



Housing Repairs and Rents Act 1954

1954 CHAPTER 53

PART I

FURTHER PROVISIONS AS TO CLEARANCE AND REDEVELOPMENT, RECONDITIONING OF UNFIT HOUSES, AND OTHER AMENDMENTS OF HOUSING ACTS

Additional powers in respect of clearance areas and other houses liable to demolition

1 Proposals for exercise of functions of local authorities as to clearance areas, etc.

- (1) Subject to the provisions of this section, every local authority shall, within one year after the commencement of this Act, submit to the Minister in such form as the Minister may require proposals for dealing, under Parts II and III of the principal Act or under the following provisions of this Part of this Act, with houses within the district of the authority which appear to the authority to be unfit for human habitation, and with any other houses within that district which are or in the opinion of the authority ought to be included in clearance areas.
- (2) If in the case of any local authority it appears to the Minister that in view of the high proportion of houses within their district which are unfit for human habitation, or of other exceptional circumstances, it is not reasonably practicable for that authority to submit proposals under the foregoing subsection within the period therein mentioned, he may authorise that authority to submit such proposals within such extended period as he considers appropriate.
- (3) The Minister may approve proposals submitted by a local authority under this section with or without modifications, and thereafter it shall be the duty of the authority in carrying out their functions under the said provisions of the principal Act and this Part of this Act to have regard to the proposals as so approved, subject to any modifications made by subsequent proposals so approved.
- (4) A local authority may at any time, and if directed by the Minister shall within the period specified in the direction, submit further proposals for amplifying or modifying any proposals previously submitted by that authority and approved under this section; and subsection (3) of this section shall apply to any such further proposals.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) A copy of any proposals approved under this section shall be deposited at the offices of the local authority concerned, and shall be open to inspection without charge during ordinary office hours.

2 Power to retain for temporary accommodation certain houses in clearance areas

- (1) Notwithstanding anything in subsection (3) of section twenty-five of the principal Act or in section thirty of that Act, a local authority by whom an area has been declared (whether before or after the commencement of this Act) to be a clearance area under the said section twenty-five may postpone, for such period as may be determined by the authority, the demolition of any houses on land purchased by or belonging to the authority within that area, being houses which in the opinion of the authority are or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and may carry out such works as may from time to time be required for rendering or keeping such houses capable of providing such accommodation as aforesaid pending their demolition.
- (2) Where the demolition of any houses in a clearance area is postponed under the foregoing subsection, the local authority may also postpone the taking of any proceedings under the said subsection (3) in respect of any buildings (other than houses) within that area; and subsection (2) of section twenty-nine of the principal Act (which limits the period within which compulsory purchase orders may be submitted in respect of land comprised in or surrounded by or adjoining a clearance area) shall not apply to the purchase of any land in the area, other than houses, or to the purchase of any land surrounded by or adjoining the area.
- (3) Where a local authority are satisfied, in the case of a house on land purchased by or belonging to them within a clearance area, not being a house retained by them for temporary use for housing purposes, that—
- (a) it is required for the support of a house which is so retained, or
 - (b) there is some other special reason why it should not be demolished for the time being, and the reason is connected with the exercise of the authority's powers under subsection (1) of this section in relation to the clearance area,
- then, notwithstanding anything in Part III of the principal Act, the authority may retain the house for the time being and shall not be required to demolish it so long as, in the case mentioned in paragraph (a) of this subsection, it is required for the purpose therein referred to, or, in any other case, the said powers are being exercised by the authority in relation to that area; but a house which is retained by virtue of this subsection shall not be included among those referred to in paragraph (a) of subsection (1) of section seven of this Act.
- (4) The power of a local authority under Part III of the principal Act to purchase land within a clearance area may be exercised, for the purpose of acquiring any house within that area which in the opinion of the authority is or can be rendered capable of providing such accommodation as is mentioned in subsection (1) of this section, or in the case of which it appears to them desirable that it should be retained for either of the purposes mentioned in paragraphs (a) and (b) of the last foregoing subsection, notwithstanding that a clearance order has been made in respect of the house before the commencement of this Act or that any proceedings have been taken in pursuance of such an order; and on the completion of the purchase of any such house, the clearance order shall cease to have effect so far as it relates thereto.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) An order under section twenty-nine of the principal Act authorising the compulsory purchase by a local authority of any houses within an area declared as a clearance area before the commencement of this Act may, notwithstanding anything in subsection (2) of that section, be submitted to the Minister at any time not later than six months after the approval under section one of this Act of proposals submitted by that authority under subsection (1) of the said section one.

3 Power to purchase for temporary accommodation in lieu of making demolition orders

- (1) In any case where a local authority would be required, apart from this section, to make a demolition order in respect of a house in pursuance of a notice served under subsection (1) of section eleven of the principal Act (which requires local authorities to order the demolition of certain houses unfit for human habitation in the absence of certain undertakings by the owners, or in default of compliance with such undertakings) the authority may, if it appears to them that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, purchase the house in lieu of making such an order.
- (2) A local authority by whom a house is purchased under this section may carry out such works as may from time to time be required for rendering and keeping it capable of providing such accommodation as aforesaid pending its demolition by the authority.
- (3) Where a local authority determine to purchase a house under this section, they shall serve notice of the determination on every person upon whom they would be required to serve a copy of a demolition order made in respect of the house under section eleven of the principal Act; and section fifteen of that Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to any such notice as if it were a demolition order.
- (4) At any time after a notice served under subsection (3) of this section in respect of a house has become operative under subsection (5) of the said section fifteen, the authority may purchase the house by agreement or may be authorised by the Minister to purchase it compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to a compulsory purchase under this section as if this section had been in force immediately before the commencement of that Act.
- (5) The compensation to be paid for a house purchased compulsorily under this section shall be calculated in accordance with subsection (4) of section sixteen of the principal Act (which regulates the compensation payable for the compulsory purchase under that section of a house unfit for human habitation which cannot be rendered so fit at reasonable expense).

4 Postponement of demolition under clearance order in the case of houses let to local authority

- (1) The following provisions of this section shall have effect, in the case of a house on land in a clearance area which does not belong to the local authority, where the authority are of opinion that the house is or can be rendered capable of providing accommodation of a standard which is adequate for the time being, and that the house ought not to be demolished for the time being but ought to be retained for temporary use for housing purposes.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) Subject to the next following subsection, the local authority may include in any clearance order made by them under Part III of the principal Act and applying to the house a provision that the demolition of the house in pursuance of the order is to be postponed until the authority determine that the house is no longer required for use for housing purposes; and if such a provision is included, the order shall not fix a period for the vacation of the house as required by paragraph 1 of the Third Schedule to the principal Act (which relates to the form and content of clearance orders).
- (3) A local authority shall not include in a clearance order such a provision as is mentioned in the last foregoing subsection unless they have acquired, or are satisfied that by the time the clearance order becomes operative they will have acquired, such rights under a tenancy of the house as will enable them to retain the house for use for housing purposes until they determine that it is no longer required for such use and to deal with it in all respects as if it were a house on land in a clearance area belonging to them.
- (4) In relation to a house to which a clearance order applies with such a provision as is mentioned in subsection (2) of this section—
 - (a) subsection (3) of section twenty-six of the principal Act (which requires a house to be demolished by its owner or owners after a clearance order applying to it has become operative) shall have effect with the substitution for the period therein referred to of such a period not less than six weeks as may, in a notice served by the local authority on the owner or owners of the house as soon as they determine that the house is no longer required for use for housing purposes, be specified as the period within which the authority require the house to be demolished; and
 - (b) section one hundred and fifty-five of the said Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply until the local authority determine that the house is no longer required for such use as aforesaid and shall then have effect with the substitution for references to the date by which the order requires the house to be vacated of references to the date of the authority's notice under the foregoing paragraph.

5 Power to permit reconstruction of condemned house

- (1) If an owner of a house in respect of which a demolition order has become operative submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority shall have power to extend for such period as they may specify the time within which the owner or owners of the house are required under subsection (1) of section thirteen of the principal Act to demolish it, in order that the said owner may have an opportunity of carrying out the works.
- (2) The said time may be further extended by the local authority once or more often as occasion may require, if the works have been begun and appear to the authority to be making satisfactory progress or, though they have not been begun, the authority think there has been no unreasonable delay ; and if the works are completed to the satisfaction of the authority they shall revoke the demolition order without prejudice to any subsequent proceedings under Part II of the principal Act.
- (3) Where in relation to a house a local authority determine to extend or further extend the time mentioned in subsection (1) of this section, notice of the determination shall

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

be served by the authority on every person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

6 Licences for temporary occupation of houses subject to existing demolition or clearance orders

- (1) If it appears to a local authority that any house in respect of which a demolition order or clearance order had been made by that authority under Part II or Part III of the principal Act before the commencement of this Act is capable of providing accommodation of a standard which is adequate for the time being, they may grant to the person who, but for the said order, would be entitled to authorise the occupation of the house a licence permitting the occupation of the house during such period as may be specified in the licence by such number of persons and on such terms as to the rent, repairs and other conditions on which the house may be occupied as may be so specified.
- (2) While a licence granted under this section is in force in respect of a house, section one hundred and fifty-five of the principal Act (which contains provisions for the vacation of houses subject to demolition and clearance orders) shall not apply thereto.
- (3) Where a licence in force under this section specifies a maximum rent in respect of a house, then, notwithstanding any order or direction for the time being in force under section seven of the Agricultural Wages Act, 1948, the value at which the house may be reckoned for the purposes of a minimum rate of wages fixed under that Act shall not exceed the maximum rent so specified.
- (4) Any licence granted by a local authority under this section may be revoked by that authority at any time, and shall be so revoked if it appears to the authority that the house is no longer capable of providing such accommodation as aforesaid; and every such licence shall, unless previously revoked, cease to have effect at the expiration of the period of three years beginning with the commencement of this Act, or of such extended period as the Minister may in any particular case allow in pursuance of an application made by the local authority within the said period of three years.
- (5) On the revocation or determination of a licence granted under this section in respect of a house subject to a demolition order, the local authority may, if they think fit, revoke the demolition order and purchase the house under section three of this Act as if that order had not been made ; and in relation to such a purchase, the said section three shall apply as if subsection (3), and in subsection (4) the words from the beginning to " section fifteen ", were omitted.
- (6) Subsection (4) of section two of this Act shall not apply to any house subject to a clearance order so long as a licence in respect of the house is in force under this section ; and in calculating the period during which a compulsory purchase order for the purchase of such a house may be submitted under subsection (5) of the said section two, any time during which such a licence was in force in respect of the house shall be disregarded.
- (7) Regulations 68A and 68AA of the Defence (General) Regulations, 1939, are hereby revoked ; but any licence in force under those regulations in respect of a house immediately before the commencement of this Act shall continue in force and have effect as if granted under this section, and may be revoked thereunder accordingly.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Exchequer contributions, etc.

7 Exchequer contributions towards expenses of local authorities in buying houses for temporary occupation

- (1) The Minister may out of moneys provided by Parliament make such contributions as are authorised by this section towards expenditure incurred by local authorities in respect of houses approved by the Minister for the purposes of this section, being—
- (a) houses of which the demolition is postponed under section two of this Act or in relation to which a clearance order has been made with such a provision as is mentioned in section four of this Act; or
 - (b) houses purchased under section three of this Act or under that section as applied by section six of this Act.
- (2) Subject to the following provisions of this section, the contributions payable by the Minister in respect of any house shall be as follows, that is to say:—
- (a) in the case of a house purchased by the local authority, an annual payment equal to one-half of the annual loan charges referable to the cost of the purchase, payable for each financial year during the whole or part of which the house or any part of the house is used for housing purposes with the approval of the Minister; and
 - (b) in any case an annual payment of three pounds or, in the case of a house containing at the date on which the house is approved for the purposes of this section more than one separate dwelling, of the said sum for each such dwelling, payable for fifteen years from the said date:

Provided that the Minister may from time to time by order direct that paragraph (b) of this subsection shall have effect, in relation to houses approved after the date on which the order comes into force, as if for the sum therein specified there were substituted such higher or lower sum as may be specified in the order.

- (3) If it appears to the Minister that the expenditure incurred as a whole by a local authority in the repair, improvement and maintenance of houses approved by the Minister for the purposes of this section is unduly low having regard to the amount of the contributions for the time being payable in respect of those houses under paragraph (b) of subsection (2) of this section, he may withhold the whole or any part of the contributions payable under that paragraph to that authority.
- (4) An order of the Minister under subsection (2) of this section shall be of no effect until it is approved by a resolution of the Commons House of Parliament.
- (5) For the purposes of the principal Act the expression " Exchequer contribution " shall include any contribution payable by the Minister to a local authority under this section.
- (6) For the purposes of this section the annual loan charges referable to the cost of a purchase shall (whatever may be the manner in which the local authority have provided or intend to provide the money required for the purchase) be the annual sum which, in the opinion of the Minister, would fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the said cost, being money the period for the repayment of which is sixty years.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

8 Local authorities' contributions

- (1) A local authority to whom contributions are payable by the Minister in respect of a house under section seven of this Act shall make out of the general rate fund for each financial year a contribution of an amount equal to the contributions so payable by the Minister for that year in respect of the house.
- (2) The Minister may from time to time by order direct that the foregoing subsection shall have effect, in relation to houses approved by him for the purposes of the said section seven after the date on which the order comes into force, as if for the reference to an amount equal to the contributions so payable by the Minister as aforesaid there were substituted a reference to an amount bearing such proportion to the said contributions as may be specified in the order.

An order of the Minister under this subsection shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

- (3) Subsection (1) of section one hundred and twenty-nine of the principal Act (which relates to credits and debits in the housing revenue account) and subsection (2) of section one hundred and thirty of that Act (which relates to the disposal of balances in that account) shall have effect as if any reference to the contributions referred to in the Eighth Schedule to that Act included a reference to contributions payable under this section.

Standard of fitness for human habitation, and provisions connected therewith

9 Standard of fitness for human habitation

- (1) In determining for any of the purposes of the principal Act whether a house is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say—
 - (a) repair;
 - (b) stability;
 - (c) freedom from damp ;
 - (d) natural lighting;
 - (e) ventilation;
 - (f) water supply;
 - (g) drainage and sanitary conveniences ; and
 - (h) facilities for storage, preparation and cooking of food and for the disposal of waste water ;and the house shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters that it is not reasonably suitable for occupation in that condition.
- (2) The provisions of the foregoing subsection shall be without prejudice to section twenty-two of the principal Act (which provides that certain back-to-back houses are to be deemed for the purpose of that Act to be unfit for human habitation).
- (3) The following enactments shall cease to have effect, that is to say:—
 - (a) subsection (4) of section one hundred and eighty-eight of the principal Act (which requires account to be taken of local byelaws in determining whether a house is fit for human habitation); and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) so much of any local enactment as specifies defects by reason of which a house is to be deemed for the purposes of section nine of that Act not to be in all respects fit for human habitation, or regulates the matters to be taken into consideration on an appeal under section fifteen of that Act in respect of a notice requiring the execution of works to remedy any defects so specified.

10 Recovery by lessees of proportion of expenses incurred in rendering houses fit for human habitation

- (1) Where any person who incurs expenditure in complying with a notice under section nine of the principal Act requiring the execution of works for rendering a house fit for human habitation, or in defraying expenses incurred by a local authority under section ten of that Act in carrying out such works, is a lessee of the house or the agent of such a lessee, the lessee may recover from the lessor under the lease such part (if any) of that expenditure as may, in default of agreement between the parties, be determined by the county court to be just having regard—
 - (a) to the obligations of the lessor and the lessee under the lease with respect to the repair of the house,
 - (b) to the length of the unexpired term of the lease,
 - (c) to the rent payable under the lease, and
 - (d) to all other relevant circumstances.
- (2) Where a person from whom any sum is recoverable under the foregoing subsection is himself a lessee of the house, the provisions of that subsection shall apply as if any sum so recoverable from him were expenditure incurred as mentioned in that subsection.
- (3) The foregoing provisions of this section shall not apply in relation to any expenditure in respect of which a charging order is in force under section twenty of the principal Act, or in respect of which an application for such an order is for the time being pending.
- (4) In this section " lease " includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy, and the expressions " lessee " and " lessor " shall be construed accordingly.

11 Houses let in lodgings : securing fitness for occupation by number of families accommodated

- (1) Where it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that with respect to any such matters as are specified in paragraphs (d) to (h) of subsection (1) of section nine of this Act the premises are so far defective, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the authority may, without prejudice to any other powers exercisable in relation to the house under the principal Act or this Part of this Act, serve on the person having control of the house (as defined for the purposes of Part II of the principal Act) a notice—
 - (a) specifying the works which in the opinion of the authority are required for rendering the premises reasonably suitable for such occupation as aforesaid; and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) requiring that person, in default of the execution of those works within a period specified in the notice, to take such steps as are reasonably open to him (including if necessary the taking of legal proceedings) for securing that the number of individuals accommodated on the premises, or the number of households accommodated there, or both, is limited in any manner so specified.
- (2) Nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent possession being obtained of any house or part of a house possession of which is required for the purpose of complying with a requirement under paragraph (b) of the foregoing subsection.
 - (3) A person who fails to comply with any requirement of a notice under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds; and if the failure continues after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding two pounds for every day on which the failure so continues.
 - (4) Section fifteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act) shall apply in relation to a notice under this section as it applies in relation to a notice under the said Part II requiring the execution of works.
 - (5) The following enactments shall cease to have effect, that is to say:—
 - (a) section six of the principal Act (which enables local authorities to make byelaws with respect to working class houses, including byelaws restricting the letting of such houses for occupation by members of more than one family);
 - (b) section one hundred and fifty-five of the Public Health (London) Act, 1936 (which provides for the making of byelaws for fixing the number of persons who may occupy a house in London which is occupied by members of more than one family, and for other purposes therein mentioned); and
 - (c) so much of any local enactment as amends, extends or applies the said section six or section ninety of the Public Health Act, 1875, section twenty-six of the Housing, Town Planning, &c. Act, 1919, or section six of the Housing Act, 1925, or confers powers to make byelaws for purposes specified in those sections respectively.

12 Houses let in lodgings : prevention of overcrowding

- (1) If it appears to a local authority, in the case of a house within their district, or of part of such a house, which is let in lodgings or occupied by members of more than one family, that excessive numbers of persons are being accommodated on the premises having regard to the rooms available, the authority may serve on the occupier of the premises or on any person having the control and management thereof, or on both, a notice—
 - (a) stating, in relation to any room on the premises, what is in the authority's opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time, or, as the case may be, that it is in their opinion unsuitable to be occupied as aforesaid; and
 - (b) informing him of the effect of subsection (3) of this section.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) For the purposes of paragraph (a) of the foregoing subsection a notice may, in relation to any room, prescribe special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.
- (3) Any person who has been served with a notice under this section shall be guilty of an offence if, after the notice has become operative,—
 - (a) he causes or knowingly permits any room to which the notice relates to be occupied as sleeping accommodation otherwise than in accordance with the notice; or
 - (b) he causes or knowingly permits to be accommodated on the premises such a number of persons that it is not possible, without contravention of the foregoing paragraph or the occupation as sleeping accommodation of some part of the premises for which a maximum is not specified under paragraph (a) of subsection (1) of this section, to avoid persons of opposite sexes and over the age of twelve years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (4) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding five pounds and, where the offence of which he was convicted continues after conviction, to a further fine not exceeding two pounds for every day for which the offence so continues.
- (5) Section fifteen of the principal Act (which provides for an appeal against certain notices and orders under Part II of that Act and determines the date on which a notice or order is to become operative) shall apply in relation to a notice under this section as it applies in relation to a notice under the said Part II requiring the execution of works; and in section one hundred and fifty-seven of that Act (which confers powers of entry for purposes connected with housing) the reference in paragraph (d) to Part IV of the Act shall include a reference to this section.
- (6) Where a local authority has served a notice under this section in respect of any premises, they may at any time withdraw the notice, without prejudice to anything done in pursuance thereof or to the service of another notice, or, if there is any material change of circumstances, they may substitute for the notice a further notice under this section ; and, where a notice is withdrawn, subsection (3) of this section shall cease to apply in relation to the premises, without prejudice to its further application if a subsequent notice is served in respect of the same premises.
- (7) The powers exercisable by a local authority under this section shall be without prejudice to those conferred by the last foregoing section, and nothing in this section shall be taken as prejudicing the provisions of Part IV of the principal Act (which relates to overcrowding in separate dwelling-houses).

13 Powers of local authorities for enforcement of notices under s. 9 of principal Act

The power of a local authority under subsection (6) of section ten of the principal Act to appoint a receiver to enforce the payment of expenses incurred under that section by the authority in carrying out works for rendering a house fit for human habitation on the default of the person having control of the house, and interest thereon, shall be exercisable at any time after the expiration of one month from the date of the service under subsection (3) of that section of a demand for those expenses.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Miscellaneous amendments of Housing Acts

14 Amendments as to clearance orders and compulsory purchase orders under principal Act

- (1) The provisions of the First Schedule to this Act shall have effect with respect to the procedure for making clearance orders and certain compulsory purchase orders under the principal Act.
- (2) The powers of acquiring land comprised in or surrounded by or adjoining a clearance area conferred by Part III of the principal Act shall not be restricted by the fact that buildings within that area have been demolished since the area was declared to be a clearance area.
- (3) Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under this Part of this Act or under Part V of the principal Act, and have acquired the right to enter on and take possession of the house by virtue of having served notice under paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or section one hundred and forty-five of the principal Act, as the case may be, the authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed ; and accordingly, where the authority proceed in the manner authorised by this subsection,
—
 - (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so; and
 - (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this subsection ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.

15 Provisions relating to Housing Revenue Accounts

- (1) Section one hundred and twenty-eight of the principal Act (which requires local authorities to keep a housing revenue account in respect of certain houses, buildings, land and dwellings therein mentioned) shall have effect as if the houses therein mentioned included any house purchased by a local authority under section sixteen of that Act and any house approved by the Minister for the purposes of section seven of this Act; and any reference in section one hundred and twenty-nine of that Act (which relates to credits and debits in housing revenue accounts) to such houses, buildings, land and dwellings as are mentioned in the said section one hundred and twenty-eight shall be construed accordingly.
- (2) A local authority shall in any financial year debit to their housing revenue account amounts equal to the loan charges which they are liable to pay for that year in respect of moneys borrowed for the purpose of purchasing any houses to which the foregoing

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

subsection applies, or in respect of moneys borrowed for the purpose of carrying out works on such houses.

16 Amendments of Housing Act, 1949

- (1) Notwithstanding anything in paragraph (a) of subsection (2) of section fifteen of the Housing Act, 1949, or in paragraph (a) of subsection (3) of section twenty of that Act (which preclude the approval by the Minister of improvement proposals, or the approval by a local authority of an application for an improvement grant, unless the period for which the dwellings concerned are likely to provide satisfactory housing accommodation is not less than thirty years), the Minister or a local authority, as the case may be, may approve any such proposals or application if satisfied that the said period is likely to be more than fifteen years and that it is expedient in all the circumstances that the proposals or application should be approved.
- (2) Paragraph (c) of subsection (3) of the said section twenty (which precludes the approval by a local authority of an application for an improvement grant unless the applicant has an absolute interest in the land or a leasehold interest with not less than thirty years to run) shall have effect as if for the reference to a period of not less than thirty years there were substituted a reference to whichever is the shorter of the following two periods, that is to say—
 - (a) thirty years; or
 - (b) a period equal to that for which the dwellings concerned will provide satisfactory housing accommodation.
- (3) Where an application for an improvement grant is approved under the said section twenty in respect of a dwelling which in the opinion of the local authority is not likely to provide satisfactory housing accommodation for a period exceeding twenty years from the completion of the works, the authority may by order direct that in relation to that dwelling subsection (1) of section twenty-three of the said Act (which applies to dwellings in respect of which such grants are made certain conditions specified therein for a period of twenty years) shall have effect as if for the period of twenty years therein mentioned there were substituted such shorter period as may be specified in the order.
- (4) So much of subsection (4) of the said section twenty as prohibits the entertaining of an application for an improvement grant under that section where the estimated expenses of the works, or the relevant proportion of those expenses, exceeds the maximum amount therein specified shall cease to have effect; but without prejudice to subsection (1) of section twenty-one of the said Act (which limits the amount of an improvement grant to a sum not exceeding one-half of the approved expenses of executing the works) the amount which may be paid by way of an improvement grant under the said section twenty in respect of expenses incurred for the purposes of the execution of any improvement works shall not exceed four hundred pounds, or such other amount as may for the time being be prescribed by regulations under Part II of the Housing Act, 1949, for each dwelling provided or improved by the works:

Provided that if the local authority, with the concurrence of the Minister, are satisfied in the case of any particular application that in all the circumstances of the case there is good reason for the payment of a higher amount than the amount authorised under this subsection, the amount of the grant to be made in pursuance of the application may be increased (notwithstanding anything in subsection (1) of the said section twenty-one) by such amount as may be determined by the authority with the consent of the Minister when they approve the application.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) It is hereby declared that estimates under subsection (2) of the said section twenty of expenses to be incurred for the purposes of the execution of improvement works may include the cost of the employment in connection with the works of an architect, engineer, surveyor, land agent or other person in an advisory or supervisory capacity.
- (6) A local authority in fixing under section twenty-two of the said Act the rent for a dwelling in respect of which an improvement grant is to be made under that Act shall have regard to the age of the building, to the character and condition of the dwelling after the carrying out of the proposed improvement works, and to the cost of those works.
- (7) In paragraph (b) of subsection (1) of section twenty-three of the said Act (under which a dwelling, in respect of whose provision or improvement a grant has been made under section twenty of that Act, must for twenty years remain let or available for letting at a maximum rent specified in that subsection except when occupied by the applicant for the grant or his devisee) for the reference to the person to whom the interest of the applicant in the dwelling has been devised by him there shall be substituted a reference to a person who on the death of the applicant with or without having disposed of that interest by will has become beneficially entitled to, or to an interest in, that interest or the proceeds of sale thereof.

This subsection shall have effect in relation to any dwelling, whether the improvement grant in respect of it was made before or after the commencement of this Act.

- (8) Sub-paragraph (ii) of paragraph (c) of subsection (1) of section twenty-three of the said Act (under which the maximum rent payable for a dwelling in respect of which an improvement grant has been made under that Act is in certain cases determined by reference to a percentage of so much of the cost of improvement as is not set off by the grant) shall have effect, in relation to improvement works completed after the eleventh day of November, nineteen hundred and fifty-three, as if for the words " six per cent." there were substituted the words " eight per cent. ".

17 Powers of local authorities in connection with lending money for housing purposes

A local authority by whom money has been advanced (whether before or after the commencement of this Act) on the mortgage of a house in pursuance of any enactment shall have power, and shall be deemed always to have had power, to accept the deposit by the mortgagor of sums estimated to be required for the maintenance or repair of the mortgaged premises, and to pay interest on sums so deposited.

18 Default powers of county councils

- (1) An order made under subsection (1) of section one hundred and sixty-nine of the principal Act (which enables the council of a county in certain circumstances to make an order declaring the council of a rural district within the county to be in default and transferring to themselves powers of such a council) shall not come into force—
 - (a) in any case, until the expiration of a period of twenty eight days beginning with the date on which the order is made;
 - (b) in a case where an appeal is brought under this section, unless and until the order is confirmed on the appeal.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) The council of a rural district may, at any time within the period mentioned in paragraph (a) of the foregoing subsection, by notice in writing appeal to the Minister against any order made with respect to that council under the said section one hundred and sixty-nine ; and in any such case the Minister shall give to the councils of the rural district and of the county, and to any other authority or person appearing to him to be interested, an opportunity to appear before and be heard by a person appointed by the Minister for the purpose, and may either confirm the order with or without modification or quash the order.

19 Extension of period for use of open spaces for temporary housing accommodation

- (1) Subject to the provisions of this section, an authorisation in force at the commencement of this Act under section one of the Housing (Temporary Accommodation) Act, 1945 ; (which enables the Minister to authorise the use of open spaces during a limited period for temporary housing accommodation), may, notwithstanding anything in subsection (3) of that section, be extended by order of the Minister so as to determine (unless previously revoked) on any date not later than the end of the year nineteen hundred and sixty-five.
- (2) Not more than one order shall be made under this section in respect of any one authorisation; and before making an order under this section for extending any authorisation for a period exceeding five years, the Minister shall cause a local enquiry to be held.
- (3) Every local authority who at the commencement of this Act are using land for providing housing accommodation in pursuance of such an authorisation as aforesaid shall within six months after the commencement of this Act submit to the Minister in such form as the Minister may require proposals for the exercise of the functions of the authority under Part V of the principal Act with a view to the re-housing elsewhere of persons occupying housing accommodation on that land.
- (4) The Minister may approve the proposals submitted by a local authority under subsection (3) of this section with or without modifications, and thereafter it shall be the duty of the authority to exercise their said functions in accordance with the proposals as so approved.

Supplemental

20 Management of houses retained by local authorities for temporary occupation

- (1) In respect of any houses purchased or retained by a local authority under section two, section three or section four of this Act for temporary use for housing purposes, the authority shall have the like powers as they have in respect of houses provided under Part V of the principal Act.
- (2) Section two of the principal Act (which implies in certain contracts for the letting of houses for human habitation a condition that the house is and will be kept by the landlord reasonably fit for human habitation) shall not apply to a contract for the letting by a local authority of any house purchased or retained by the authority as mentioned in subsection (1) of this section.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

21 Application of Part I to London

- (1) The proposals to be submitted under section one of this Act in respect of any metropolitan borough shall be submitted jointly by the London County Council and the council of the borough.
- (2) Paragraph (a) of the proviso to section thirty-three of the principal Act (which restricts the power of the council of a metropolitan borough to declare an area a clearance area pending the decision of the London County Council) shall cease to have effect.
- (3) In the application of section eight of this Act to the London County Council, the reference in subsection (1) of that section to the general rate fund shall be construed as a reference to the county fund.

22 Interpretation and construction of Part I

- (1) In this Part of this Act (including the First Schedule thereto) the expression " the principal Act" means the Housing Act, 1936.
- (2) Any reference in this Part of this Act (except in section five) to a demolition order under Part II of the principal Act shall be construed as including a reference to a closing order made in lieu of or in substitution for a demolition order by virtue of section ten or section eleven of the Local Government (Miscellaneous Provisions) Act, 1953.
- (3) This Part of this Act shall be construed as one with the principal Act; and without prejudice to the foregoing provision—
 - (a) any reference in the principal Act to an enactment contained in that Act shall be construed as a reference to that enactment as amended by this Part of this Act;
 - (b) any reference in that Act to Part II or Part III of that Act shall be construed as including a reference to section three of this Act, or to section two of this Act, as the case may be.