

SCHEDULE

PART 1

ACTION UNDER THE 1985 ACT RELATING TO UNFITNESS

Repair notices

1.—(1) A repair notice served under section 189 or 190 of the 1985 Act before the first commencement date shall cease to have effect on that date unless it is a notice to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a repair notice—

- (a) which has become operative as mentioned in section 189(4) or 190(4) of the 1985 Act before the first commencement date; or
- (b) in respect of which an appeal has been brought under section 191 of that Act before that date.

(3) During the period beginning on the first commencement date and ending on 5th April 2007, the repeal of sections 189 to 208, 345, 398, 604 and 604A of, and Schedule 10 to, the 1985 Act shall not have effect in relation to a repair notice to which sub-paragraph (2) applies.

(4) Where—

- (a) an appeal in respect of a repair notice to which sub-paragraph (2) applies is allowed; and
- (b) the judge includes in his judgment a finding such as is mentioned in section 191(3) of the 1985 Act,

the local housing authority shall take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) A repair notice to which sub-paragraph (2) applies shall cease to have effect on 6th April 2007 except in relation to anything done in connection with the notice before that date.

(6) The repeal of section 191(3A)(b) of the 1985 Act shall not have effect in relation to an order made by a court under that paragraph before that date.

(7) The amendment made by paragraph 4(2) of Schedule 15 to the 2004 Act (which amends the Land Compensation Act 1973) shall not have effect in relation to a repair notice to which sub-paragraph (2) applies.

Closing orders

2.—(1) A closing order made under section 264 or 368(4) of the 1985 Act before the first commencement date shall cease to have effect on that date unless it is an order to which sub-paragraph (2) applies.

(2) This sub-paragraph applies to a closing order—

- (a) which has become operative as mentioned in section 268(2) of the 1985 Act before the first commencement date; or
- (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) During the period beginning on the first commencement date and ending on 5th April 2008, the following shall not have effect in relation to a closing order to which sub-paragraph (2) applies—

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- (a) the repeal of sections 264, 267(2) and (3), 269(2A) and (3A), 276 to 278, 368, 395, 396, 397, 604 and 604A of the 1985 Act;
 - (b) the repeals in sections 317, 319(1)(b) and 323 of that Act; and
 - (c) the amendments made by section 48(2) and (4) of, and paragraphs 13, 14, 22, 26, 27 and 33 of Schedule 15 to the 2004 Act.
- (4) Where—
- (a) an appeal in respect of a closing order to which sub-paragraph (2) applies is allowed; and
 - (b) the judge includes in his judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority shall take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

(5) A closing order to which sub-paragraph (2) applies shall cease to have effect on 6th April 2008 except in relation to anything done in connection with the order before that date.

- (6) The amendments made by—
- (a) paragraphs 3, 4(3), 5 and 6 of Schedule 15 to the 2004 Act (which amend the Land Compensation Act 1973); and
 - (b) paragraphs 30 and 31 of that Schedule (which substitute compensation provisions of the Housing Act 1985),

shall not have effect in relation to a closing order to which sub-paragraph (2) applies.

Demolition orders

3.—(1) A demolition order made under section 265 or 279 of the 1985 Act before the first commencement date shall cease to have effect on that date unless it is an order to which sub-paragraph (2) applies.

- (2) This sub-paragraph applies to a demolition order—
- (a) which has become operative as mentioned in section 268(2) of the 1985 Act before the first commencement date; or
 - (b) in respect of which an appeal has been brought under section 269 of that Act before that date.

(3) During the period beginning on the first commencement date and ending on 5th April 2008, the following shall not have effect in relation to a demolition order to which sub-paragraph (2) applies—

- (a) the repeal of sections 269(2A) and (3A), 604 and 604A of the 1985 Act;
- (b) the repeals in section 323 of that Act; and
- (c) the amendments made by sections 46 and 48(2) to (4) of, and paragraphs 13 to 18, 21, 22, 26, 27, and 33 of Schedule 15 to the 2004 Act.

- (4) Where—
- (a) an appeal in respect of a demolition order to which sub-paragraph (2) applies is allowed; and
 - (b) the judge includes in his judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority shall take the finding into account if they subsequently consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises concerned.

- (5) During the period mentioned in sub-paragraph (3)—
- (a) section 275 of the 1985 Act (demolition orders: substitution of closing orders) shall have effect in relation to a demolition order to which sub-paragraph (2) applies as if—
 - (i) in subsection (1) the words “and make a closing order as respects the premises” were omitted; and
 - (ii) for subsection (2) there were substituted—
 - “(2) The authority shall serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises.”; and
 - (b) subsection (2) of section 304 of the 1985 Act (closing order to be made in respect of listed building subject to section 265) shall have effect in relation to such an order as if for the words after “operative” there were substituted the words “and they shall serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a demolition order as respects the premises”.
- (6) A demolition order to which sub-paragraph (2) applies shall cease to have effect on 6th April 2008 except in relation to anything done in connection with the order before that date.
- (7) The amendments made by—
- (a) paragraphs 3, 4(3), 5 and 6 of Schedule 15 to the 2004 Act; and
 - (b) paragraphs 30 and 31 of that Schedule,
- shall not have effect in relation to a demolition order to which sub-paragraph (2) applies.

Obstructive building orders

4. An obstructive building order served under section 284 of the 1985 Act before the first commencement date shall cease to have effect on that date except in relation to anything done in connection with the order before that date.

Clearance areas

5.—(1) The amendments made by section 47 of, and paragraphs 19, 22, 26 and 27 of Schedule 15 to, the 2004 Act shall not have effect in relation to an area declared to be a clearance area under section 289(3)(b) of the 1985 Act before the first commencement date.

(2) This sub-paragraph applies where, before the first commencement date, a local housing authority—

- (a) have served notice under section 289(2B)(a) of the 1985 Act of intention to include a building in an area which is to be a clearance area; but
 - (b) have not passed a resolution under section 289(3)(b) of that Act declaring the area to be a clearance area.
- (3) Where sub-paragraph (2) applies—
- (a) the notice mentioned in paragraph (a) of that sub-paragraph shall cease to have effect; and
 - (b) the requirements of section 289(2B)(b) and (c) and (2F) shall cease to apply to the local housing authority.

Purchase of houses liable to be demolished or closed

6.—(1) A notice of determination to purchase premises served under section 300(2)(a) of the 1985 Act before the first commencement date shall cease to have effect on that date unless it is a notice to which sub-paragraph (2) applies.

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- (2) This sub-paragraph applies to a notice of determination—
- (a) which has become operative under section 268(2) of the 1985 Act⁽¹⁾ before the first commencement date; or
 - (b) in respect of which an appeal has been brought under section 269 of that Act before that date.
- (3) The amendments made by section 48(2) of, and paragraphs 13, 14, 20, 21, 26 and 27 of Schedule 15 to, the 2004 Act shall not have effect in relation to a notice of determination to which sub-paragraph (2) applies.

Owner’s proposals for re-development

7.—(1) This paragraph applies in relation to any proposals submitted to a local housing authority under subsection (1) of section 308 of the 1985 Act (approval of owner’s proposals for re-development) before the first commencement date.

(2) Where notice under subsection (2) of that section has not been given before that date, the authority shall cease to be subject to the requirements of that subsection on and after that date.

(3) Subject to sub-paragraph (4), any notice given under that subsection before that date shall cease to have effect except in relation to anything done in connection with it before that date.

(4) If the authority, on or after that date, consider taking action of a kind mentioned in section 5(2) or 7(2) of the 2004 Act in respect of the premises to which such a notice relates, the authority shall, when making their decision, take into account the notice and the extent to which re-development has been proceeded with in accordance with the proposals and within the time-limits specified in the notice (subject to any variation or extension approved by the authority before that date).

Owner’s proposals for improvement or alteration

8.—(1) Subject to sub-paragraph (2), any proposals submitted by an owner, or certificate issued by a local housing authority, under section 310 of the 1985 Act (owner’s improvements or alterations) before the first commencement date shall cease to have effect on that date except in relation to anything done in connection with them before that date.

(2) The repeal of section 311(2) of the 1985 Act (proposals to be treated as objection to compulsory purchase order) shall not have effect in relation to proposals—

- (a) submitted by an owner under section 310 of that Act; and
- (b) transmitted by the local housing authority to the Secretary of State under section 311(1) of that Act,

before the first commencement date.

Authorisation by court of execution of works on unfit premises etc

9. The amendments made by section 48(5) of, and paragraphs 25 to 27 of Schedule 15 to, the 2004 Act shall not have effect in relation to an application made to the court under section 318 of the 1985 Act before the first commencement date.

Deferred action notices etc.

10.—(1) Subject to sub-paragraph (3), a deferred action notice served under section 81 of the Housing Grants, Construction and Regeneration Act 1996 (“the 1996 Act”) before the first

(1) Section 300(2)(b) of the Housing Act 1985 applies sections 268(2) and 269(1), (2), (3) and (6) of that Act to a notice under section 300 as they apply to a demolition or closing order.

commencement date shall cease to have effect on that date except in relation to anything done in connection with the notice before that date.

(2) The repeal of section 86 of the 1996 Act (unfitness for human habitation etc: power to improve enforcement procedures) shall not have effect in relation to any appeal brought under section 191 (repair notices) or 269 (closing and demolition orders) of the 1985 Act before the first commencement date.

(3) The repeal of sections 87 (unfitness for human habitation etc: power to charge for enforcement action) and 88 (recovery of charge for enforcement action) shall not have effect in relation to—

- (a) any action of a kind mentioned in section 87(1) of that Act which has been taken before the first commencement date; or
- (b) an appeal such as is mentioned in section 87(6) of that Act which has been brought before that date.