



# Housing Act 1985

## 1985 CHAPTER 68

### PART IX

#### SLUM CLEARANCE

##### *Use of condemned houses for temporary housing accommodation*

#### **[<sup>F1</sup>300 Purchase of houses liable to be demolished or to be subject to a prohibition order.**

(1) Where—

- (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a demolition order under section 265(1) or (2) of this Act in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and
- (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,

they may purchase it instead.

(2) Where—

- (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a relevant prohibition order in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and
- (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,

they may purchase it instead.

- (3) In subsection (2) “relevant prohibition order” means a prohibition order under section 20 of the Housing Act 2004 which imposes in relation to the whole of the dwelling, house in multiple occupation or building a prohibition on its use for all purposes other than any purpose approved by the authority.

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*Changes to legislation: Housing Act 1985, Cross Heading: Use of condemned houses for temporary housing accommodation is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) Where an authority have determined to purchase any premises under subsection (1)—
- (a) they shall serve a notice of their determination on the persons on whom they would have been required by section 268(1) to serve a copy of a demolition order, and
  - (b) sections 268(4) and 269(1), (2), (3) and (6) (operative date and right of appeal) apply to such a notice as they apply to a demolition order.
- (5) Where an authority have determined to purchase any premises under subsection (2)—
- (a) they shall serve a notice of their determination on the persons on whom they would have been required by Part 1 of Schedule 2 to the Housing Act 2004 (service of prohibition orders) to serve a copy of the relevant prohibition order; and
  - (b) section 24 of that Act and Parts 1 and 3 of that Schedule (operative date, right of appeal etc.) apply to such a notice as they apply to a prohibition order which is not suspended or to appeals against such an order (as the case may be).
- (6) At any time after the notice has become operative the authority may purchase the dwelling, house in multiple occupation or building by agreement or be authorised by the Secretary of State to purchase it compulsorily.
- (7) This section does not apply where section 304(1) applies (listed building or building protected pending listing).]

#### Textual Amendments

- F1** S. 300 substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 20](#); [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(b\)](#) (with [Sch.](#))

### 301 Retention of houses acquired for clearance.

- (1) The local housing authority, having declared an area to be a clearance area, may postpone for such period as they may determine the demolition of [<sup>F2</sup>residential buildings] on land purchased by them within the area if, in their opinion, the [<sup>F2</sup>residential buildings] are or can be rendered capable of providing accommodation of a standard which is adequate for the time being.
- (2) Where the local housing authority are satisfied that a [<sup>F3</sup>residential building] on land purchased by them within a clearance area which is not retained by them for temporary use for housing purposes—
- (a) is required for the support of a [<sup>F3</sup>residential building] which is so retained, or
  - (b) should not be demolished for the time being for some other special reason connected with the exercise in relation to the clearance area of the authority's powers under subsection (1).
- they may retain the [<sup>F3</sup>residential building] for the time being and are not required to demolish it so long as it is required for that purpose or, as the case may be, so long as those powers are being exercised by the authority in relation to that area.
- (3) Where the demolition of any [<sup>F4</sup>residential buildings] in a clearance area is postponed under this section, the local housing authority may also postpone the taking of proceedings under section 290(1) (acquisition of land for clearance) in respect of buildings other than [<sup>F4</sup>residential buildings] within the area.

**Changes to legislation:** *Housing Act 1985, Cross Heading: Use of condemned houses for temporary housing accommodation is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[<sup>F5</sup>(4) In this section and section 302 “residential building” has the same meaning as it has in section 289.]

#### Textual Amendments

- F2** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 30(1)**
- F3** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 30(2)**
- F4** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 30(3)**
- F5** S. 301(4) inserted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 30(4)**

### 302 Management and repair of houses acquired under s. 300 or retained under s. 301

Where a [<sup>F6</sup>residential building] is acquired by a local housing authority under section 300 or retained by a local housing authority under section 301 for temporary use for housing purposes—

- (a) the authority have the like powers in respect of the [<sup>F6</sup>residential building] as they have in respect of dwellings provided by them under Part II (provision of housing accommodation);
- (b) the authority may carry out such works as may from time to time be required for rendering and keeping the [<sup>F6</sup>residential building] capable of providing accommodation of a standard which is adequate for the time being pending its demolition;
- (c) [<sup>F7</sup>sections 8 and 9A] of the <sup>M1</sup>Landlord and Tenant Act 1985 (implied condition of fitness for human habitation) [<sup>F8</sup>do] not apply to a contract for the letting of the [<sup>F9</sup>residential building or any flat in the building] by the authority.

#### Textual Amendments

- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 31(a)**
- F7** Words in s. 302(c) substituted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), **ss. 1(6)(a)**, 2(2)
- F8** Word in s. 302(c) substituted (20.3.2019) by [Homes \(Fitness for Human Habitation\) Act 2018 \(c. 34\)](#), **ss. 1(6)(b)**, 2(2)
- F9** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), **Sch. 9 Pt. II para. 31(b)**

#### Marginal Citations

- M1** 1985 c. 70.

**Changes to legislation:**

Housing Act 1985, Cross Heading: Use of condemned houses for temporary housing accommodation is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)