



Housing Grants, Construction and Regeneration Act 1996

1996 CHAPTER 53

PART I

GRANTS, &C. FOR RENEWAL OF PRIVATE SECTOR HOUSING

CHAPTER IV

DEFERRED ACTION NOTICES, &C.

Power to improve enforcement procedures

86 Unfitness for human habitation &c.: power to improve enforcement procedures

- (1) The Secretary of State may by order provide that a local housing authority shall act as specified in the order before taking action of any of the following kinds—
 - (a) serving a deferred action notice under section 81 or renewing such a notice under section 84;
 - (b) serving a notice under section 189 of the Housing Act 1985 (repair notice in respect of house which unfit for human habitation);
 - (c) serving a notice under section 190 of that Act (repair notice in respect of house in state of disrepair but not unfit for human habitation);
 - (d) making a closing order under section 264 of that Act;
 - (e) making a demolition order under section 265 of that Act.
- (2) An order under this section may provide that the authority—
 - (a) shall as soon as practicable give to the person against whom action is intended a written notice which satisfies the requirements of subsection (3); and

Status: This is the original version (as it was originally enacted).

- (b) shall not take any action against him until after the end of such period beginning with the giving of the notice as may be determined by or under the order.
- (3) A notice satisfies the requirements of this subsection if it—
- (a) states the nature of the remedial action which in the authority’s opinion should be taken, and explains why and within what period;
 - (b) explains the grounds on which it appears to the authority that action might be taken as mentioned in subsection (1); and
 - (c) states the nature of the action which could be taken and states whether there is a right to make representations before, or a right of appeal against, the taking of such action.
- (4) An order under this section may also provide that, before the authority takes any action against any person, they—
- (a) shall give to that person a written notice stating—
 - (i) that they are considering taking the action and the reasons why they are considering it; and
 - (ii) that the person may, within a period specified in the notice, make written representations to them or, if the person so requests, make oral representations to them in the presence of a person determined by or under the order; and
 - (b) shall consider any representations which are duly made and not withdrawn.
- (5) An order under this section may in particular—
- (a) make provision as to the consequences of any failure to comply with a provision made by the order;
 - (b) contain provisions (including provisions modifying enactments relating to the periods within which proceedings must be brought) which are consequential upon, or supplemental or incidental to, the provisions made by the order.
- (6) Nothing in any order made under this section shall—
- (a) preclude a local housing authority from taking immediate action against any person, or from requiring any person to take immediate remedial action to avoid action being taken against him, in any case where it appears to them to be necessary to take such action or impose such a requirement; or
 - (b) require such an authority to disclose any information the disclosure of which would be contrary to the public interest.