



Housing Act 1985

1985 CHAPTER 68

PART VI

REPAIR NOTICES

Enforcement

193 Power of local housing authority to execute works.

- (1) If a repair notice is not complied with the local housing authority may themselves do the work required to be done by the notice.
- [^{F1}(2) For the purpose of this Part compliance with the notice means beginning and completing the works specified in the notice,—
 - (a) if no appeal is brought against the notice, not later than such date and within such period as is specified in the notice;
 - (b) if an appeal is brought against the notice and is not withdrawn, not later than such date and within such period as may be fixed by the court determining the appeal; and
 - (c) if an appeal brought against the notice is withdrawn, not later than the twenty-first day after the date on which the notice becomes operative and within such period (beginning on that twenty-first day) as is specified in the notice.
- (2A) If, before the expiry of the period which under subsection (2) is appropriate for completion of the works specified in the notice, it appears to the local housing authority that reasonable progress is not being made towards compliance with the notice, the authority may themselves do the work required to be done by the notice.]
- (3) The provisions of Schedule 10 apply with respect to the recovery by the local housing authority of expenses incurred by them under this section.
- [^{F2}(4) If, after the local housing authority have given notice under section 194 of their intention to enter and do any works, the works are in fact carried out by the person having control of the dwelling-house [^{F3}house in multiple occupation] or part of the

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building in question, any administrative and other expenses incurred by the authority with a view to doing the works themselves shall be treated for the purposes of Schedule 10 as expenses incurred by them under this section in carrying out works [F4in a case where the repair notice has not been complied with].]

Textual Amendments

- F1 S. 193(2)(2A) substituted for s. 193(2) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 5\(1\)](#)
- F2 S. 193(4) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 5\(2\)](#)
- F3 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 7](#)
- F4 Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 7](#)

194 Notice of authority’s intention to execute works.

- (1) Where the local housing authority are about to enter upon [F5any premises] under the provisions of section 193 for the purpose of doing any work, they [F5shall] give notice in writing of their intention to do so to the person having control of [F5the premises] and, if they think fit, to any owner of [F5the premises].
- (2) If at any time after the expiration of seven days from the service of the notice on him and whilst any workman or contractor employed by the local housing authority is carrying out works in [F6the premises]—
 - (a) the person on whom the notice was served is in [F6the premises] for the purpose of carrying out any works, or
 - (b) any workman employed by him or by any contractor employed by him is in [F6the premises] for such purpose,
 the person on whom the notice was served shall be deemed for the purpose of section 198 (penalty for obstruction) to be obstructing the authority in the execution of this Part unless he shows that there was urgent necessity to carry out the works in order to obviate danger to occupants of [F6the premises].

Textual Amendments

- F5 Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 6\(1\)](#)
- F6 Words substituted by [Housing Act 1988 \(c.50, SIF 61\)](#), s. 130(1)(3), [Sch. 15 para. 6\(2\)](#)

195 Power of court to order occupier or owner to permit things to be done.

- (1) If a person, after receiving notice of the intended action—
 - (a) being the occupier of premises, prevents the owner or person having control of the premises, or his officers, servants or agents, from carrying into effect with respect to the premises any of the provisions of this Part, or
 - (b) being the occupier, owner or person having control of premises, prevents an officer, servant or agent of the local housing authority from so doing,
 a magistrates’ court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions.

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- (2) A person who fails to comply with an order of the court under this section commits a summary offence and is liable on conviction to a fine not exceeding £20 in respect of each day during which the failure continues.

196 Power of court to authorise owner to execute works on default of another owner.

- (1) If it appears to a magistrates' court, on the application of an owner of premises in respect of which a repair notice has been served, that owing to the default of another owner of the premises in executing works required to be executed, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the premises and execute the works within a period fixed by the order.
- (2) Where the court makes such an order, the court may, where it seems to the court just to do so, make a like order in favour of any other owner.
- (3) Before an order is made under this section, notice of the application shall be given to the local housing authority.

197 Powers of entry.

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving [^{F7}seven days] notice of his intention to the occupier, and to the owner if the owner is known, enter premises for the purpose of survey and examination—
- (a) where it appears to the authority that survey or examination is necessary in order to determine whether any powers under this Part should be exercised in respect of the premises, [^{F8}or]
- (b) where a repair notice has been served in respect of the premises, . . . ^{F9}
- (c) ^{F9}
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised [^{F10}and shall, if so required, be produced for inspection by the occupier or anyone acting on his behalf].

Textual Amendments

- F7** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 8\(1\)\(a\)](#)
- F8** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 8\(1\)\(b\)](#)
- F9** Word; or and s. 197(1)(c) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(a), 194(4), [Sch. 9 Pt. I para. 8\(1\)\(c\)](#), [Sch. 12 Pt. II](#)
- F10** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), [Sch. 9 Pt. I para. 8\(2\)](#)

Modifications etc. (not altering text)

- C1** [Ss. 197, 198](#) applied (17.12.1996) by [1996 c. 53, s. 84\(2\)](#); [S.I. 1996/2842](#), [art. 3](#)

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198 Penalty for obstruction.

- (1) It is a summary offence [^{F11}intentionally] to obstruct an officer of the local housing authority or of the Secretary of State, or a person authorised in pursuance of this Part to enter premises, in the performance of anything which that officer, authority or person is required or authorised by this Part to do.
- (2) A person who commits such an offence is liable on conviction to a fine not exceeding [^{F12}level 3] on the standard scale.

Textual Amendments

F11 Word inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(a), **Sch. 9 Pt. I para. 9**

F12 Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 7**

Modifications etc. (not altering text)

C2 [Ss. 197, 198](#) applied (17.12.1996) by [1996 c. 53, s. 84\(2\)](#); [S.I. 1996/2842, art. 3](#)

[^{F13}198A] Penalty for failure to execute works.

- (1) A person having control of premises to which a repair notice relates who intentionally fails to comply with the notice commits a summary offence and is liable on conviction to a fine not exceeding level 4 on the standard scale.
- (2) The obligation to execute the works specified in the notice continues notwithstanding that the period for completion of the works has expired.
- (3) Section 193(2) shall have effect to determine whether a person has failed to comply with a notice and what is the period for completion of any works.
- (4) The provisions of this section are without prejudice to the exercise by the local housing authority of the powers conferred by the preceding provisions of this Part.]

Textual Amendments

F13 [S. 198A](#) inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 130(1)(3), **Sch. 15 para. 8**

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