



# Housing Act 1961

## 1961 CHAPTER 65

### PART II

#### AMENDMENTS OF HOUSING ACT, 1957

##### *Houses in multiple occupation*

#### **18 Carrying out of works by local authority**

- (1) If a notice under section fourteen, section fifteen or section sixteen of this Act is not complied with, then, after the expiration of the time within which the works are required to be executed 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 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 (with any variation made by the court).
- (2) Notwithstanding the foregoing subsection, if before the expiration of the time mentioned in that subsection the person on whom the notice was served notifies the local authority in writing that he does not intend to do the work in question, the local authority may, if they think fit, themselves do the work forthwith.
- (3) Any expenses reasonably 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, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by them, by action or summarily as a civil debt, from the person on whom the notice was served or, if he was only properly served with the notice as being an agent or trustee for some other person, then either from him or that other person, or as to part from him and as to the remainder from that other person:

Provided that if the person on whom the notice is served proves that he—

- (a) was only properly served with the notice as being an agent or trustee for some other person, and

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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) Any expenses recoverable by the local authority under the last foregoing subsection, together with interest accrued due thereon, shall, until recovered, be a charge on the estate or interest in the premises of the person on whom the notice was served:
- Provided that if that person was only properly served with the notice as being an agent or trustee for some other person, those expenses shall be a charge on the estate or interest in the premises of that other person, and not on that of the first-mentioned person.
- (5) The local authority shall for the purpose of enforcing the charge under the last foregoing subsection have 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.
- The power of appointing a receiver under this 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 estate or interest in the premises.
- (6) If a local authority applies to a county court and satisfies the court—
- (a) that any expenses reasonably incurred by them under this section (with the interest accrued due thereon) have not been, and are unlikely to be, recovered, and
  - (b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if the number of persons living in the house was limited to that appropriate for the house in its state before the works were executed,
- the court, if satisfied that that person has had proper notice of the application, may order him to make such payment or payments to the local authority as may appear to the court to be just.
- (7) In all summary proceedings by the local authority for the recovery of expenses under this section, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand.
- (8) Any interest payable under this section shall be at the rate, or the highest rate, for the time being fixed under subsection (6) of section ten of the principal Act.
- (9) In proceedings by the local authority for the recovery of any expenses under subsection (3) of this section it shall not be open to the defendant to raise any question which he could have raised on an appeal under the foregoing provisions of this Part of this Act against the notice requiring the execution of the works.