



Housing Act 1961

1961 CHAPTER 65

PART II

AMENDMENTS OF HOUSING ACT, 1957

Houses in multiple occupation

23 Supplemental provisions

- (1) If on an application made by a person required by a notice under the foregoing provisions of this Part of this Act to execute any works it appears to a county court that any other person having an estate or interest in the premises has unreasonably refused to give any consent required to enable the works to be executed, the court may give the necessary consent in place of that other person.
- (2) Subsection (1) of section thirty-three of the principal Act (under which any owner of a house may require a local authority to warn him of any proceedings taken by them under certain provisions of that Act) shall apply in relation to proceedings taken under the foregoing provisions of this Part of this Act as it applies in relation to the provisions of the principal Act mentioned in that subsection.
- (3) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the rights or remedies of any owner for breach, non-observance or non-performance of any covenant or contract entered into by a lessee in reference to any house in respect of which a notice requiring the execution of works is served by a local authority under the foregoing provisions of this Part of this Act, or as respects which regulations made under section thirteen of this Act are for the time being in force ; and if any owner is obliged to take possession of a house in order to comply with any such notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.
- (4) Where an offence punishable under the foregoing provisions of this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of,

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any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (5) Where a person is convicted of an offence by virtue of the last foregoing subsection and the body corporate in question is under the foregoing provisions of this Part of this Act liable, as having been previously convicted of an offence, to a higher penalty than if it had not been previously convicted of any offence, that person shall be liable under the foregoing provisions of this Part of this Act to the same penalties as the body corporate, including the imprisonment to which it would be liable if a natural person:

Provided that he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at the time of the earlier conviction he was not acting or purporting to act as a director, manager, secretary or other similar officer of the body corporate.

- (6) Section one hundred and fifty-nine of the principal Act (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been a contravention of any regulation or direction made or given under the foregoing provisions of this Part of this Act, but so much of that section as requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

- (7) In the foregoing provisions of this Part of this Act references to a lessee of a house and to a person to whom a house is let include references to—

- (a) any person having an estate or interest in the house under an underlease or tenancy or under an agreement for a lease, underlease or tenancy ; and
- (b) any person who retains possession of the house by virtue of the Rent Acts and not as being entitled to any tenancy;

and references to a person having an estate or interest in the house include references to any such person as is mentioned in paragraph (b) of this subsection.

- (8) In the administrative county of London, other than the City of London, both the metropolitan borough and the London County Council shall be local authorities for the purposes of the foregoing provisions of this Part of this Act.

- (9) Section thirty-six of the principal Act (which is superseded by the foregoing provisions of this Part of this Act) shall cease to have effect except as respects any notice served under that section before the commencement of this Act.