

SCHEDULE

PART 1

ACTION UNDER THE 1985 ACT RELATING TO UNFITNESS

Demolition orders

3.—(1) A demolition order made under section 265 or 279 of the 1985 Act before the commencement date ceases 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 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 commencement date and ending on 15 June 2008, the following do 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 the judgment a finding such as is mentioned in section 269(3A) of the 1985 Act,

the local housing authority must 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) has 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 must 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) has effect in relation to such an order as if for the words after “operative” there were substituted the words “and they must 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 cease to have effect on 16 June 2008 except in relation to anything done in connection with the order before that date.

Status: This is the original version (as it was originally made).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

(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,

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