provided, be the council of the metropolitan borough.

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## PART III

### CLEARANCE AND RE-DEVELOPMENT

#### *Clearance Areas*

#### **42 Power to declare an area to be a clearance area**

- (1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—
- (a) that the houses in that area are unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants ; and
  - (b) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area ;

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Part of this Act:

Provided that, before passing any such resolution, the authority shall satisfy themselves—

- (i) that, in so far as suitable accommodation available for the persons who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds ; and
  - (ii) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.
- (2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons who on a day specified in the statement were occupying the buildings comprised in the clearance area.
- (3) A local authority who have passed a resolution declaring any area to be a clearance area shall, before taking any action under that resolution which will necessitate the displacement of any persons, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Minister may consider to be reasonably necessary.

#### **43 Method of dealing with clearance area**

- (1) So soon as may be after a local authority have declared any area to be a clearance area, they shall, subject to and in accordance with the provisions of this Part of this Act, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—
- (a) by making one or more orders (in this Act referred to as " clearance orders ") for the demolition of the buildings in the area ; or

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- (b) by purchasing the land comprised in the area and them selves undertaking, or otherwise securing, the demolition of the buildings on that land.
- (2) Where the local authority determine to purchase any land comprised in the area declared by them to be a clearance area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.
- (3) Where the local authority have determined to purchase under this Part of this Act land comprised in, or surrounded by or adjoining, a clearance area they may purchase that land by agreement, or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of Parts I and II of the Third Schedule to this Act.

The powers conferred by this subsection shall be exercisable notwithstanding that any of the buildings within the clearance area have been demolished since the area was declared to be a clearance area.

- (4) Subject to the provisions of this Part of this Act, an order authorising the compulsory purchase of land comprised in a clearance area shall be submitted to the Minister within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area shall be submitted to the Minister within twelve months, after the date of the resolution declaring the area to be a clearance area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.
- (5) The provisions of the Fourth Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

#### **44 Clearance orders: general provisions**

- (1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Minister, for confirmation by him, a clearance order ordering the demolition of each of those buildings.
- (2) The provisions of the Fifth Schedule to this Act shall have effect with respect to the making, submission and confirmation of a clearance order, and the provisions of the Fourth Schedule to this Act shall have effect with respect to the validity and date of operation of such an order.
- (3) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable ; and, if the building is not demolished before the expiration of that period, the local authority shall enter and demolish the building and sell the materials thereof.
- (4) The provisions of subsections (2) to (5) of section twenty-three of this Act shall apply in relation to any expenses incurred by the authority under the last foregoing subsection and to any surplus remaining in the hands of the authority as they apply in

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relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the house demolished under the said section twenty-three.

- (5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose:

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

- (6) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under the last foregoing subsection shall, on summary conviction, be liable to a fine not exceeding forty shillings, and to a further fine not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.
- (7) The provisions of section twenty-five of this Act relating to the cleansing of houses from vermin shall have effect in relation to a house to which a clearance order applies as they have effect in relation to a building to which a demolition order made under Part II of this Act applies, with the substitution, for the reference to the date on which the demolition order is made, of a reference to the date on which the clearance order is confirmed, and, for the reference to subsection (1) of section twenty-three of this Act, of a reference to subsection (3) of this section.
- (8) In the provisions of this Act relating to buildings included in an area to which a clearance order applies, references to a building shall include references to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in subsection (5) of this section includes a reference to the erection or placing on land of a hut, tent, caravan or other temporary or movable form of shelter.

#### **45 Clearance orders: recovery of possession of buildings to be demolished**

- (1) A clearance order shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the local authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.
- (2) Where a clearance order has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
- (a) stating the effect of the order, and
  - (b) specifying the date by which the order requires the building to be vacated, and
  - (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (3) If at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a magistrates' court and thereupon the



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court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

- (4) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.
- (5) Any person who, knowing that a clearance order has become operative and applies to a building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (6) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

#### **46 Clearance orders: temporary retention of houses let to local authorities**

- (1) The following provisions of this section shall have effect, in the case of a house on land in a clearance area which does not belong to the local authority, where the authority are of opinion that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and that the house ought not to be demolished for the time being but ought to be retained for temporary use for housing purposes.
- (2) Subject to the next following subsection, the local authority may include in any clearance order made by them and applying to the house a provision that the demolition of the house in pursuance of the order is to be postponed until the authority determine that the house is no longer required for use for housing purposes ; and if such a provision is included, the order shall not fix a period for the vacation of the house as required by subsection (1) of the last foregoing section.
- (3) A local authority shall not include in a clearance order such a provision as is mentioned in the last foregoing subsection unless they have acquired, or are satisfied that by the time the clearance order becomes operative they will have acquired, such rights under a tenancy of the house as will enable them to retain the house for use for housing purposes until they determine that it is no longer required for such use and to deal with it in all respects as if it were a house on land in a clearance area belonging to them.
- (4) In relation to a house to which a clearance order applies with such a provision as is mentioned in subsection (2) of this section—
  - (a) subsection (3) of section forty-four of this Act shall have effect with the substitution for the period therein referred to of such a period not less than six weeks as may, in a notice served by the local authority on the owner or owners of the house as soon as they determine that the house is no longer required for use for housing purposes, be specified as the period within which the authority require the house to be demolished ; and
  - (b) the last foregoing section shall not apply until the local authority determine that the house is no longer required for such use as aforesaid and shall then have effect with the substitution for references to the date by which the order

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requires the house to be vacated of references to the date of the authority's notice under the foregoing paragraph.

- (5) In respect of any houses retained by a local authority under this section for temporary use for housing purposes, the authority shall have the like powers as they have in respect of houses provided under Part V of this Act, and section six of this Act shall not apply to a contract for the letting by a local authority of any such house.

#### **47 Treatment of land acquired by local authority**

- (1) Subject to the provisions of the next following section, a local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—
- (a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Minister, and subject to the like restrictions as are contained in section one hundred and sixty-three of the Local Government Act, 1933, with respect to the appropriation of land by local authorities under that section, appropriate the land for any purpose for which they are authorised to acquire land ; or
- (b) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit:

Provided that, in lieu of selling the land, the authority may, where the owner of other land (being land which the local authority have power to acquire) is willing to take the land in exchange for that other land, exchange it for that other land, either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the local authority as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder.

- (2) Land sold, exchanged or leased under this section shall be sold, exchanged or leased at the best price, for the best consideration or for the best rent that can reasonably be obtained having regard to any restriction or condition imposed.
- (3) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment and " sell " has a corresponding meaning.

#### **48 Temporary retention of unfit houses acquired by local authority**

- (1) Notwithstanding anything in the foregoing provisions of this Part of this Act a local authority by whom an area has been declared to be a clearance area may postpone, for such period as may be determined by the authority, the demolition of any houses on land purchased by or belonging to the authority within that area, being houses which in the opinion of the authority are or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and may carry out

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such works as may from time to time be required for rendering or keeping such houses capable of providing such accommodation as aforesaid pending their demolition.

- (2) Where the demolition of any houses in a clearance area is postponed under the foregoing subsection, the local authority may also postpone the taking of any proceedings under section forty-three of this Act in respect of any buildings (other than houses) within that area; and the provisions of subsection (4) of that section as to the time within which compulsory purchase orders may be submitted shall not apply to the purchase of any land in the area, other than houses, or to the purchase of any land surrounded by or adjoining the area.
- (3) Where a local authority are satisfied, in the case of a house on land purchased by or belonging to them within a clearance area, not being a house retained by them for temporary use for housing purposes, that—
- (a) it is required for the support of a house which is so retained, or
  - (b) there is some other special reason why it should not be demolished for the time being, and the reason is connected with the exercise of the authority's powers under subsection (1) of this section in relation to the clearance area,

then, notwithstanding anything in the foregoing provisions of this Part of this Act the authority may retain the house for the time being and shall not be required to demolish it so long as, in the case mentioned in paragraph (a) of this subsection, it is required for the purpose therein referred to, or, in any other case, the said powers are being exercised by the authority in relation to that area.

- (4) In respect of any houses retained by a local authority under this section for temporary use for housing purposes the local authority shall have the like powers as they have in respect of houses provided under Part V of this Act and section six of this Act shall not apply to a contract for the letting by a local authority of any such houses.

#### **49 Provisions with respect to property originally belonging to a local authority**

A local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under subsection (2) of section forty-three of this Act had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area:

Provided that the foregoing provisions of this section shall not apply in the case of any land belonging to the local authority being dwellings which were acquired by them on or after the first day of July, nineteen hundred and twenty-five, in such circumstances that the provisions of paragraph 1 of the Ninth Schedule to this Act (or of any enactment reproduced in that paragraph) took effect in relation thereto.

#### **50 Arrangements where acquisition of land in a clearance area found to be unnecessary**

Where a local authority have submitted to the Minister an order for the compulsory purchase of land in a clearance area, and the Minister, on an application for an authorisation under this section being made to him by the owner or owners of the land and the authority, is satisfied that the owner or owners of the land, with the concurrence

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of any mortgagee thereof, agree to the demolition of the buildings thereon and that the authority can secure the proper clearance of the area without acquiring the land, the Minister may—

- (a) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry or hearing to be held ; or
- (b) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such covenants have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section forty-seven of this Act.

## **51 Power of local authority to purchase cleared land which owners have failed to re-develop**

- (1) Where land has been cleared of buildings in accordance with a clearance order, the local authority may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the authority and any restrictions or conditions imposed under subsection (5) of section forty-four of this Act.
- (2) Where a local authority have determined to purchase land under this section, they may purchase that land by agreement or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of Parts I and II of the Third Schedule to this Act.
- (3) An order authorising the compulsory purchase of land for the purposes of this section shall be submitted to the Minister within three months after the date of the passing of the resolution to purchase.
- (4) The provisions of the Fourth Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.
- (5) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation in accordance with the provisions of section forty-seven of this Act.

## **52 Local authority for clearance areas in London**

Within a metropolitan borough both the London County Council and the council of the borough shall be local authorities for the purposes of the provisions of this Part of this Act relating to clearance areas:

Provided that where an official representation relating to not more than ten houses is made to the London County Council, the London County Council shall, unless they

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consider that the area should be dealt with by them as a clearance area, forward the representation to the borough council concerned.

*Transitory provisions as respects houses in clearance areas*

**53 Temporary occupation of houses subject to existing clearance orders**

- (1) if it appears to a local authority that any house in respect of which a clearance order had been made before the thirtieth day of August, nineteen hundred and fifty-four, by that authority is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section forty-five of this Act shall not apply to it.
- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then, notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid; and every such licence shall, unless previously revoked, cease to have effect on the thirtieth day of August, nineteen hundred and fifty-seven, or on such later date as the Minister may in any particular case allow in pursuance of an application made by the local authority before the said date in the year nineteen hundred and fifty-seven.
- (5) An order under section forty-three of this Act authorising the compulsory purchase by the local authority of any house in respect of which a licence has been granted under this section may, notwithstanding the provisions of subsection (4) of that section, be submitted to the Minister at any time not later than six months after his approval of proposals submitted by the local authority under subsection (1) of section one of the Housing Repairs and Rents Act, 1954, for dealing with unfit houses; and for the purposes of this subsection any time during which the licence was in force in respect of the house shall be disregarded.
- (6) Any licence issued under Regulation 68A or 68AA of the Defence (General) Regulations, 1939, and in force immediately before the commencement of this Act in respect of a house subject to a clearance order shall continue in force and have effect as if granted under this section and may be revoked thereunder accordingly.

**54 Power to purchase buildings subject to existing clearance orders**

- (1) Where a clearance order made before the thirtieth day of August, nineteen hundred and fifty-four, applies to a house which in the opinion of the local authority—
  - (a) is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, or

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- (b) should be retained for either of the purposes mentioned in paragraphs (a) and (b) of subsection (3) of section forty-eight of this Act, then, subject to the provisions of subsection (2) of this section, the house may be acquired by the local authority under section forty-three of this Act notwithstanding that the clearance order has been made or that any proceedings have been taken in pursuance of the clearance order; and on the completion of the purchase of the house the clearance order shall cease to have effect so far as it relates to the house.
- (2) The foregoing subsection shall not apply to a house as respects which a licence is for the time being in force under the last foregoing section.

### *Re-development Areas*

## **55 Duty of local authority to secure re-development**

- (1) If the local authority for any urban area (that is to say, the City of London, the rest of the administrative county of London, a county borough, a non-county borough, or an urban district) are satisfied, as a result of an inspection carried out under section seventy-six of this Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say—
- (a) that the area contains fifty or more working-class houses;
  - (b) that at least one-third of the working-class houses in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;
  - (c) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes ; and
  - (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;
- it shall be the duty of the local authority to cause the area to be defined on a map, and to pass a resolution declaring the area so defined to be a proposed re-development area.
- (2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Minister, and shall publish in one or more local newspapers circulating in their district a notice stating that the resolution has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.
- (3) In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the displacements from time to time becoming necessary as the re-development proceeds.

## **56 Re-development plan**

- (1) Within six months after a local authority have passed a resolution under the last foregoing section, or within such extended period as the Minister may allow, the authority shall prepare and submit to the Minister a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying

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out of re-development thereon, and in particular the land intended to be used for the provision of houses for the working classes, for streets and for open spaces.

- (2) In the preparation of the plan the local authority shall have regard to the provisions of any development plan within the meaning of the Town and Country Planning Act, 1947, relating to the defined area or land in the neighbourhood thereof.
- (3) Before submitting the plan to the Minister the local authority shall—
  - (a) publish in one or more local newspapers circulating in their district a notice stating that the plan has been prepared and is about to be submitted to the Minister, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and
  - (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all statutory undertakers owning apparatus in that area.

For the purposes of this subsection an occupier being a statutory tenant within the meaning of Part II of the Housing Repairs and Rents Act, 1954, shall be deemed to be a tenant for a period less than a month.

- (4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, approve the plan, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.
- (5) On receipt of notice of the Minister's approval the local authority shall publish in one or more local newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the plan, appeared at the public local inquiry in support of his objection.
- (6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the authority shall prepare and submit to the Minister a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Minister shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein for references to the re-development plan and to the defined area.
- (7) The provisions of the Fourth Schedule to this Act shall have effect with respect to the validity and date of operation of the Minister's approval of a re-development plan or of a new plan.
- (8) In the following provisions of this Act references to redevelopment or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this

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section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

## **57 Purchase of land for purposes of re-development**

- (1) When the Minister's approval of a re-development plan has become operative, the local authority may with the approval of the Minister purchase by agreement, or may be authorised by means of an order made and submitted to the Minister and confirmed by him in accordance with Parts I and II of the Third Schedule to this Act to purchase compulsorily,—
  - (a) land in the re-development area ; and
  - (b) any land outside that area which they may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.
- (2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Minister for the purchase, or to make and submit to the Minister orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

  - (a) in the case of land shown in the re-development plan as intended for the provision of houses for the working classes, six months from the date when the Minister's approval of the re-development plan becomes operative;
  - (b) in the case of other land in the re-development area, two years from that date;or, in either case, such extended period as the Minister may, on the application of the local authority, allow in respect of any land.
- (3) Where a local authority submit to the Minister an order for the compulsory purchase under this section of land which comprises or consists of a house which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the house is in that condition, and, if the Minister is of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.
- (4) The provisions of the Fourth Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.
- (5) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of a local authority or is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by subsection (2) of this section shall not apply with respect to any such land.
- (6) Land purchased by a local authority under this section for the provision of houses for the working classes shall be deemed to have been acquired by them under Part V of this Act.



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- (7) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Minister, be sold or leased to any person, or exchanged for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the redevelopment plan.
- (8) When the Minister's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.
- (9) Nothing in the Rent Acts shall prevent possession being obtained of any house possession of which is required for the purpose of enabling re-development in accordance with a redevelopment plan to be proceeded with.

## **58 Local authority for re-development areas in London**

As respects the administrative county of London other than the City of London the London County Council shall be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas:

Provided that where a metropolitan borough council give notice in writing to the London County Council that in their opinion their district comprises an area (the limits of which shall be specified) which ought to be defined as a proposed re-development area, and that they intend to pass such a resolution as is mentioned in subsection (1) of section fifty-five of this Act, the metropolitan borough council shall, as respects that area and subject as hereinafter provided, be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas—

- (a) if the London County Council within two months after the date of the receipt by them of such notice do not notify the metropolitan borough council that they intend themselves to deal with the area as a re-development area or as part of a re-development area, or as a clearance area or part of a clearance area, or that they propose to acquire the area or any part thereof as a site for the erection of houses for the working classes; or
- (b) if the London County Council notify the metropolitan borough council that they do not so intend to deal with the area or any part thereof;

so, however, that—

- (i) if a metropolitan borough council who become, in pursuance of this proviso, the local authority as respects that area do not submit to the Minister a re-development plan relating to that area within a period of two years after the date on which the metropolitan borough council so became the local authority, or such further period as may be approved by the Minister; or
- (ii) if the Minister decides that the area is not a suitable one to be dealt with by the metropolitan borough council;

the metropolitan borough council shall cease to be, and the London County Council shall be, the local authority as aforesaid as respects that area without prejudice to the rights of the metropolitan borough council to give a further notice under this proviso to the London County Council.

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*General provisions as to land affected by provisions of Part III*

**59 Compensation for land purchased compulsorily**

- (1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the following provisions of this section.
- (2) The compensation to be paid for land, including any buildings thereon, purchased as being land comprised in a clearance area shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district:
 

Provided that this subsection shall not have effect in the case of the site of a house or other building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is unfit for human habitation.
- (3) The compensation to be paid for a house which the local authority are authorised to purchase under section fifty-seven of this Act as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be assessed in like manner as if it had been land purchased as being comprised in a clearance area.
- (4) In the case of land, other than land in respect of which the provisions of subsection (2) or (3) of this section have effect, the rules specified in Part III of the Third Schedule to this Act shall be observed.

**60 Payments in respect of well maintained houses**

- (1) Where as respects a house—
  - (a) which is made the subject of a compulsory purchase order under this Part of this Act as being unfit for human habitation, or
  - (b) which is made the subject of a clearance order,
 the Minister is satisfied, after causing the house to be inspected by an officer of his department, that it has been well maintained, the Minister may give directions for the making by the local authority of a payment in respect of the house under this section of such amount, if any, as is authorised by Part I of the Second Schedule to this Act.
- (2) A payment under this section shall be made—
  - (a) if the house is occupied by an owner thereof, to him ; or
  - (b) if the house is not so occupied, to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the authority think equitable in the circumstances:

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

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**61 Temporary provisions for payments to owner-occupiers and others**

The provisions of Part II of the Second Schedule to this Act shall have effect as respects payments to be made in certain cases in respect of houses comprised in a clearance area or re-development area.

**62 Power of entry on land to be purchased by agreement under Part III or appropriated for the purposes of clearance areas**

- (1) Where a local authority—
- (a) have agreed to purchase land under this Part of this Act, or
  - (b) have determined to appropriate land for the purposes of the provisions of this Part of this Act relating to clearance areas,

subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession not less than fourteen days notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent.

- (2) The exercise of a local authority's power under the foregoing subsection shall be subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

**63 Power of local authority to make allowances to persons displaced**

- (1) A local authority may pay to any person displaced from a house or other building—
- (a) to which a clearance order applies, or
  - (b) which has been purchased by them under the provisions of this Part of this Act relating to clearance areas, or
  - (c) which has been purchased by them under the provisions of this Part of this Act relating to redevelopment areas as being unfit for human habitation and not capable at reasonable expense of being rendered so fit,

such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

- (2) Where, as a result of action taken by a local authority under the provisions of this Part of this Act relating to clearance areas, the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship

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which in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

#### **64 Extinguishment of rights of way, easements, etc.**

- (1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.
- (2) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing subsection for the authority to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.
- (3) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

#### **65 Provisions as to apparatus of statutory undertakers**

- (1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under this Part of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by the foregoing provisions of this Part of this Act, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.
- (2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—
  - (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or

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- (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
  - (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.
- (3) A local authority shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus.

Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

- (4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.
- (5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers:

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

- (6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—
- (a) in the case of a question arising under subsection (3) of this section be referred to and determined by the Lands Tribunal;
  - (b) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

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- (7) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

**66 Power to construct streets in clearance areas in London**

The London County Council may, on any land purchased by them in connection with a clearance area, lay out and construct and sewer such new streets and such widenings and improvements of existing streets as they think fit, and all new streets and new parts of streets so constructed by them shall, when completed, become repairable by the council of the metropolitan borough.

*Costs of opposing orders, etc.*

**67 Provisions as to costs of persons opposing orders and as to costs of Minister**

- (1) The Minister may make such order as he thinks fit in favour of any owner of any lands included in a clearance order, or in a compulsory purchase order made under this Part of this Act, or in a re-development plan or a new plan, for the allowance of reasonable expenses properly incurred by the owner in opposing the order or the approval of the plan.
- (2) All expenses incurred by the Minister in relation to any such order or approval as aforesaid, to such amount as the Minister thinks proper to direct, and all expenses of any person to such amount as may be allowed to him by the Minister in pursuance of the aforesaid power, shall be deemed to be expenses incurred by the local authority under this Part of this Act, and shall be paid to the Minister and to that person respectively in such manner and at such times, and either in one sum or by instalments, as the Minister may order; and the Minister may order interest to be paid at such rate not exceeding five pounds per cent. per annum as he thinks fit upon any sum for the time being due in respect of such expenses as aforesaid.
- (3) Any order made by the Minister in pursuance of this section may be made a rule of the High Court, and be enforced accordingly.

*Re-development and re-conditioning by owners*

**68 Re-development by owners**

- (1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part II, or the foregoing provisions of this Part, of this Act.
- (2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent Acts apply should be vacated,

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and that suitable alternative accommodation within the meaning of Part IV of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

## **69 Certificates as to condition of houses**

- (1) Any owner of a house in respect of which works of improvement (otherwise than by way of decoration or repair) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.
- (2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.
- (3) Where the local authority have stated that they are of opinion as aforesaid and the work specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.
- (4) During the period specified in a certificate given under this section, no action shall be taken under the provisions of this Part of this Act relating to clearance areas with a view to the demolition of the house as being unfit for human habitation, or under sections sixteen to eighteen of this Act.
- (5) In this section the expression " improvement " includes the provision of additional or improved fixtures or fittings.

## **70 Re-development, &c, by owners: excepted cases**

- (1) The provisions of the two last foregoing sections shall not have effect in the case of premises comprised in a clearance order confirmed by the Minister or in a compulsory purchase order so confirmed under the provisions of this Part of this Act relating to clearance areas, or in the case of premises comprised in a demolition order made under Part II of this Act which has become operative, or in the case of premises comprised in a re-development plan approved by him.
- (2) Where proposals are submitted to a local authority under either of the two last foregoing sections in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section,

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transmit the proposals to the Minister and the Minister shall deal with the proposals in connection with the consideration by him of the clearance order or compulsory purchase order, or of the redevelopment plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming the order or plan, the Minister excludes the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

## **71 Local authority for re-development, etc., by owners in London**

- (1) As respects the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the three last foregoing sections.
- (2) Before deciding to treat as satisfactory any proposals submitted to them for such re-development as is mentioned in section sixty-eight of this Act, a metropolitan borough council shall consult the London County Council and shall obtain their approval to the proposals:

Provided that if, within a period of two months from the date on which the metropolitan borough council first inform the London County Council in writing of any such proposals, the latter council fail to give notice to the metropolitan borough council of their approval of, or their refusal to approve the proposals, the London County Council shall be deemed to have given their approval thereto for the purposes of this section.

### *Demolition of obstructive buildings*

## **72 Power of local authority to order demolition of obstructive building**

- (1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority; and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.
- (2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.
- (3) Any person aggrieved by a demolition order made under this section may, within twenty-one days after the date of the service of the order, appeal to the county court within the jurisdiction of which the premises to which the order relates are situated and no proceedings shall be taken by the local authority to enforce any such order in relation to which an appeal is brought before the appeal has been finally determined, so, however, that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.



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On an appeal under this subsection the judge may make such order either confirming or quashing or varying the order as he thinks fit, and sections thirty-seven and thirty-eight of this Act shall apply to any such appeal.

- (4) In this section the expression " obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.
- (5) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling, showroom, or office, or which is the property of a local authority.

### **73 Recovery of possession of building subject to demolition order under Part III**

- (1) Where a demolition order under the foregoing provisions of this Part of this Act has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
  - (a) stating the effect of the order,
  - (b) specifying the date by which the order requires the building to be vacated, and
  - (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of a building may make complaint to a magistrates' court and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.
- (3) Any person who, knowing that a demolition order under this Part of this Act has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (4) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

### **74 Effect of order for demolition of obstructive building**

- (1) If, before the expiration of the period within which a building in respect of which a demolition order is made under this Part of this Act is thereby required to be vacated, any owner or owners, whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase subject to observance of the rules specified in Part III of the Third Schedule to this Act, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

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- (2) If no such offer as is mentioned in the foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.
- (3) The provisions of subsections (2) to (5) of section twenty-three of this Act shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the premises demolished under the said section twenty-three.
- (4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules set out in Part III of the Third Schedule to this Act except that paragraphs (2) to (6) of section two of the said Act of 1919 shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.
- (5) Subsection (1) of section thirty-three of this Act shall have effect for the purpose of enabling the owner of a house to obtain notice of any proceedings for the making of a demolition order under this Part of this Act with respect to the house.
- (6) Nothing in the provisions of this Part of this Act relating to demolition orders shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or nonperformance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which such an order is made; and if any owner is obliged to take possession of a house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

## **75 Local authority for demolition of obstructive buildings in London**

As respects the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the three last foregoing sections.

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## PART IV

### ABATEMENT OF OVERCROWDING

#### *General provisions*

#### **76 Duty of local authority to inspect and to make reports and proposals as to overcrowding**

If it appears to a local authority that occasion has arisen for a report on overcrowding in their district, or any part thereof, in addition to the report made by them under subsection (1) of section fifty-seven of the Housing Act, 1936, before the commencement of this Act, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in the district or the part of the district and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

Where the Minister gives a direction under this section he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

#### **77 Definition of overcrowding**

- (1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—
  - (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room ; or
  - (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the Sixth Schedule to this Act.
- (2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit.

#### **78 Offences in relation to overcrowding**

- (1) Subject to the provisions of this Part of this Act, if the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.
- (2) The occupier of a dwelling-house which was occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and have thereafter lived there continuously, or children born after that day of any of those persons, unless—

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- (a) suitable alternative accommodation is offered to the occupier and he fails to accept it; or
  - (b) suitable alternative accommodation is offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.
- (3) Where a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—
- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
  - (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.
- (4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.
- (5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—
- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or
  - (b) if, when letting the house the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house ;
- and not otherwise.

## **79 Power of Minister to increase the permitted number temporarily to meet exceptional conditions**

- (1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee constituted under section one hundred and

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forty-three of this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the Sixth Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.

- (2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.
- (3) The power of making orders under this section shall be exercisable by statutory instrument.

## **80 Power of local authority to authorise the temporary use of a house by persons in excess of the permitted number**

- (1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.
- (2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.
- (3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.
- (4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.
- (5) The occupier of a dwelling-house shall not be guilty of an offence under section seventy-eight of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.
- (6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

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## **81 Entries in rent books, information and certificates with respect to the permitted number**

- (1) Every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections seventy-seven, seventy-eight and eighty of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a fine not exceeding ten pounds.

An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

- (2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwellinghouse, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.
- (3) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the Sixth Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.
- (4) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

## **82 Information as to rights and duties as respects overcrowding**

The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

## **83 Duty of landlord to inform local authority of overcrowding**

Where it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds:

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority,

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or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

#### **84 Right of landlord to obtain possession of overcrowded house**

Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent Acts shall prevent the landlord from obtaining possession of the house.

#### **85 Enforcement of Part IV**

- (1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority:

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

- (2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may make complaint to a magistrates' court and thereupon the court shall, by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

- (3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

#### **86 Duty of medical officers to furnish particulars of overcrowding**

Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and section seventy-nine of the London Government Act, 1939, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which

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dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

## **87 Definitions for purposes of Part IV**

In the foregoing provisions of this Part of this Act, and in the Sixth Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

" the appointed day " means, in the application of this Part of this Act to any locality, the day appointed as respects that locality for the purposes of the provisions reproduced in this Part of this Act;

" dwelling-house " means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use ;

" landlord " means the immediate landlord of an occupier and includes, in relation to an occupier of a dwellinghouse who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and " agent " means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

" room " does not include any room of a type not normally used in the locality either as a living room or as a bedroom ;

" suitable alternative accommodation " means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

- (a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;
- (b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means ;  
and
- (c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects accommodation and for the purposes of this paragraph they shall treat a house containing two bedrooms as providing accommodation for four persons, and a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

## **88 Local authority for overcrowding in London**

- (1) As respects the administrative county of London other than the City of London, the metropolitan borough council shall be the local authority for the purposes of the foregoing provisions of this Part of this Act other than the provisions of section seventy-six of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding:

Provided that—



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- (a) the metropolitan borough council shall, instead of submitting their report under section seventy-six of this Act to the Minister, submit the report to the London County Council;
  - (b) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;
  - (c) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.
- (2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purposes of the provisions of section seventy-six of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Provided that—

- (a) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when submitting to the London County Council their report under section seventy-six of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses;
  - (b) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable cost the number of new houses proposed by them, the county council shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils ;
  - (c) the London County Council, when submitting their proposals under section seventy-six of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.
- (3) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

## **89 Contributions by London County Council to expenses in relation to overcrowding**

The London County Council may, if they think fit as respects any period, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a public health inspector in connection with—

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- (a) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and
- (b) the enforcement of the foregoing provisions of this Part of this Act:

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following conditions are satisfied in relation to that council, that is to say—

- (i) the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;
- (ii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and
- (iii) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section eighty-six of this Act.

*Overcrowding in houses let in lodgings*

**90      Overcrowding in houses let in lodgings**

- (1) If it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that excessive numbers of persons are being accommodated on the premises having regard to the rooms available, the local authority may serve on the occupier of the premises or on any person having the control and management thereof, or on both, a notice—
  - (a) stating, in relation to any room on the premises, what is in the authority's opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time, or, as the case may be, that it is in their opinion unsuitable to be occupied as aforesaid, and
  - (b) informing him of the effect of subsection (4) of this section.
- (2) For the purposes of paragraph (a) of the foregoing subsection a notice may, in relation to any room, prescribe special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.
- (3) Any person aggrieved by a notice under this section may, within twenty-one days after the date of the service of the notice, appeal to the county court within the jurisdiction of which the premises to which the notice relates are situated, and—
  - (a) on any appeal to the county court under this section the judge may make such order either confirming or quashing or varying the notice as he thinks fit, and
  - (b) sections thirty-seven and thirty-eight of this Act shall apply in relation to an appeal under this section as they apply in relation to an appeal to the county court under Part II of this Act.

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- (4) Any person who has been served with a notice under this section shall be guilty of an offence if, after the notice has become operative,—
- (a) he causes or knowingly permits any room to which the notice relates to be occupied as sleeping accommodation otherwise than in accordance with the notice, or
  - (b) he causes or knowingly permits to be accommodated on the premises such number of persons that it is not possible, without contravention of the foregoing paragraph or the occupation as sleeping accommodation of some part of the premises for which a maximum is not specified under paragraph (a) of subsection (1) of this section, to avoid persons of opposite sexes and over the age of twelve years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (5) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding five pounds and, where the offence of which he was convicted continues after conviction, to a further fine not exceeding two pounds for every day for which the offence so continues.
- (6) Where a local authority have served a notice under this section in respect of any premises, they may at any time withdraw the notice, without prejudice to anything done in pursuance thereof or to the service of another notice, or, if there is any material change of circumstances, they may substitute for the notice a further notice under this section ; and, where a notice is withdrawn, subsection (4) of this section shall cease to apply in relation to the premises, without prejudice to its further application if a subsequent notice is served in respect of the same premises.
- (7) In the administrative county of London, other than the City of London, both the metropolitan borough council and the London County Council shall be local authorities for the purposes of this section.

## PART V

### PROVISION OF HOUSING ACCOMMODATION

#### *General powers and duties of local authorities*

#### **91 Periodical review of housing conditions by local authorities**

It shall be the duty of every local authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under Part I of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses, distinguishing those houses which the authority proposes to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

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## **92 Mode of provision of accommodation**

- (1) A local authority may provide housing accommodation—
  - (a) by the erection of houses on any land acquired or appropriated by them,
  - (b) by the conversion of any buildings into houses,
  - (c) by acquiring houses,
  - (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

- (2) The local authority may alter, enlarge, repair or improve any house so erected, converted or acquired.
- (3) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house is erected under the enactments relating to housing, whether with or without financial assistance from the Government, to secure—
  - (a) that a fair wages clause complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts for Government departments is inserted in all contracts for the erection of the house, and
  - (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.
- (4) For the purposes of this Part of this Act " provision of housing accommodation" includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

## **93 Supplementary powers of providing buildings or land in connection with provision of accommodation**

- (1) The powers of a local authority under this Part of this Act to provide housing accommodation shall include a power (either by themselves or jointly with any other person) to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.
- (2) The Minister, in giving his consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.
- (3) The powers of the London County Council and of a metropolitan borough council under this Part of this Act to provide housing accommodation shall include also a power to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building or part of a building adapted for use for any commercial purpose:

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Provided that the powers conferred by this subsection shall not be exercised outside the administrative county of London except with the consent of the council of the borough or district concerned.

#### **94 Power to provide furniture**

A local authority may fit out, furnish and supply any house erected, converted or acquired by them under section ninety-two of this Act with all requisite furniture, fittings and conveniences and may sell, or supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, may buy furniture.

In this subsection " hire-purchase agreement" has the same meaning as in the Hire Purchase Act, 1938.

#### **95 Power to provide board and laundry facilities**

- (1) The power of a local authority under this Part of this Act to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and refreshments and such facilities for doing laundry, and such laundry services as accord with the needs of those persons, and the local authority may make such reasonable charges for meals and refreshments provided by virtue of this subsection and such reasonable charges to persons availing themselves of facilities for doing laundry or laundry services so provided as the authority may determine.
- (2) A justices' licence under the Licensing Act, 1953, for the sale of intoxicating liquor in connection with the provision of facilities for obtaining meals and refreshments under this section shall only authorise the sale of such liquor for consumption with a meal, and a local authority shall in carrying on any activities under this section be subject to all enactments and rules of law relating thereto, including enactments relating to the sale of intoxicating liquor, in like manner as other persons carrying on the like activities.

#### **96 Power of local authority to acquire land for provision of accommodation**

A local authority shall have power under this Part of this Act—

- (a) to acquire any land, including any houses or buildings thereon, as a site for the erection of houses,
- (b) to acquire houses, or buildings which may be made suitable as houses, together with any lands occupied with the houses or buildings, or any estate or interest in houses or in buildings which may be made suitable as houses,
- (c) to acquire land (including houses or other buildings) proposed to be used for any purpose authorised by sections ninety-three or ninety-five of this Act, whether or not the land forms part of a site for the erection of houses,
- (d) to acquire land for the purpose of the carrying out thereon by them of works for the purpose of, or connected with, the alteration, enlarging, repair or improvement of an adjoining house,
- (e) to acquire land for the purpose of the sale or lease of the land under the powers conferred by paragraph (a) of subsection (1) and by subsection (2) of section one hundred and five of this Act.

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## **97 Procedure for acquiring land**

- (1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement, or they may be authorised to purchase land compulsorily for those purposes by the Minister; and the Seventh Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) A local authority may, with the consent of, and subject to any conditions imposed by, the Minister, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes:

Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

## **98 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes**

Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under this Part of this Act and have acquired the right to enter on and take possession of the house by virtue of having served a notice under paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, the local authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed; and accordingly where the authority proceed in the manner authorised by this section,—

- (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so; and
- (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this subsection ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.

## **99 Appropriation of land for provision of accommodation**

A local authority may appropriate for the purposes of this Part of this Act any houses or land which may be for the time being vested in them, or at their disposal, subject—

- (a) in the case of land other than land for the time being vested in them in their capacity as a local educational authority for the purposes of any of their functions under the Education Act, 1944, to obtaining the consent of the Minister, and
- (b) in the case of land for the time being vested in them in their capacity as a local education authority for the said purposes, to obtaining the consent both of the said Minister and of the Minister of Education.

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### **100 Power to make allowances to persons displaced by purchase under Part V**

A local authority may pay to any person displaced from a house or other building which has been purchased by them under this Part of this Act such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building they may pay also such reasonable allowance as they think fit towards losses which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purposes of his trade or business and the availability of other premises suitable for that purpose.

### **101 Power of entry on land to be purchased by agreement or appropriated for the purposes of Part V**

- (1) Where a local authority—
  - (a) have agreed to purchase land for the purposes of this Part of this Act, or
  - (b) have determined to appropriate land for those purposes,subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent.
- (2) The exercise of a local authority's power under the foregoing subsection shall be subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

### **102 Land in New Forest**

The provision of houses under this Part of this Act shall be deemed to be a local sanitary requirement for the purposes of the New Forest (Sale of Land for Public Purposes) Act, 1902:

Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

### **103 Power to acquire water rights for houses provided**

- (1) A local authority or a county council may, notwithstanding anything in sections three hundred and thirty-one, three hundred and thirty-three or three hundred and thirty-four of the Public Health Act, 1936, but subject to the provisions of subsection (2) of section one hundred and sixteen and section one hundred and seventeen of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided under this Part of this Act,

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and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of this Part of this Act:

Provided that no local authority or county council shall be authorised under this section to abstract any water which any local authority, corporation, company or person are empowered by Act of Parliament to impound, take or use for the purpose of supply within any area, or any water the abstraction of which, in the opinion of the Minister, would injuriously affect the working or management of any canal or inland navigation.

- (2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided shall be treated as part of the expenses of providing those houses.

#### **104 Power of disposing of houses provided under Part V**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose in regard to the maintenance or use of the houses, and upon any such sale or on the grant of any such lease they may, if they think fit, agree to the price or any premium being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.
- (2) For the purposes of the foregoing subsection the consent of the Minister may be given generally either to all local authorities or to any local authority or authorities and either in relation to all houses or to any house or houses, and may be given subject to such conditions as the Minister thinks expedient as to the price or rent to be obtained or otherwise as to the exercise of any powers of the authority under this section in connection with the sale or lease.
- (3) On the sale of a house in accordance with this section (not being a sale to a local authority, county council, development corporation, housing association or housing trust subject to the jurisdiction of the Charity Commissioners) a local authority may in any case, and shall if so required by the Minister, impose conditions—
- (a) limiting the price at which the house may be sold during any period not exceeding five years from the completion of the sale,
  - (b) limiting the rent at which the house may be let to the limit imposed by section twenty of the Rent Act, 1957, during any such period,
  - (c) precluding the purchaser (including any successor in title of his and any person deriving title under him or any such successor) from selling or letting the house during any such period unless he has notified the authority of the proposed sale or letting and offered to resell or sell the house to them and the authority have refused the offer or have failed to accept it within one month after it is made, and prescribing or providing for the determination of the price to be paid in the event of the acceptance of such an offer.
- (4) Where a house has been sold by a local authority subject to any such condition as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection the following enactments, that is to say—



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- (a) section seven of the Building Materials and Housing Act, 1945 (which, as amended by section forty-three of the Housing Act, 1949, imposes penalties for breach of certain conditions of building licences),
- (b) paragraphs (a) and (b) of subsection (3) and subsection (4) of section nine of that Act (which contains supplementary provisions for ascertaining when a house is sold or let, or sold or let at an excessive price or rent), and
- (c) subsection (6) of section forty-three of the Housing Act, 1949 (which relates to the jurisdiction of justices to try offences under the said section seven),

shall apply as if the house were constructed under the authority of a building licence granted subject to the like condition, and for that purpose shall have effect as if for the reference in the said section seven (as amended as aforesaid) to the period of eight years beginning with the passing of the said Act of 1945 there were substituted a reference to the period specified in the condition.

- (5) Where any such condition as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of subsection (3) of this section is imposed on the sale of a house by a local authority, the condition shall be registered in the register of local land charges by the proper officer of the local authority in such manner as may be specified by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, but without prejudice to the registration under section ten of that Act of any condition being an estate contract within the meaning of that Act.
- (6) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (7) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell" has a corresponding meaning.

## **105 Other powers of dealing with land acquired or appropriated for provision of accommodation**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister—
  - (a) sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect thereon in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings,
  - (b) sell the land or part thereof, or exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange.

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- (2) Where a local authority have acquired any land with a view to the carrying out on the land by a person other than the local authority of works for the purpose of, or connected with, the alteration, enlargement, repair or improvement of an adjoining house, they may, with the consent of the Minister, sell or lease the land to any person for the purpose and under the condition that that person will carry out thereon, in accordance with plans approved by the authority, those works.
- (3) Land sold or leased under the provisions of this section, other than land sold or leased with houses, shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.
- (4) Where a local authority acquire a building which may be made suitable as a house, or an estate or interest in such a building, they shall forthwith proceed to secure that the building is so made suitable either by themselves executing any necessary work or by leasing it or selling it to some person subject to conditions for securing that he will so make it suitable.
- (5) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (6) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.

#### **106 Power of Minister to impose conditions on sale of houses and land**

If any house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is with the consent of the Minister sold by them or leased by them under either of the two last foregoing sections he may in giving consent impose such conditions as he thinks just.

#### **107 Powers relating to development of land**

A local authority may lay out and construct public streets or roads and open spaces on land acquired or appropriated by them for the purposes of this Part of this Act and where they sell or lease land under the foregoing provisions of this Part of this Act they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

#### **108 Execution of works in connection with housing operation by local authority outside their own area**

- (1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the council of the county, borough or district in which the operations are being carried out, as to the terms and conditions on which any such works are to be executed.

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- (2) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any houses which were constructed in accordance with the plans and specifications approved by the Minister.

#### **109 Responsibility for roads constructed by local authority outside their own area**

- (1) Where housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall, subject to the provisions of this section, vest in the council of the borough or district in which the operations were carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.
- (2) The foregoing subsection shall not apply to the liability to maintain a public street or road in a rural district constructed and completed, by a local authority other than the council of the district for the purposes of housing operations under this Part of this Act, but that liability shall, unless the council of the county comprising the rural district are, or on appeal the Minister is, satisfied that the street or road has not been properly constructed in accordance with the plans and specifications approved by the Minister, vest in the council of the county.
- (3) If the council of a rural district are under a liability to maintain a street or road, being a liability which vested in them by virtue of subsection (2) of section eighty-one of the Housing Act, 1936, or the corresponding provisions of an enactment repealed by that Act, and the council of the county comprising the rural district are, or on appeal the Minister is, at any time satisfied that the street or road has been brought into a proper state of construction and repair, the liability to maintain it shall be transferred to and vested in the county council.
- (4) Where housing operations under this Act have been carried out by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

#### **110 Adjustment of differences between local authorities as to carrying out proposals**

Where the Minister approves proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Minister, and the Minister's decision shall be final and binding upon the authorities.

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*Management, &c, of local authority's houses*

**111 General responsibility for local authority's houses**

- (1) The general management, regulation and control of houses provided by a local authority under this Part of this Act shall be vested in and exercised by the authority, and the authority may make such reasonable charges for the tenancy or occupation of the houses as they may determine.
- (2) Without prejudice to the foregoing provisions of this section, any such house shall be at all times open to inspection by the local authority of the district in which it is situate, or by any officer duly authorised by them.

**112 Byelaws for regulation of local authority's houses**

- (1) A local authority may make byelaws for the management, use and regulation of houses provided by them.
- (2) A local authority shall as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws make sufficient provision for the following purposes—
  - (a) for securing that the lodging-houses shall be under the management and control of the officers, servants or others appointed or employed in that behalf by the local authority,
  - (b) for securing due separation at night of men and boys above eight years old from women and girls,
  - (c) for preventing damage, disturbance, interruption and in decent and offensive language and behaviour and nuisances,
  - (d) for determining the duties of the officers, servants and others appointed by the local authority,and a printed copy or a sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.
- (3) The Minister shall be the confirming authority as respects byelaws made under this section.
- (4) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply to byelaws under this section as respects the City of London.

**113 Conditions to be observed in management of local authority's houses**

- (1) A local authority shall, in relation to all the houses and dwellings in respect of which they are required to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.
- (2) The local authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.
- (3) The local authority may grant to any tenants such rebates from rent, subject to such terms and conditions, as they may think fit.

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- (4) The local authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.
- (5) The local authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.
- (6) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of this section apply.

#### **114 Reservation of houses for agricultural population**

- (1) Where—
  - (a) any annual exchequer subsidies under the Housing Subsidies Act, 1956, increased under subsection (1) of section four of that Act (which provides for increased subsidies for housing provided for the agricultural population), or
  - (b) any annual exchequer contributions under the Housing (Financial and Miscellaneous Provisions) Act, 1946, the amount of which has been determined on the assumption that the houses in respect of which they are payable were provided by way of housing accommodation required for the agricultural population, or
  - (c) any contributions under section two of the Housing (Financial Provisions) Act, 1938 (which provided for a special rate of contribution for housing accommodation required for the agricultural population),are payable to the council of a county district, the council shall secure that a number of houses equal to the number of houses in respect of which such subsidies or contributions are payable to the council is reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district on the part of members of the agricultural population can be satisfied without such reservation.
- (2) Where a county council have undertaken to make contributions to a local authority under subsection (2) of section one hundred and fifteen of the Housing Act, 1936, or are required by subsection (3) of that section to make contributions to the local authority, the local authority shall secure that a number of houses equal to the number of those in respect of which the contributions are payable are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.
- (3) Where a local authority have received assistance under section one of the Housing (Rural Workers) Act, 1926, or the Minister has undertaken to pay a contribution to a local authority under subsection (2A) of section four of that Act, the local authority shall secure that a number of houses or dwellings equal to the number of those in respect of which they have received such assistance, or in respect of which such an undertaking has been given, are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of that Act except in so far as the

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demand for housing accommodation in the district of the authority on the part of such workers can be satisfied without such reservation.

(4) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of subsection (2) or subsection (3) of this section apply.

(5) For the purposes of this section,—

the expression " agricultural population " means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependents of such persons as aforesaid ;

the expression " agriculture " includes dairy-farming and poultry-farming and the use of land as grazing, meadow or pasture land, or orchard or osier land, or woodland, or for market gardens or nursery grounds.

## **115 Power to establish Housing Management Commissions**

(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of houses and other buildings or land provided in connection therewith, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—

- (a) as to the mode of appointment and term of office of the members of the Commission ;
- (b) as to the payment of remuneration out of funds under the control of the Commission to the chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or as a representative of the local authority on a joint committee appointed by agreement between them and another body ;
- (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
- (d) as to the financial relations between the local authority and the Commission;
- (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
- (f) for making the accounts of the Commission subject to audit by a district auditor or otherwise ;
- (g) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and the manner in which that vesting is to be effected, and as to the re-

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- vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and
- (h) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.
- (3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933 (which relate to the transfer and compensation of officers of a local authority affected by a scheme or order under Part VI of that Act), shall have effect in relation to a scheme submitted under this section as they have effect in relation to a scheme or order under the said Part VI, and as if references therein to a local authority included references to the Commission.
- (4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.
- (5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.
- (6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely:—
- The Institute of Chartered Accountants in England and Wales ;
  - The Society of Incorporated Accountants;
  - The Institute of Chartered Accountants in Scotland ;
  - The Association of Certified and Corporate Accountants.

*Special provisions for rural districts*

**116 Responsibility of county councils in respect of housing conditions in rural districts**

- (1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to housing conditions in the district, to the extent to which overcrowding or other unsatisfactory conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.
- (2) The council of every rural district shall at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in the foregoing subsection as the county council may reasonably require for the purposes of enabling them to carry out their duties thereunder.

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**117 Agreements by county council for assisting rural district councils in provision of accommodation**

- (1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under this Part of this Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under this Part of this Act.
- (2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such other incidental or consequential provisions as the councils think proper.

**118 Minister's power to assist rural district councils by acquiring land and erecting houses**

- (1) With a view to assisting rural district councils in the preparation and carrying out of schemes for the provision of dwelling accommodation in the agricultural parishes of their districts to meet the needs of agricultural workers and persons whose incomes are, in the opinion of the council concerned, such that they would not ordinarily pay rents in excess of those paid by agricultural workers in the council's district, the Minister, if he is requested by any such council so to do and is satisfied—

- (a) that their financial resources are insufficient, and
- (b) that the council of the county is unwilling to give assistance to them under the last foregoing section,

may, with the consent of the Treasury, acquire land and erect houses on behalf and at the expense of that council, and for that purpose may exercise any powers which under this Act the council may exercise in regard to the acquisition of land and the erection of houses, or may make arrangements with any other Government department for the exercise by that Department of any of those powers which, in his opinion, could more conveniently be so exercised.

- (2) For the purposes of this section a house shall be deemed to be situated in an agricultural parish if—
  - (a) the net annual value of the agricultural land in the parish in which the house is situate as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded 25 per cent. of the total net annual value of that parish as appearing in the said list, and
  - (b) the population of the parish, according to the latest census return of the Registrar-General, is less than fifty persons per hundred acres.
- (3) For the purposes of the last foregoing subsection the expression " agricultural land " has the meaning assigned to it by subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928, and in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by subsection (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as respects the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof.
- (4) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister whose decision shall be final.



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### *Housing associations*

#### **119 Power of local authorities and county councils to promote and assist housing associations**

- (1) A local authority for the purposes of this Part of this Act, or a county council, may promote the formation or extension of, or, subject to the provisions of this Act, assist, a housing association.
- (2) Where a housing association desires to erect houses which in the opinion of the Minister are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may for this purpose acquire land and exercise all the powers of a local authority under this Part of this Act in regard to the acquisition and disposal of land, and the provisions of this Part of this Act as to the acquisition of land by local authorities shall apply accordingly.
- (3) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Minister may, for the assistance of a housing association—
  - (a) make grants or loans to the association,
  - (b) subscribe for any share or loan capital of the association,
  - (c) guarantee or join in guaranteeing the payment of the principal of and interest on any money borrowed by the association (including money borrowed by the issue of loan capital) or of interest on any share capital issued by the association,

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or county council think fit.

The Minister's power of making regulations under this subsection shall be exercisable by statutory instrument.

- (4) Notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or county council assist an association under this subsection, the local authority or council shall not be prevented from having or claiming an interest in the shares of the association exceeding the limit prescribed by that section.
- (5) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

#### **120 Arrangements with housing associations for provision of housing**

- (1) A local authority may, with the approval of the Minister, make arrangements with a housing association for the purpose of enabling the association to provide housing accommodation or to alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation.
- (2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and may be approved by the Minister.

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- (3) For the purposes of section ninety-three of this Act, the housing accommodation in connection with which buildings or land may be provided under that section shall include housing accommodation provided by a housing association under arrangements made with a local authority under this section.

In this subsection the reference to arrangements made under this section includes a reference to arrangements made under section twenty-nine of the Housing Act, 1930, and, without prejudice to section one hundred and ninety-two of this Act, to arrangements made under section twenty-seven of the Housing Act, 1935, or section ninety-four of the Housing Act, 1936.

- (4) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the authority to furnish him with a report as to the matter stating the reasons for their refusal.

## **121 Arrangements with housing associations for improvement of housing**

- (1) A local authority may, with the approval of the Minister, make arrangements with a housing association for—
- (a) the provision of dwellings by the association by means of the conversion of houses or other buildings,
  - (b) the alteration, enlargement, repair or improvement of dwellings by the housing association.
- (2) Arrangements made under this section shall include such terms with regard to such matters, including the rents at which the dwellings are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and may be approved by the Minister.
- (3) In this section the reference to repair does not include the execution of works of ordinary repair except so far as the execution thereof is incidental to or connected with the execution of works of improvement, alteration or enlargement or of works of repair not being ordinary works of repair.
- (4) As respects the administrative county of London, other than the City of London, both the metropolitan borough council and the London County Council shall be local authorities for the purposes of this section.

## **122 Power of local authorities to sell furniture to persons housed by housing associations**

A local authority shall have power to sell, or supply under hire-purchase agreement, furniture to the occupants of houses provided by a housing association under arrangements made with the local authority, and, for that purpose, to buy furniture.

In this section the expression " hire-purchase " has the same meaning as in the Hire-Purchase Act, 1938.

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### **123 Unification of conditions affecting housing associations' houses**

Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Minister shall have regard to the provisions of this Part of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

### **124 Power of Minister to recognise central housing association**

The Minister may, if he thinks fit, recognise for the purposes of this section any central association or other body established for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, and the Minister may, in any of the five years next following the date on which he recognises the said body, make a grant in aid of the expenses of the body of such amount as he may with the approval of the Treasury determine.

#### *Development corporations*

### **125 Provision of housing accommodation by development corporations**

A development corporation shall be deemed to be a housing association within the meaning of this Act and accordingly arrangements may be made under section one hundred and twenty of this Act for the provision by a development corporation of any housing accommodation which a local authority are empowered to provide under this Act, and section one hundred and twenty-one of this Act shall apply to a development corporation as it applies to a housing association:

Provided that the said section one hundred and twenty-one shall not apply to a development corporation established by an order under section sixteen of the New Towns Act, 1946 (which relates to orders for the combination and transfer of functions of development corporations).

#### *Miscellaneous*

### **126 Power of county councils to provide houses for their employees**

A county council shall have power to provide houses for persons employed or paid by, or by a statutory committee of, the council, and for that purpose may be authorised to acquire or appropriate land in like manner as a local authority may be authorised to acquire or appropriate land for the purposes of this Part of this Act.

### **127 Power of companies, &c, to provide houses for working classes**

Any dock or harbour company, or any other company, society, or association established for trading or manufacturing purposes in the course of whose business,

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or in the discharge of whose duties, persons of the working class are employed, may (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) at any time erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose and to pay for out of any funds at their disposal), houses for the accommodation of all or any of the persons of the working class employed by them.

### **128 Trusts for provision of houses for working classes**

- (1) The trustees of any houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the houses to the local authority of the district, or make over to them the management thereof.
- (2) If in any case it appears to the Minister that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of houses available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Minister may certify the case to the Attorney-General, and the Attorney-General may institute any legal proceedings, or intervene in any legal proceedings already instituted, in such manner as he thinks proper in the circumstances.
- (3) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of houses available for the working classes, the court or body which is responsible for making the scheme shall communicate with the Minister and consider any recommendations made by him with reference to the proposed scheme.

### **129 Power of corporate bodies to sell or let land for housing purposes**

Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of houses for the working classes at such price, or for such consideration, or for such rent, as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

### **130 Power of water and gas companies to supply on favourable terms**

Any commissioners or trustees of waterworks, water companies, gas boards, and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit.

### **131 Exercise of Public Health Act powers for purposes of Part V**

- (1) A local authority may, for the purposes of this Part of this Act, exercise the same powers as in the execution of their duties under the Public Health Act, 1936.

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- (2) In the application of this section to local authorities in London, for the reference to the Public Health Act, 1936, there shall be substituted a reference, in the case of a metropolitan borough council, to the Public Health (London) Act, 1936, in the case of the London County Council, a reference to the Metropolis Management Acts, 1855 to 1890, and, in the case of the Common Council of the City of London, a reference to the City of London (Sewers) Acts, 1848 to 1897.

*Provisions as to London*

**132 Local authority for Part V in London other than City**

- (1) As respects the administrative county of London other than the City of London, the question whether or not in any case the London County Council or the metropolitan borough council are to be the local authority for the purposes of this Part of this Act shall, save as otherwise expressly provided, be determined in accordance with the succeeding provisions of this section.
- (2) The London County Council shall be the local authority for the purposes of this Part of this Act so far as regards the provision of any houses outside the administrative county of London.
- (3) The London County Council shall carry out such reviews of housing conditions and submit to the Minister such proposals for the provision of new houses as are required by this Part of this Act, but, before preparing any such proposals, the county council shall consult with the councils of the several metropolitan boroughs, and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals.
- (4) As respects a metropolitan borough, the council of the borough shall be the local authority for the purposes of this Part of this Act save as regards the provision of any houses outside the borough and the carrying out of such reviews of housing accommodation and the submission to the Minister of such proposals for the provision of new houses as are required by this Part of this Act.
- (5) Without prejudice to the powers conferred on a metropolitan borough council by this Act, the London County Council shall be a local authority for the purposes of this Part of this Act as respects any part of the administrative county of London, other than the City of London, for all the purposes of this Part of this Act other than those for which it is the local authority to the exclusion of the metropolitan borough council:

Provided that the London County Council shall not develop land in a metropolitan borough for the purpose only of meeting the needs of the borough without the consent of the council thereof.

- (6) If it appears to the Minister to be expedient that the needs of a metropolitan borough with respect to the provision of housing accommodation should be satisfied by the provision by the council of that borough of such accommodation outside the administrative county of London or within another metropolitan borough, he may by order contained in a statutory instrument provide for the transfer to that council, to such extent as appears to him to be requisite for that purpose, of any powers which, by virtue of subsection (2) or subsection (5) of this section are powers of the London County Council.

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**133 Exercise by local authorities in London of certain powers for the purposes of Part V**

- (1) So much of subsection (1) of section ninety-seven of this Act as provides that a local authority may acquire land for the purposes of this Part of this Act by agreement shall have effect so as to authorise a local authority in the administrative county of London to acquire land for those purposes by agreement in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far as they relate to the purchase of land by agreement shall apply accordingly and shall for the purposes of this Part of this Act extend to London in like manner as if the common council of the City of London, the London County Council and a metropolitan borough council, respectively, were a local authority in the said sections mentioned.
- (2) Any purchase money payable in pursuance of this section by a local authority in respect of any land, estate or interest of another local authority which would, but for this subsection, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid as the Minister may determine.

A decision of the Minister under this subsection shall be final and conclusive.

*Scilly Isles*

**134 Provision of housing accommodation in Isles of Scilly**

- (1) Without prejudice to his powers under section two hundred and ninety-two of the Local Government Act, 1933, the Minister may, upon the application of the council of the Isles of Scilly, by order confer or impose upon that council such functions relating to the provision of housing accommodation in the Isles of Scilly as the Minister thinks appropriate.
- (2) An order made under this section may provide for the making by the Minister and by the said council of contributions in respect of houses provided in pursuance of such an order.
- (3) An order made under this section may contain such incidental and consequential provisions, including provisions conferring powers or imposing duties on the said council, as the Minister thinks necessary.
- (4) An order made under this section may be revoked or varied by a subsequent order made by the Minister whether or not on the application by the said council.
- (5) The power of making orders under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## PART VI

### FINANCIAL PROVISIONS

#### *Expenses of local authorities*

#### **135 Expenses of rural district councils and county councils**

- (1) Subject to the powers of the Minister to direct the debiting of any expenses to the Housing Revenue Account, any expenses incurred by a rural district council under Part II of this Act or under the provisions of Part III of this Act relating to clearance areas shall be charged as special expenses on the contributory place in respect of which they are incurred:

Provided that this subsection shall not apply to expenses incurred under section thirty of this Act or under Part II of the Second Schedule to this Act.

- (2) Subject to the provisions of this Act, any expenses incurred in the execution of this Act by a county council, other than the London County Council, shall be defrayed as expenses for general county purposes, or as expenses for special county purposes, as the case may require.
- (3) The following expenses incurred by the London County Council shall be defrayed as expenses incurred for special county purposes, namely—
- all expenses incurred in the execution of this Act which are attributable to the exercise by the London County Council of their powers under the Housing of the Working Classes Act, 1890, not being expenses so incurred in respect of houses or other buildings provided or land acquired or appropriated under the last mentioned Act after the sixth day of February, nineteen hundred and nineteen.

#### *Borrowing*

#### **136 Power of local authorities to borrow for purposes of Act**

- (1) Subject to the provisions of this Act, a local authority may borrow—
- (a) for the purposes of Part II of this Act, so far as it relates to the execution of repairs and works by local authorities,
  - (b) for the purposes of Part III (except sections seventy-two to seventy-five and Part II of the Second Schedule) and Part IV of this Act,
  - (c) for the purposes of Part V of this Act (except sections one hundred and fifteen and one hundred and twenty),
- and a county council (other than the London County Council) may borrow for the purposes of this Act.
- (2) Money borrowed under this Act by the London County Council may be borrowed in manner provided by the London County Council (Loans) Act, 1955.
- (3) The maximum period which may be sanctioned as the period for which money may be borrowed by the London County Council or the Common Council of the City of London for the purposes of this Act shall, notwithstanding the provisions of any Act of Parliament, be eighty years.

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### **137 Borrowing in connection with operations carried out by local authority outside its own area**

- (1) Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the operations, or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection with any works necessary for the purposes of the operations, or incidental to the carrying out thereof, which under this Act they are authorised to execute:

Provided that any approval of the Minister, in so far as it relates to the sanction of a loan under the foregoing provisions for the purpose of the payment of interest payable in respect of money borrowed, shall be given by order which shall be provisional only and of no effect until confirmed by Parliament.

- (2) The council of any county, borough or district in which operations are being carried out as aforesaid shall have power, with the approval of the Minister, to borrow money for the purposes of any agreement entered into by the council with the local authority under Part V of this Act.
- (3) For the purposes of subsection (3) of section eight of the Statutory Orders (Special Procedure) Act, 1945 (under which that Act may be applied to any enactment passed before that Act which applies the provisional order procedure), the proviso to subsection (1) of this section shall be treated as an enactment passed before that Act.

### **138 Power to issue local housing bonds**

- (1) Without prejudice to any other powers of borrowing, a local authority (other than a metropolitan borough council) or a county council may, with the consent of the Minister, borrow any sums which they have power to borrow for the purposes of this Act, by the issue of bonds (in this Act referred to as "local bonds") in accordance with the provisions of this Act.
- (2) The provisions set out in the Eighth Schedule to this Act shall have effect with respect to local bonds.
- (3) Where on an application made by two or more local authorities or county councils the Minister is satisfied that it is expedient that those authorities or councils should have power to make a joint issue of local bonds, the Minister may by order contained in a statutory instrument make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities or councils.

The provisions of any such order shall have effect as if they were contained in an order made under section six of the Public Health Act, 1936.

- (4) A local authority or county council by whom any local bonds have been issued may, without the consent of the Minister, borrow for the purpose of redeeming those bonds.



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### **139 Loans by Public Works Loan Commissioners to local authorities**

Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act or to a county council for the purpose of the provision of houses for employees—

- (a) the loan shall be made at the minimum rate allowed for loans out of the Local Loans Fund applicable to the period for which the loan is made, and
- (b) the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but shall not exceed eighty years.

### **140 Power of local authorities to lend to other authorities**

- (1) A county council may lend to any local authority within their area any money which that authority have power to borrow for the purposes of this Act, subject to any conditions (including conditions with respect to the borrowing by a local authority from the county council of the money so raised) which the Minister may impose by general or special order contained in a statutory instrument.
- (2) Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to advance to the council of any county, borough or district in which the operations are being carried out such sums as may, by reason of any agreement made with that council under that Part, be required by that council in connection with the construction by them of any works which are necessary for the purposes, or incidental to the carrying out, of the operations.

#### *Subscription to local savings committees*

### **141 Subscriptions by local authorities to local savings committees**

A local authority for the purposes of Part V of this Act may, subject to the approval of the Minister, contribute to the expenses of any local savings committee established for their district or any part thereof.

#### *Capital moneys*

### **142 Application of purchase money, etc.**

The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act and any other capital moneys received by a local authority in respect of any transaction under sections forty-seven, fifty-one or one hundred and four or under subsection (1) of section one hundred and five of this Act shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may properly be applied:

Provided that the capital moneys received in respect of any transaction under section one hundred and four or subsection (1) of section one hundred and five of this Act may be applied by the authority in or towards the purchase of other land for the purposes of Part V of this Act.

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## PART VII

### GENERAL

#### *Central Housing Advisory Committee*

#### **143 Central Housing Advisory Committee**

- (1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—
  - (a) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section seventy-nine of this Act to consult the Committee;
  - (b) advising the Housing Management Commissions constituted under Part V of this Act on any matter as respects which such Commissions are required to consult the Committee;
  - (c) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;
  - (d) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.
- (2) The Minister may by order contained in a statutory instrument make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order under this subsection.
- (3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

#### *Re-housing*

#### **144 Re-housing obligations of undertakers**

Where under the powers given by any local Act or Provisional Order or Order having the effect of an Act (not being an order made under this Act), any land is acquired, whether compulsorily or by agreement, by any authority, company or persons, or where any land is so acquired compulsorily under any general Act other than this Act, the provisions set out in the Ninth Schedule to this Act shall apply with respect to the provision of housing accommodation.

#### *Provisions as to building byelaws, &c*

#### **145 Building byelaws not to apply to certain buildings**

- (1) Where in connection with housing operations carried out under this Act by a local authority or county council, or by a housing association or housing trust, new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Minister, the provisions of any building byelaws shall not, so far as they are inconsistent with the plans and specifications so

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approved, apply to those buildings and streets, and, notwithstanding the provisions of any other Act, any public street or road laid out and constructed in accordance with those plans and specifications may be taken over and thereafter maintained by the local authority:

Provided that as respects the administrative county of London, the Minister shall not approve for the purposes of this subsection any plans and specifications inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connection with housing operations.

- (2) Where the Minister has approved plans and specifications which in certain respects are inconsistent with the provisions of any building byelaws in force in the district in which the works are to be executed, any proposals for the erection thereon of houses and the laying out and construction of new streets which do not form part of housing operations carried out under this Act may, notwithstanding those provisions, be carried out if the local authority are, or, on appeal the Minister is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies.
- (3) In the application of the last foregoing subsection to the administrative county of London, references to the local authority shall be construed, in relation to matters within the jurisdiction of the London County Council, as references to them, and, in relation to other matters, as references to the Common Council of the City of London or the council of a metropolitan borough as the case may be.
- (4) Subject to any conditions which may be prescribed by the Minister, the provisions of any building byelaws shall not apply to any new buildings and new streets constructed and laid out by a local authority or county council in accordance with plans and specifications approved by the Minister of Agriculture, Fisheries and Food under Part IV of the Agriculture Act, 1947, or under the Allotments Acts, 1908 to 1950.

#### **146 Relaxation of Building Acts or byelaws in London**

For the purpose of facilitating the erection of houses within the administrative county of London, the London County Council may, with the consent of the Minister, suspend, alter or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation.

#### **147 Power of Minister to prescribe a code of byelaws for new streets**

- (1) For the purpose of facilitating the erection of houses, the Minister may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority ; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of subsections (3), (4) and (5) of section two hundred and fifty of the Local Government Act, 1933, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

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- (2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.
- (3) Where, as respects the district of any local authority, matters relating to the level, width and construction of new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.
- (4) Before a resolution is passed under this section, notice of the proposed resolution shall be published in one or more newspapers circulating in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy thereof to the Minister.
- (5) This section shall not apply to the administrative county of London.

#### **148 Power of Minister to revoke unreasonable byelaws**

- (1) If the Minister is satisfied, by a local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke those byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.
- (2) If the local authority do not within three months after the requisition comply therewith, the Minister may himself revoke the byelaws, and make by statutory instrument such new byelaws as he considers necessary for the removal of the impediment, and those new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister.
- (3) The provisions of this section shall be without prejudice to the provisions of subsection (2) of section sixty-nine of the Public Health Act, 1936 (under which the Minister may require a local authority to revoke building byelaws if the erection of any building is unreasonably impeded by them).

*Provisions as to acquisition, &c. of Land*

#### **149 Protection of amenities of locality, &c**

- (1) A local authority in preparing any proposals for the provision of houses, or in taking any action under this Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.
- (2) No land which is the site of an ancient monument or other object of archaeological interest shall be acquired for the purposes of this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order.

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- (3) Where any land proposed to be acquired under this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order, or any land proposed to be appropriated under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Minister of Works, and the Minister of Housing and Local Government shall, before authorising the acquisition or appropriation of the land or the raising of any loan for the purpose, take into consideration any recommendations which the local authority may have received from the Minister of Works with reference to the proposal.

For the purposes of this sub-section, " prescribed " means prescribed by regulations in a statutory instrument made by the Minister of Housing and Local Government after consultation with the Minister of Works.

### **150 Provisions as to commons and open spaces**

- (1) Where any order under this Act (not being an order for the compulsory purchase of land under Part II or Part V of this Act) authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the order so far as it relates to the acquisition or appropriation of such land shall be subject to special Parliamentary procedure except where it provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture, Fisheries and Food to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.
- (2) Before giving any such certificate, the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.
- (3) An order which authorises such an exchange shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts and incidents as attached to the common or open space or allotment and for discharging the part of the common, open space or allotment acquired or appropriated from all rights, trusts and incidents to which it was previously subject.

- (4) For the purposes of this section—

" common " includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green ;

" open space " means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground;

" allotment " means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

### **151 Power of local authorities to enforce covenants against owner for the time being of land**

Where—

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- (a) a local authority have sold or exchanged land acquired by them under this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the local authority concerning the land; or
- (b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of this Act;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

### **152 Compensation in certain cases of subsidence**

Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891, a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any houses belonging to them which were provided under a housing scheme towards the losses on which the Minister is liable to contribute under the Housing, Town Planning, &c. Act, 1919.

### **153 Donations for housing purposes**

A local authority may accept a donation of land, money or other property for any of the purposes of this Act, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

*Procedure of local authorities: Official representations*

### **154 Joint action by local authorities**

Where, upon an application made by one of the local authorities concerned, the Minister is satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Minister may by order contained in a statutory instrument make provision for the purpose and any provisions so made shall have the same effect as if they were contained in an order made under section six of the Public Health Act, 1936.

### **155 Buildings situated in districts of more than one local authority**

- (1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith.
- (2) Whilst such an agreement as aforesaid is in force, the enactments relating to housing shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

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## **156 References by local authority to Public Health and Housing Committee**

In the case of a county council, other than the London County Council, all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee of the council, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of that committee with respect to the matter in question, and the council may also delegate to that committee, with or without restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

## **157 Official representations**

- (1) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of the opinion that any house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area.
- (2) If any justice of the peace acting for the district of a local authority or, in the case of a rural district, the parish council of any parish within that area, complain to the medical officer of health in writing that any house is unfit for human habitation or that any area should be dealt with as a clearance area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation or whether, in his opinion, the area should be dealt with as a clearance area, but the absence of any such complaint shall not excuse him from inspecting any house or area or making a representation thereon to the local authority.
- (3) A local authority shall as soon as may be take into consideration any official representation which has been made to them.
- (4) In this Act, the expression " official representation " means in the case of any local authority a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a rural district or of an urban district not containing according to the last published census a population of more than ten thousand, a representation made by the medical officer of health of the county to the county council and forwarded by them to the council of the district, and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the County of London to the London County Council and forwarded by them to the borough council.
- (5) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

*Recovery of possession, entry, &c*

## **158 Recovery of possession of controlled houses**

- (1) Nothing in the Rent Acts shall prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to housing.

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- (2) Where a local authority, for the purpose of exercising their powers under any enactment relating to housing, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired, or has been determined.

### **159 Power of entry for inspection, &c**

Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Minister, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised by this Act to purchase compulsorily; or
- (b) for the purpose of survey and examination, in the case of a house in respect of which—
  - (i) a notice requiring the execution of works has been served under Part II of this Act, or
  - (ii) a demolition order has been made under Part II or Part III of this Act, or
  - (iii) a closing order has been made under section eighteen of this Act, or
  - (iv) a clearance order has been made under Part I11 of this Act, or
- (c) for the purpose of survey and examination, where it appears to the authority or Minister that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the house, premises or building; or
- (d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part IV of this Act the number of persons permitted to use the house for sleeping.

### **160 Penalty for obstructing execution of Act**

If any person obstructs the medical officer of health or any officer of the local authority, or of the Minister, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

### **161 Penalty for preventing execution of repairs, &c**

If any person, after receiving notice of the intended action,—

- (a) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of Part II of this Act; or
- (b) being the owner or occupier of any premises prevents the medical officer of health, or any officers, agents, servants or workmen of that officer or of the local authority, from so doing ;



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a magistrates' court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions, and if he fails to comply with the order, he shall, in respect of each day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.

*Powers of the court for housing purposes*

**162 Power of court to determine lease where premises demolished**

- (1) Where any premises in respect of which a demolition or closing order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order under this section:

Provided that this subsection shall not apply to a closing order made under section eighteen of this Act.

- (2) Upon any such application as aforesaid, the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.
- (3) In this section the expression " lease " includes an underlease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions " lessor," " lessee," and " sub-lessee " shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

**163 Power of court to authorise owner to execute works on default of another owner**

- (1) If it appears to a magistrates' court, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served under Part II of this Act, or a demolition order or a clearance order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.
- (2) Before an order is made under this section, notice of the application shall be given to the local authority.

**164 Power of court to authorise examination of works on unfit premises or for improvement**

- (1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses—

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- (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced ; or
- (b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate ;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

- (2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.
- (3) For the purposes of this section, " court " means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.
- (4) As respects the administrative county of London other than the City of London—
  - (a) the local authority for the purposes of the provisions of this section relating to such premises as are mentioned in paragraph (a) of subsection (1) thereof shall be the metropolitan borough council; and
  - (b) both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of the provisions of this section relating to schemes of improvement or reconstruction.

## **165 Power of court to authorise conversion of houses into several tenements**

Where the local authority or any person interested in a house applies to the county court and—

- (a) it is proved to the satisfaction of the court that, owing to changes in the character of the neighbourhood in which the house is situated, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements ; or
- (b) planning permission has been granted under Part III of the Town and Country Planning Act, 1947, for the use of the house as converted into two or more separate dwelling-houses instead of as a single dwelling-house,

and it is proved to the satisfaction of the court that by reason of the provisions of the lease or of any restrictive covenant affecting the house, or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.

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*Notices, orders, &c*

**166 Authentication of orders, notices, &c**

- (1) Any demolition order, any closing order under section eighteen of this Act, any clearance order and any other order in writing made by a local authority under this Act, not being a closing order, shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.
- (2) A notice, demand or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy:

Provided that—

- (a) this subsection shall not apply to a notice to be served under section twenty-six or section thirty of this Act; and
- (b) a notice, demand or other document proceeding from the London County Council in their capacity as landlord of the premises to which the notice, demand or other document relates may be signed by any officer of the Council authorised by the Council to sign notices, demands or documents of that particular kind or the particular notice, demand or document, as the case may be, and, if so signed, need not be signed by the clerk to the London County Council or his lawful deputy.

**167 Authentication of certificates**

Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

**168 Service of notices, &c., on local authorities**

Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority for any of the purposes of this Act may be served upon the authority by delivering it to their clerk, or by leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to the authority or their clerk at their office.

**169 Service of notices, &c, on persons other than local authorities**

- (1) Subject to the provisions of this and the last foregoing section, any notice, order or other document required or authorised to be served under this Act may be served either—
  - (a) by delivering it to the person on whom it is to be served, or
  - (b) by leaving it at the usual or last known place of abode of that person, or
  - (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office, or

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- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of " owner " or " lessee " or " occupier " of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (2) This section shall not apply to the service under section nineteen of this Act of a copy of a closing order made under the proviso to subsection (1) of section seventeen of this Act or made under subsection (3) of that section, or to the service of a notice under section twenty-six or section thirty of this Act.

### **170 Power of local authority to require information as to ownership of premises**

A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

#### *Default of local authorities*

### **171 Powers of county council and Minister in the event of default of rural district council**

- (1) In any case where—
- (a) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this Act in any case where those powers ought to have been exercised ; or
  - (b) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid ;
- the county council may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the district council, they make make an order declaring the district council to be in default and transferring to themselves all or any of the said powers of the district council with respect to the whole or any part of the district.
- (2) Where an order is made under subsection (1) of this section the council of the rural district with respect to which it is made may, within a period of twenty-eight days beginning with the date on which the order is made, appeal to the Minister against the order ; and in any such case the Minister shall give to the councils of the rural district and the county, and to any other authority or person appearing to him to be interested, an opportunity to appear before and be heard by a person appointed by the Minister for

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the purpose, and may either confirm the order with or without modification or quash the order.

- (3) An order under subsection (1) of this section shall not come into force—
- (a) in any case, until the expiration of a period of twenty eight days beginning with the date on which the order is made, and
  - (b) in a case where an appeal is brought under this section, unless and until the order is confirmed on the appeal.
- (4) An order made under this section may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.
- (5) If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council have failed or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which they might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of their order in such manner as he thinks fit.

The Minister's powers of making orders under this subsection shall be exercisable by statutory instrument; and subsection (2) of this section shall apply in relation to an order made under this subsection as it applies in relation to an order made under subsection (1) of this section.

#### **172 Powers of Minister in event of default by county council in the exercise of transferred powers**

If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last foregoing section have failed to exercise those powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

- (a) make an order directing them to exercise such of the said powers, in such manner and within such time as may be specified in his order ; or
- (b) make an order rendering any of the said powers exercisable by himself.

#### **173 Power of Minister in the event of default of local authority other than rural district council**

- (1) In any case where—
- (a) a complaint is made to the Minister—
    - (i) as respects the council of any non-county borough or urban district, by the council of the county in which the borough or district is situate,

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or by any justice of the peace acting for, or by any four or more local government electors of, the borough or district; or

- (ii) as respects any local authority, not being the council of a non-county borough or of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority,

that the local authority have failed to exercise their powers under this Act in any case where these powers ought to have been exercised ; or

- (b) the Minister is of opinion that an investigation should be made as to whether any local authority, not being the council of a rural district, have failed as aforesaid ;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing them to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

- (2) If a local authority with respect to whom an order has been made under the foregoing subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses—
- (a) if the local authority concerned is the council of a non-county borough, or of an urban district, he may make an order directing the council of the county within which that borough or district is situate to perform such of the obligations of the borough or district council under the original order within such times as may be specified in his order addressed to the county council; or
- (b) in any case, he may make an order rendering exercise able by himself such of the powers of the local authority under this Act as may be specified in his order.
- (3) The Minister's powers of making orders under this section shall be exercisable by statutory instrument.

**174 Provisions as to orders directing county council to perform obligations of urban district council**

An order under the last foregoing section directing a county council to perform any obligations of the council of a non-county borough or of an urban district may—

- (a) for the purpose of enabling the county council to comply with the order, transfer to them any of the powers conferred by this Act on local authorities;
- (b) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

**175 Provisions as to exercise by Minister of powers of a local authority**

- (1) The following provisions of this section shall have effect in any case where under the foregoing provisions of this Part of this Act the Minister has by order rendered exercisable by himself any powers of a local authority.

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- (2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.
- (3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money.
- (4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.
- (5) In this section the expression " local authority ", in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

#### **176 Power to vary and revoke certain orders relating to defaults**

In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise, any powers or duties of a local authority, or rendering any powers or duties of a local authority exerciseable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

#### **177 Power of London County Council in the event of default of metropolitan borough council**

- (1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—
  - (a) to exercise their powers under section eighteen of this Act in a case where those powers ought to have been exercised; or
  - (b) to make an inspection of their borough under section seventy-six of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or
  - (c) to enforce the provisions of Part IV of this Act;the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.
- (2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London County Council to perform such of the obligations

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of the metropolitan borough council under the original order within such time as may be specified in his order addressed to the London County Council.

- (3) An order under the last foregoing subsection may provide that section two hundred and ninety-two of the Public Health (London) Act, 1936, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.
- (4) The Minister's powers of making orders under this section shall be exercisable by statutory instrument.

#### *General Powers of Minister*

#### **178 Power of Minister to prescribe forms, etc.**

- (1) The Minister may by regulations prescribe anything which by this Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act:

Provided that this subsection shall not apply to a notice under section twenty-six or section thirty of this Act.

- (2) The power of making regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **179 Dispensation with advertisements and notices**

- (1) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service:

Provided that this subsection shall not apply to a notice under section twenty-six or section thirty of this Act.

- (2) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally, or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

#### **180 Provisions as to orders made by Minister**

- (1) All orders made by the Minister in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as the Minister may direct.
- (2) The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Minister, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in such provisional orders, and such costs shall be paid



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accordingly; and if thought expedient by the Minister, the local authority may contract a loan for the purposes of defraying such costs.

### **181 Local inquiries and reports**

- (1) For the purpose of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit.
- (2) If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part, of this Act as the Minister may determine.

### **182 Arrangements between the Minister and other Departments**

The Minister may make arrangements with any other Government Department for the exercise and performance by that Department of any of his powers and duties under this Act which in his opinion could be more conveniently so exercised and performed, and in that case that Department and the officers thereof shall have the same powers and duties as are by this Act conferred on the Minister and his officers.

#### *Miscellaneous provisions as to London*

### **183 Relations between local authorities in London**

- (1) The London County Council and the Common Council of the City of London or the council of a metropolitan borough may at any time enter into an agreement with respect to—
  - (a) any action to be taken under the provisions of Part III of this Act relating to clearance areas, or redevelopment areas, or under Part IV of this Act, or under the provisions of section one hundred and sixty-four of this Act relating to schemes of improvement or reconstruction, or in connection with the provision of new houses to abate overcrowding ;
  - (b) the exercise by one of the parties to the agreement of any powers conferred under the provisions of Part III of this Act relating to redevelopment areas or under Part IV of this Act on the other party thereto ;
  - (c) the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action or in any such exercise of powers as aforesaid ; or
  - (d) the carrying out of any housing operations under Part V of this Act and the apportionment of the expenses incurred in carrying out such operations.
- (2) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under the provisions of Part III of this Act relating to clearance areas, or under the provisions of section one hundred and sixty-four of this Act relating to schemes of improvement or reconstruction.

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#### **184 Agreements between the London County Council and other authorities in London**

The London County Council and the Common Council of the City of London or any metropolitan borough council may enter into agreements by which the Common Council or the metropolitan borough council may contribute such amounts as may be agreed towards the provision of houses by the London County Council within or without the county to meet any special needs of the Common Council or of any metropolitan borough council.

#### **185 Agreements between the London County Council and neighbouring authorities as to provision of houses**

The London County Council and the Common Council of the City of London, or any other council being a local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of the other council, or for the provision by the other council of houses within their area to meet the needs of the London County Council, and for the payment in either case of such contributions as may be agreed by the council needing the houses to the council providing them.

In this section the expression " county of London " means the administrative county of London exclusive of the City of London.

#### **186 Provisions as to medical officers of health in London**

- (1) The London County Council may, with the consent of the Minister, at any time appoint one or more duly qualified medical practitioner or practitioners with such remuneration as they think fit for the purpose of carrying into effect any Part of this Act.
- (2) Any medical officer of health appointed by the London County Council and any officer appointed by them under this section shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

#### **187 Provisions as to City of London**

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee:

Provided that a committee so appointed shall consist as to a majority of its members of members of the Common Council, and shall not be authorised to borrow any money, or to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

- (2) A person shall not, by reason only of the fact that he occupies a house at a rental from the Common Council of the City of London, be disqualified from being elected or being a member of the Common Council or of any committee thereof, but no person shall vote as a member of the Common Council, or any committee thereof, upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house, building or land in which he is beneficially interested.

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- (3) If any person votes in contravention of this section, he shall, on summary conviction, be liable to a fine not exceeding fifty pounds, but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority.

## PART VIII

### SUPPLEMENTAL

#### 188 Powers of Act to be cumulative

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed:

Provided that a local authority shall not, by reason of any local Act relating to a place within their jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

#### 189 Interpretation

- (1) In this Act, unless the context otherwise requires—

" apparatus " means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps ;

" building byelaws " includes byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, or section sixty-one of the Public Health Act, 1936, with respect to new buildings, including the drainage thereof, and new streets, and any enactments in any local Acts dealing with the construction and drainage of new buildings and the laying out and construction of new streets, and any byelaws made with respect to such matters under any such local Act;

" contributory place " has the same meaning as in the Public Health Act, 1936 ;

" development corporation " means a development corporation established under the New Towns Act, 1946 ;

" fit for human habitation " has the meaning assigned to it by sections four and five of this Act;

" house " includes—

- (a) any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith, and
- (b) for the purposes of any provisions of this Act relating to the provision of housing accommodation, any part of a building which is occupied or intended to be occupied as a separate dwelling ;

" housing association " means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or

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encouraging the construction or improvement of, houses, being a society, body of trustees or company who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital ;

" housing trust " means a corporation or body of persons which by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto ;

" land " includes any right over land ;

" local government elector " has the meaning assigned to it by subparagraph (1) of paragraph 1 of the Eighth Schedule to the Representation of the People Act, 1949, as amended by the Electoral Registers Act, 1953 ;

" official representation " has the meaning assigned to it by section one hundred and fifty-seven of this Act;

" the Minister " means the Minister of Housing and Local Government;

" owner ", in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years;

" the Rent Acts " means the Increase of Rent and Mortgage Interest Restrictions Acts, 1920 to 1939 ;

" statutory undertakers " means any persons authorised by any enactment or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

" street " includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not.

- (2) In this Act references to a local authority where not limited by the context to references to the local authority for the purposes of this Act or of any enactment in this Act or of any other enactment relating to housing, unless the context otherwise requires include references to the Common Council of the City of London, the London County Council, a metropolitan borough council and the council of a borough, urban district or rural district.
- (3) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any other enactment.

## **190 Consequential amendments**

The enactments mentioned in the Tenth Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

## **191 Repeal and savings**

- (1) The enactments set out in the Eleventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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- (2) The repeals made by this section shall not affect any order, byelaw, regulation or plan made, charge effected, undertaking, notice, approval, certificate, direction or determination given, or other thing done before the commencement of this Act, but any order, byelaw, regulation, plan, charge, undertaking, notice, approval, certificate, direction, determination or thing made, effected, given or done, or having effect as if made, effected, given or done, under any enactment repealed by this section shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given or done under this Act, have effect as if made, effected, given or done under the corresponding provision of this Act.
- (3) Any person who at the commencement of this Act holds office or acts or serves under or by virtue of any enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed under this Act.
- (4) Any enactment or document referring to any enactment repealed by this Act, by the Housing Act, 1936, or by the Housing Act, 1925, shall be construed as referring to the corresponding provision of this Act.
- (5) For the purposes of subsection (3) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952 (which provides that rules under that section may amend or repeal any enactment passed before the sixteenth day of December, nineteen hundred and forty-nine so far as it relates to matters about which such rules may be made), this Act shall be treated as if it had been passed before that date.
- (6) The provisions of this section shall be without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889, as to the effect of repeals.

## **192 Construction of references to this Act and to enactments repealed**

Without prejudice to subsection (2) of the last foregoing section, any reference in any provision of this Act to, or to things done or falling to be done under, any provision of this Act shall, if and so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding provision in the enactments repealed by this Act, by the Housing Act, 1936, or by the Housing Act, 1925, has or had effect, a reference to, or to things done or falling to be done under, that corresponding provision.

## **193 Short title, commencement and extent**

- (1) This Act may be cited as the Housing Act, 1957.
- (2) This Act shall come into force on the first day of September, nineteen hundred and fifty-seven.
- (3) This Act shall not extend to Scotland or Northern Ireland.