



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART IV

SUB-STANDARD HOUSES

Housing action areas

89 Declaration of housing action areas for demolition.

- (1) Where a local authority are satisfied—
 - (a) that the houses, or the greater part of the houses, in any area in their district do not meet the tolerable standard, and
 - (b) that the most effective way of dealing with the area is to apply to the area the provisions of subsection (2),they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for demolition, that is to say, an area which is to be dealt with in accordance with the provisions of subsection (2).
- (2) A resolution passed under this section shall provide that a housing action area for demolition shall be dealt with by securing the demolition of all the buildings in the area but—
 - (a) such an area shall not include the site of a building unless at least part of the building consists of a house which does not meet the tolerable standard;
 - (b) there may be excluded from demolition any part of a building which is used for commercial purposes.
- (3) For the purposes of this section and the following two sections, a house in respect of which a closing order has been made and not determined shall be deemed to be a house which does not meet the tolerable standard.

90 Declaration of housing action areas for improvement.

- (1) Where a local authority are satisfied—

Status: Point in time view as at 01/04/2009.

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- (a) that the houses, or the greater part of the houses, in any area in their district lack one or more of the standard amenities or do not meet the tolerable standard, and
- (b) that the most effective way of dealing with the area is to apply to the area the provisions of subsection (2),

they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for improvement, that is to say, an area which is to be dealt with in accordance with the provisions of that subsection.

- (2) A resolution passed under this section shall provide that a housing action area for improvement shall be dealt with by securing the carrying out of such works on the houses in the area which do not meet the standard specified by the local authority under subsection (3) in respect of the area that on the completion of the works all the houses in the area will meet that standard.
- (3) The standard specified by the local authority for the purpose of this section shall be that all the houses in the area—
 - (a) shall meet the tolerable standard; and
 - (b) shall be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses,
 and, where the local authority are satisfied that the houses in the area have a future life of not less than 10 years, they may in addition specify that all the houses in the area shall be provided with all of the standard amenities.
- (4) A housing action area for improvement shall not include the site of a building unless at least part of the building consists of a house which—
 - (a) lacks one or more of the standard amenities, or
 - (b) does not meet the tolerable standard, or
 - (c) is not in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house.

91 Declaration of housing action areas for demolition and improvement.

- (1) Where a local authority are satisfied—
 - (a) that the houses, or the greater part of the houses, in any area in their district lack one or more of the standard amenities or do not meet the tolerable standard, and
 - (b) that the most effective way of dealing with the area is to apply to the area the provisions of subsection (2),
 they may cause the area to be defined on a map and pass a draft resolution declaring the area so defined to be a housing action area for demolition and improvement, that is to say, an area which is to be dealt with in accordance with the provisions of that subsection.
- (2) Subject to subsection (4), a resolution passed under this section shall provide that a housing action area for demolition and improvement shall be dealt with by securing the demolition of some of the buildings in the area and by securing the carrying out of such works on those houses in the area which do not meet the standard specified by the local authority by virtue of subsection (3) in respect of the area, other than the houses in those buildings, that on the completion of the works all the houses then in the area will meet that standard.

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- (3) For the purposes of specifying the standard mentioned in subsection (2), the provisions of subsection (3) of section 90 shall apply as they apply for the purposes of specifying the standard mentioned in subsection (2) of that section.
- (4) A local authority—
 - (a) shall not secure the demolition of a building in a housing action area for demolition and improvement unless the greater part of the houses in the building are below the tolerable standard, and
 - (b) may exclude from demolition any part of such a building which is used for commercial purposes.
- (5) A housing action area for demolition and improvement shall not include the site of a building unless at least part of the building consists of a house which—
 - (a) lacks one or more of the standard amenities, or
 - (b) does not meet the tolerable standard, or
 - (c) is not in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the house.

92 Provisions supplementary to sections 89 to 91.

- (1) In considering whether to take action under sections 89 to 91 with respect to an area, a local authority shall have regard to any directions given by the Secretary of State, either generally or in respect of any particular authority or authorities, with regard to the identification of areas suitable to be declared to be housing action areas.
- (2) If, on the application of a local authority, the Secretary of State is satisfied that in all the circumstances it is reasonable to do so, he may give directions as respects the waiving of the requirement in the said section 90(1)(a) or 91(1)(a) that the greater part of the houses in any area of that local authority's district lack one or more of the standard amenities or do not meet the tolerable standard.
- (3) A draft resolution passed under the provisions of the said section 89, 90 or 91 shall specify the section under which it was made, be in such form and contain such information about such matters as the Secretary of State may prescribe, and the Secretary of State may prescribe different requirements for the different resolutions.
- (4) A draft resolution passed under the said section 90 or 91 shall, without prejudice to the generality of the foregoing provisions of this section, contain a statement as to the standard specified by the local authority under the said section 90 or by virtue of the said section 91 and a draft resolution shall identify—
 - (a) where it is passed under section 89 or 91, those buildings in the area which consist of a house or houses which, in the opinion of the local authority, should be demolished;
 - (b) where it is passed under section 90 or 91, those houses in the area which are below the standard specified as aforesaid and which, in the opinion of the local authority, should be brought up to that standard and do not fall within paragraph (c);
 - (c) where it is passed under section 90 or 91, those houses in the area which form part of a building comprising two or more flats and which, in the opinion of the local authority—
 - (i) are below the standard specified for the area as aforesaid, and
 - (ii) require to be integrated with some other part or parts of that building;

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and that other part or parts of the building shall also be identified.

93 Consent to demolition of listed buildings, rehabilitation orders and compensation.

Schedule 7 (consent to demolition of listed buildings in housing action areas, rehabilitation orders and compensation) shall have effect for the purpose of making provision in relation to houses acquired in housing action areas and subject to rehabilitation orders.

Status:

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