HOUSING, ENGLAND

1954 No. 1633

The Housing (Declaration of Unfitness) Regulations, 1954

Made - - - -	*9th December*, 1954
Laid before Parliament	*14th December*, 1954
Coming into Operation	*17th December*, 1954

The Minister of Housing and Local Government, in exercise of his powers under section 176 of the Housing Act, 1936(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Housing (Declaration of Unfitness) Regulations, 1954, and shall come into operation on the seventeenth day of December, 1954.

2. The forms set out in the schedule hereto or forms substantially to the like effect shall be the forms to be used in connection with the powers and duties of the local authority under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944(b), as amended by the Town and Country Planning Act, 1947(c), in the cases to which those forms are applicable.

3. The Housing (Declaration of Unfitness) Regulations, 1947(d), are hereby revoked.

SCHEDULE

FORM NO. 1

PERSONAL NOTICE OF THE MAKING OF A DECLARATION OF UNFITNESS ORDER

HOUSING ACT, 1936

TOWN AND COUNTRY PLANNING ACT, 1944

AS AMENDED BY THE TOWN AND COUNTRY PLANNING ACT, 1947

To [1] [Owner][Mortgagee] [2]

Of [3]

Notice is hereby given that the [4]
in pursuance of their powers under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947, made on the day of 195 and are about to submit to the Minister of Housing and Local Government for confirmation an order (hereinafter referred to as "the unfitness order") in respect of the house[s] described in the schedule hereto, [and shown coloured pink on the map annexed to the unfitness order] being [a] house[s] on land [designated by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition] [which is proposed to be acquired compulsorily under [subsection (2) of section thirty-seven] [subsection (2) of section thirty-eight] of the Town and Country Planning Act, 1947,] declaring [it] [them] to

(a) 26 Geo. 5 & 1 Edw. 8. c. 51. (b) 7 & 8 Geo. 6. c. 47. (c) 10 & 11 Geo. 6. c. 51.
(d) S.R. & O. 1947/617 (Rev. X, p. 108: 1947 I, p. 1034).

be unfit for human habitation and not capable at reasonable expense of being rendered so fit.

The principal grounds upon which the local authority are of opinion that the house[s] is [are] unfit for human habitation and not capable at reasonable expense of being rendered so fit are set out in the schedule hereto.

Any objection to the unfitness order must be made in writing, stating the grounds of the objection, and be addressed to the Minister of Housing and Local Government, Whitehall, S.W.1, before the[5] day of 195 .

If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister of Housing and Local Government may, if he thinks fit, confirm the unfitness order, but in any other case he shall before confirming the unfitness order consider any objection not withdrawn and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by him for the purpose, and may then, if he thinks fit, confirm the unfitness order.

If the unfitness order is confirmed, then the compensation to be paid for the house[s] on a compulsory purchase thereof pursuant to an authorisation given under Part IV of the Town and Country Planning Act, 1947, by the Minister having jurisdiction to give such authorisation, either before or within two years after the confirmation of the unfitness order, will be assessed in like manner as if it had been land purchased compulsorily under Part III of the Housing Act, 1936, as being land comprised in a clearance area (that is to say, the compensation to be paid for the land, including any buildings thereon, will be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district).

If, however, on a representation made to him by a person who would be entitled to a payment as hereinafter mentioned the Minister of Housing and Local Government is satisfied after causing a house to be inspected by one of his officers that, notwithstanding its sanitary defects, it has been well maintained the Minister may give directions for the making by the local authority of a payment under section 42 of the Housing Act, 1936, in respect of the house. Any representation for the above purpose must be made within three months from the date when the person making it first becomes aware that a notice to treat has been served in respect of the house.

SCHEDULE

(1) Insert description of the house[s] comprised in the unfitness order, either as set out in the unfitness order or in such other manner as may be sufficient for the purposes of indentification.

(2) Insert the principal grounds upon which the local authority are of opinion that the house[s] is [are] unfit.

[1] Insert name and address of person to be served.
[2] Strike out where not applicable.
[3] Insert description of property.
[4] Insert name of local authority.
[5] Insert a date not less than 14 days after service of the notice.

FORM No. 2

FORM OF DECLARATION OF UNFITNESS ORDER

Whereas the (hereinafter called "the Council") are a local authority for the purposes of Part III of the Housing Act, 1936;

And whereas the house[s] described in the schedule hereto [and shown coloured pink and numbered on the map annexed hereto] is [are] comprised in the area of the Council;

And whereas the house[s] is [are] comprised in land [designated by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition] [which is proposed to be acquired compulsorily under [subsection (2) of section thirty-seven] [subsection (2) of section thirty-eight] of the Town and Country Planning Act, 1947];

And whereas the said house[s] is [are] in the opinion of the Council unfit for human habitation and not capable at reasonable expense of being rendered so fit:

Now therefore the Council in pursuance of their powers under paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947, hereby declare the said house[s] to be unfit for human habitation and not capable at reasonable expense of being rendered so fit.

This order may be cited as the (Declaration of Unfitness) Order, 195 .

SCHEDULE

Number on map	Description and situation of house	Owner or reputed owner

Given under the seal of the this day of , nineteen hundred and fifty- .

Given under the official seal of the Minister of Housing and Local Government this ninth day of December, nineteen hundred and fifty-four.

(L.S.) *Duncan Sandys,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947, provides that where, in certain cases, a local authority consider that a house is unfit for human habitation and not capable at reasonable expense of being rendered so fit, they may make and submit to the Minister of Housing and Local Government for confirmation an order declaring the house to be in that state. These regulations prescribe the form of such order, and the form of an explanatory notice which is required to be served on the persons concerned. If a house subject to such an order is purchased compulsorily in pursuance of an authorisation given under Part IV of the Town and Country Planning Act, 1947, either before or within two years after the confirmation of the unfitness order, the compensation to be paid in respect of the purchase is to be reduced to the amount which would have been payable had the purchase been one of land comprised in a clearance area. If, however, the house has been well maintained, the Minister can give directions for an additional payment to be made in respect of it under Section 42 of the Housing Act, 1936.