



Housing Act 1957

1957 CHAPTER 56

PART II

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

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

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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 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

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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 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

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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—
 - (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

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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.
- (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.

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- (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.