

SCHEDULES

SCHEDULE 9

Section 183

NEW SCHEDULE 5A TO THE HOUSING ACT 1985: INITIAL DEMOLITION NOTICES

“SCHEDULE 5A

Section 138A

INITIAL DEMOLITION NOTICES

Initial demolition notices

- 1 (1) For the purposes of this Schedule an “initial demolition notice” is a notice served on a secure tenant—
 - (a) stating that the landlord intends to demolish the dwelling-house or (as the case may be) the building containing it (“the relevant premises”),
 - (b) setting out the reasons why the landlord intends to demolish the relevant premises,
 - (c) specifying the period within which he intends to demolish those premises, and
 - (d) stating that, while the notice remains in force, he will not be under any obligation to make such a grant as is mentioned in section 138(1) in respect of any claim made by the tenant to exercise the right to buy in respect of the dwelling-house.
- (2) An initial demolition notice must also state—
 - (a) that the notice does not prevent—
 - (i) the making by the tenant of any such claim, or
 - (ii) the taking of steps under this Part in connection with any such claim up to the point where section 138(1) would otherwise operate in relation to the claim, or
 - (iii) the operation of that provision in most circumstances where the notice ceases to be in force, but
 - (b) that, if the landlord subsequently serves a final demolition notice in respect of the dwelling-house, the right to buy will not arise in respect of it while that notice is in force and any existing claim will cease to be effective.
- (3) If, at the time when an initial demolition notice is served, there is an existing claim to exercise the right to buy in respect of the dwelling-house, the notice shall—
 - (a) state that section 138C confers a right to compensation in respect of certain expenditure, and
 - (b) give details of that right to compensation and of how it may be exercised.
- (4) The period specified in accordance with sub-paragraph (1)(c) must not—
 - (a) allow the landlord more than what is, in the circumstances, a reasonable period to carry out the proposed demolition of the relevant premises

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- (whether on their own or as part of a scheme involving the demolition of other premises); or
- (b) in any case expire more than five years after the date of service of the notice on the tenant.

Period of validity of initial demolition notice

- 2 (1) For the purposes of this Schedule an initial demolition notice—
- (a) comes into force in respect of the dwelling-house concerned on the date of service of the notice on the tenant, and
 - (b) ceases to be so in force at the end of the period specified in accordance with paragraph 1(1)(c),
- but this is subject to compliance with the conditions mentioned in sub-paragraph (2) (in a case to which they apply) and to paragraph 3.
- (2) The conditions in sub-paragraphs (6) and (7) of paragraph 13 of Schedule 5 (publicity for final demolition notices) shall apply in relation to an initial demolition notice as they apply in relation to a final demolition notice.
- (3) The notice mentioned in paragraph 13(7) (as it applies in accordance with sub-paragraph (2) above) must contain the following information—
- (a) sufficient information to enable identification of the premises that the landlord intends to demolish,
 - (b) the reasons why the landlord intends to demolish those premises,
 - (c) the period within which the landlord intends to demolish those premises,
 - (d) the date when any initial demolition notice or notices relating to those premises will cease to be in force, unless revoked or otherwise terminated under or by virtue of paragraph 3 below,
 - (e) that, during the period of validity of any such notice or notices, the landlord will not be under any obligation to make such a grant as is mentioned in section 138(1) in respect of any claim to exercise the right to buy in respect of any dwelling-house contained in those premises,
 - (f) that there may be a right to compensation under section 138C in respect of certain expenditure incurred in respect of any existing claim.

Revocation or termination of initial demolition notices

- 3 (1) Paragraph 15(4) to (7) of Schedule 5 (revocation notices) shall apply in relation to an initial demolition notice as they apply in relation to a final demolition notice.
- (2) If a compulsory purchase order has been made for the purpose of enabling the landlord to demolish the dwelling-house in respect of which he has served an initial demolition notice (whether or not it would enable him to demolish any other premises as well) and—
- (a) a relevant decision within sub-paragraph (3)(a) becomes effective while the notice is in force, or
 - (b) a relevant decision within sub-paragraph (3)(b) becomes final while the notice is in force,
- the notice ceases to be in force as from the date when the decision becomes effective or final.
- (3) A “relevant decision” is—

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- (a) a decision under Part 2 of the Acquisition of Land Act 1981 to confirm the order with modifications, or not to confirm the whole or part of the order, or
- (b) a decision of the High Court to quash the whole or part of the order under section 24 of that Act,

where the effect of the decision is that the landlord will not be able, by virtue of that order, to carry out the demolition of the dwelling-house.

- (4) A relevant decision within sub-paragraph (3)(a) becomes effective—
 - (a) at the end of the period of 16 weeks beginning with the date of the decision, if no application for judicial review is made in respect of the decision within that period, or
 - (b) if such an application is so made, at the time when—
 - (i) a decision on the application which upholds the relevant decision becomes final, or
 - (ii) the application is abandoned or otherwise ceases to have effect.
- (5) A relevant decision within sub-paragraph (3)(b), or a decision within sub-paragraph (4)(b), becomes final—
 - (a) if not appealed against, at the end of the period for bringing an appeal, or
 - (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.
- (6) An appeal is disposed of—
 - (a) if it is determined and the period for bringing any further appeal has ended, or
 - (b) if it is abandoned or otherwise ceases to have effect.
- (7) Where an initial demolition notice ceases to be in force under sub-paragraph (2), the landlord must, as soon as is reasonably practicable, serve a notice on the tenant which informs him—
 - (a) that the notice has ceased to be in force as from the date in question, and
 - (b) of the reason why it has ceased to be in force.
- (8) If, while an initial demolition notice is in force in respect of a dwelling-house, a final demolition notice comes into force under paragraph 13 of Schedule 5 in respect of that dwelling-house, the initial demolition notice ceases to be in force as from the date when the final demolition notice comes into force.
- (9) In such a case the final demolition notice must state that it is replacing the initial demolition notice.

Restriction on serving further demolition notices

- 4 (1) This paragraph applies where an initial demolition notice (“the relevant notice”) has (for any reason) ceased to be in force in respect of a dwelling-house without it being demolished.
- (2) No further initial demolition notice may be served in respect of the dwelling-house during the period of 5 years following the time when the relevant notice ceases to be in force, unless—
 - (a) it is served with the consent of the Secretary of State, and
 - (b) it states that it is so served.

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- (3) Subject to sub-paragraph (4), no final demolition notice may be served in respect of the dwelling-house during the period of 5 years following the time when the relevant notice ceases to be in force, unless—
 - (a) it is served with the consent of the Secretary of State, and
 - (b) it states that it is so served.
- (4) Sub-paragraph (3) does not apply to a final demolition notice which is served at a time when an initial demolition notice served in accordance with sub-paragraph (2) is in force.
- (5) The Secretary of State’s consent under sub-paragraph (2) or (3) may be given subject to compliance with such conditions as he may specify.

Service of notices

- 5 Paragraph 16 of Schedule 13 (service of notices) applies in relation to notices under this Schedule as it applies in relation to notices under paragraph 13 or 15 of that Schedule.

Interpretation

- 6 (1) In this Schedule any reference to the landlord, in the context of a reference to the demolition or intended demolition of any premises, includes a reference to a superior landlord.
- (2) In this Schedule—
 - “final demolition notice” means a final demolition notice served under paragraph 13 of Schedule 5;
 - “premises” means premises of any description;
 - “scheme” includes arrangements of any description.”