



Housing Act 1985

1985 CHAPTER 68

PART XVIII

MISCELLANEOUS AND GENERAL PROVISIONS

General provisions relating to housing conditions

604 Fitness for human habitation.

- (1) In determining for any of the purposes of this Act whether premises are unfit for human habitation, regard shall be had to their condition in respect of the following matters—
- repair,
 - stability,
 - freedom from damp,
 - internal arrangement,
 - natural lighting,
 - ventilation,
 - water supply,
 - drainage and sanitary conveniences,
 - facilities for the preparation and cooking of food and for the disposal of waste water;
- and the premises shall be deemed to be unfit if, and only if, they are so far defective in one or more of those matters that they are not reasonably suitable for occupation in that condition.
- (2) Subsection (1) does not affect the operation of sections 266 and 282 (special powers to close underground rooms deemed to be unfit for human habitation).

Status: This is the original version (as it was originally enacted).

605 Periodic inspection of district by local housing authority.

- (1) The local housing authority shall cause an inspection of their district to be made from time to time with a view to determining what action to take in the performance of their functions under—
 - Part VI (repair notices),
 - Part VIII (area improvement),
 - Part IX (slum clearance), and
 - Part XI (houses in multiple occupation).
- (2) For the purpose of carrying out that duty the authority and their officers shall comply with any directions the Secretary of State may give and shall keep such records and supply him with such information as he may specify.

606 Reports on particular houses or areas.

- (1) The proper officer of the local housing authority shall make a report in writing to the authority whenever he is of the opinion—
 - (a) that a house in their district is unfit for human habitation, or
 - (b) that an area in their district should be dealt with as a clearance area;and the authority shall take into consideration as soon as may be any such report made to them.
- (2) If a complaint in writing that a house is unfit for human habitation, or that an area should be dealt with as a clearance area, is made to the proper officer of the local housing authority by—
 - (a) a justice of the peace having jurisdiction in any part of their district, or
 - (b) a parish or community council for a parish or community within their district,the officer shall forthwith inspect the house or area and make a report to the authority stating the facts of the case and whether in his opinion the house is unfit for human habitation or the area should be dealt with as a clearance area.
- (3) The absence of a complaint under subsection (2) does not excuse the proper officer of the authority from inspecting a house or area or making a report on it under subsection (1)

Environmental considerations

607 Local housing authority to have regard to environmental considerations.

A local housing authority in preparing any proposals for the provision of housing accommodation, or in taking any action under this Act, shall have regard to—

- (a) the beauty of the landscape or countryside,
- (b) the other amenities of the locality, and
- (c) the desirability of preserving existing works of architectural, historic or artistic interest;

and they shall comply with such directions in that behalf as may be given to them by the Secretary of State.

608 Acquisition of ancient monuments, &c.

Land which is the site of an ancient monument or other object of archaeological interest—

- (a) may not be acquired for the purposes of section 192 (unfit house subject to repair notice found to be beyond repair) or Part IX (slum clearance), and
- (b) may be acquired for the purposes of Part II (provision of housing) only by compulsory purchase order.

Enforceability of covenants, &c.

609 Enforcement of covenants against owner for the time being.

Where—

- (a) a local housing authority have disposed of land held by them for any of the purposes of this Act and the person to whom the disposal was made has entered into a covenant with the authority concerning the land, or
- (b) an owner of any land has entered into a covenant with the local housing authority concerning the land for the purposes of any of the provisions of this Act,

the authority may enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

610 Power of court to authorise conversion of house into flats.

- (1) The local housing authority or a person interested in a house may apply to the county court where—
 - (a) owing to changes in the character of the neighbourhood in which the house is situated, it cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements, or
 - (b) planning permission has been granted under Part III of the Town and Country Planning Act 1971 (general planning control) for the use of the house as converted into two or more separate dwelling-houses instead of as a single dwelling-house,

and the conversion is prohibited or restricted by the provisions of the lease of the house, or by a restrictive covenant affecting the house, or otherwise.

- (2) The court may, after giving any person interested an opportunity of being heard, vary the terms of the lease or other instrument imposing the prohibition or restriction, subject to such conditions and upon such terms as the court may think just.

Miscellaneous powers of local housing authorities

611 Removal or alteration of apparatus of statutory undertakers.

- (1) Where by reason of the stopping up, diversion or alteration of the level or width of a street by a local housing authority under powers exercisable by them by virtue of this Act—

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- (a) the removal or alteration of apparatus belonging to statutory undertakers, or
 - (b) the execution of works for the provision of substituted apparatus, whether permanent or temporary,
- is reasonably necessary for the purposes of their undertaking, the statutory undertakers may by notice in writing served on the authority require them to remove or alter the apparatus or to execute the works.
- (2) Where such a requirement is made and not withdrawn, the authority shall give effect to it unless—
 - (a) they serve notice in writing on the undertakers of their objection to the requirement within 28 days of the service of the notice upon them and
 - (b) the requirement is determined by arbitration to be unreasonable.
 - (3) At least seven days before commencing any works which they are required under this section to execute, the authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention to do so; and if the undertakers so elect within seven days from the date of service of the notice on them, they shall themselves execute the works.
 - (4) If the works are executed by the authority, they shall be executed at the authority's expense and under the superintendence (also at the authority's expense) and to the reasonable satisfaction of the undertakers; and if the works are executed by the undertakers, they shall be executed in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs of the works shall be repaid to the undertakers by the authority.
 - (5) Any difference arising between statutory undertakers and a local housing authority under subsection (3) or (4), and any matter which by virtue of subsection (2)(b) is to be determined by arbitration, shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Secretary of State.
 - (6) In this section—
 - (a) “statutory undertakers” means any persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;
 - (b) “apparatus” means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps;
 - (c) references to the alteration of apparatus include diversion and the alteration of position or level.

General provisions

612 Exclusion of Rent Act protection.

Nothing in the Rent Acts prevents possession being obtained of a house of which possession is required for the purpose of enabling a local housing authority to exercise their powers under any enactment relating to housing.

613 Liability of directors, &c. in case of offence by body corporate.

- (1) Where an offence under this Act 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, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

614 Power to prescribe forms &c.

- (1) The Secretary of State may by regulations prescribe—
 - (a) anything which by this Act is to be prescribed; or
 - (b) the form of any notice, advertisement, statement or other document which is required or authorised to be used under or for the purposes of this Act.
- (2) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The power conferred by this section is not exercisable where specific provision for prescribing a thing, or the form of a document, is made elsewhere.

615 Dispensation with advertisements and notices.

- (1) The Secretary of State may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act if he is satisfied that there is reasonable cause for dispensing with the publication or service.
- (2) A dispensation may be given by the Secretary of State—
 - (a) either before or after the time at which the advertisement is required to be published or the notice is required to be served, and
 - (b) either unconditionally or upon such conditions, as to the publication of other advertisements or the service of other notices or otherwise, as the Secretary of State thinks fit,due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

616 Local inquiries.

For the purposes of the execution of his powers and duties under this Act, the Secretary of State may cause such local inquiries to be held as he may think fit.

617 Service of notices.

- (1) Where under any provision of this Act it is the duty of a local housing authority to serve a document on a person who is to the knowledge of the authority—
 - (a) a person having control of premises, however defined, or
 - (b) a person managing premises, however defined, or

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- (c) a person having an estate or interest in premises, whether or not restricted to persons who are owners or lessees or mortgagees or to any other class of those having an estate or interest in premises,
 the authority shall take reasonable steps to identify the person or persons coming within the description in that provision.
- (2) A person having an estate or interest in premises may for the purposes of any provision to which subsection (1) applies give notice to the local housing authority of his interest in the premises and they shall enter the notice in their records.
- (3) A document required or authorised by this Act to be served on a person as being a person having control of premises (however defined) may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served by—
- (a) addressing it to him by the description of “person having control of” the premises (naming them) to which it relates, and
 - (b) delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (4) Where under any provision of this Act a document is to be served on—
- (a) the person having control of premises, however defined, or
 - (b) the person managing premises, however defined, or
 - (c) the owner of premises, however defined,
- and more than one person comes within the description in the enactment, the document may be served on more than one of those persons.

618 The Common Council of the City of London.

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act or the Housing Associations Act 1985 which in their opinion may be better regulated and managed by means of a committee.
- (2) A committee so appointed—
- (a) shall consist as to a majority of its members of members of the Common Council, and
 - (b) shall not be authorised to borrow money or to make a rate,
- and shall be subject to any regulations and restrictions which may be imposed by the Common Council.
- (3) A person is not, by reason only of the fact that he occupies a house at a rental from the Common Council, disqualified from being elected or being a member of that Council or any committee of that Council; but no person shall vote as a member of that Council, or any such committee, on a resolution or question which is proposed or arises in pursuance of this Act or the Housing Associations Act 1985 and relates to land in which he is beneficially interested.
- (4) A person who votes in contravention of subsection (3) commits a summary offence and is liable on conviction to a fine not exceeding level 2 on the standard scale; but the fact of his giving the vote does not invalidate any resolution or proceeding of the authority.

619 The Inner and Middle Temples.

- (1) For the purposes of Part XII (common lodging houses) the local housing authority—
 - (a) for the Inner Temple is the Sub-Treasurer of the Inner Temple, and
 - (b) for the Middle Temple is the Under-Treasurer of the Middle Temple.
- (2) The other provisions of this Act are among those for which provision may be made by Order in Council under section 94 of the Local Government Act 1985 (general power to provide for exercise of local authority functions as respects the Temples).

620 The Isles of Scilly.

- (1) This Act applies to the Isles of Scilly subject to such exceptions, adaptations and modifications as the Secretary of State may by order direct.
- (2) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

621 Meaning of “lease” and “tenancy” and related expressions.

- (1) In this Act “lease” and “tenancy” have the same meaning.
- (2) Both expressions include—
 - (a) a sub-lease or sub-tenancy, and
 - (b) an agreement for a lease or tenancy (or sub-lease or sub-tenancy).
- (3) The expressions “lessor” and “lessee” and “landlord” and “tenant”, and references to letting, to the grant of a lease or to covenants or terms, shall be construed accordingly.

622 Minor definitions: general.

In this Act—

“bank” means—

- (a) a recognised bank within the meaning of the Banking Act 1979, or
- (b) a company as to which the Secretary of State was satisfied immediately before the repeal of the Protection of Depositors Act 1963 that it ought to be treated as a banking company or discount company for the purposes of that Act;

“building regulations” means—

- (a) building regulations made under Part I of the Building Act 1984,
- (b) new street byelaws made under Part X of the Highways Act 1980, or
- (c) any provision of a local Act, or of a byelaw made under a local Act, dealing with the construction and drainage of new buildings and the laying out and construction of new streets;

“building society” means a building society within the meaning of the Building Societies Act 1962 or the Building Societies Act (Northern Ireland) 1967;

“cemetery” has the same meaning as in section 214 of the Local Government Act 1972;

“charity” has the same meaning as in the Charities Act 1960;

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“district valuer” means an officer of the Commissioners of Inland Revenue appointed to be, in relation to the valuation list for the area in which the land in question is situated, the valuation or deputy valuation officer or one of the valuation officers or deputy valuation officers;

“friendly society” means a friendly society, or a branch of a friendly society, registered under the Friendly Societies Act 1974 or earlier legislation;

“general rate fund” means—

- (a) in relation to the Council of the Isles of Scilly, the general fund of that council;
- (b) in relation to the Common Council of the City of London, that council’s general rate;

“hostel” means a building in which is provided, for persons generally or for a class or classes of persons—

- (a) residential accommodation otherwise than in separate and self-contained sets of premises, and
- (b) either board or facilities for the preparation of food adequate to the needs of those persons, or both;

“insurance company” means an insurance company to which Part II of the Insurance Companies Act 1982 applies;

“protected occupancy” and “protected occupier” have the same meaning as in the Rent (Agriculture) Act 1976;

“protected tenancy” has the same meaning as in Rent Act 1977;

“regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955, the regular air force as defined by section 223 of the Air Force Act 1955, Queen Alexandra’s Royal Naval Nursing Service and the Women’s Royal Naval Service;

“the Rent Acts” means the Rent Act 1977 and the Rent (Agriculture) Act 1976;

“restricted contract” has the same meaning as in the Rent Act 1977;

“shared ownership lease” means a lease—

- (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling or of the cost of providing it, or
- (b) under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling;

“standard scale”, in reference to the maximum fine on conviction of a summary offence, has the meaning given by section 75 of the Criminal Justice Act 1982;

“statutory maximum”, in reference to the maximum fine on summary conviction of an offence triable either summarily or on indictment, has the meaning given by section 74 of the Criminal Justice Act 1982;

“statutory tenancy” and “statutory tenant” means a statutory tenancy or statutory tenant within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976;

“street” includes any court, alley, passage, square or row of houses, whether a thoroughfare or not;

“subsidiary” has the same meaning as in the Companies Act 1985;

“trustee savings bank” means a trustee savings bank registered under the Trustee Savings Banks Act 1981 or earlier legislation.

623 Minor definitions: Part XVIII.

In this Part—

“house” includes any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it;

“owner”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple absolute in the premises, whether in possession or in reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

624 Index of defined expressions: Part XVIII.

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section):—

clearance area	section 289
district (of a local housing authority)	section 2(1)
house	section 623
lease and let	section 621
local housing authority	section 1, 2(2)
owner	section 623
Rent Acts	section 622
standard scale (in reference to the maximum fine on summary conviction)	section 622
street	section 622
unfit for human habitation	section 604

Final provisions

625 Short title, commencement and extent.

- (1) This Act may be cited as the Housing Act 1985.
- (2) This Act comes into force on 1st April 1986.
- (3) This Act extends to England and Wales only.