



# Housing Act 1957

## 1957 CHAPTER 56

### 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.

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- (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
  - (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.

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#### **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 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

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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 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

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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 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

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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 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

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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 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.

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- (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 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



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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
  - (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.

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- (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 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,

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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 redevelopment or use in accordance with a re-development plan approved under this 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

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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.
- (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

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- (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.

*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

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(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.

## **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

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- (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 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.

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## **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
  - (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



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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.
- (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.

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### *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, 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.

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- (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, 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

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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.

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

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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.
- (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-

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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.