HOUSING, ENGLAND AND WALES

1959 No. 1400

The Housing (Prescribed Forms) (Amendment) Regulations, 1959

Made - - - -	*7th August*, 1959
Laid before Parliament	*13th August*, 1959
Coming into Operation	*16th August*, 1959

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 178 of the Housing Act, 1957(a), and paragraph 2 of Part I of the Second Schedule to the Town and Country Planning Act, 1959(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Housing (Prescribed Forms) (Amendment) Regulations, 1959, and shall come into operation on the 16th day of August, 1959.

(2) The Housing (Prescribed Forms) Regulations, 1957(c) (hereinafter called "the principal regulations") and these regulations may be cited together as the Housing (Prescribed Forms) Regulations, 1957 and 1959.

(3) The Interpretation Act, 1889(d), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The forms prescribed by the principal regulations and specified in Part I of the schedule to these regulations shall be amended in the manner provided in that Part.

3. For Forms Nos. 32 and 33 prescribed by the principal regulations there shall be substituted the forms prescribed in Part II of the schedule to these regulations.

4. Nothing herein shall affect the validity of any order, notice, advertisement or other document made or used in a form prescribed by the principal regulations before the coming into operation of these regulations.

SCHEDULE

PART I

Forms Nos. 7, 14, 17, 19

1.—(1) In every reference in the Notes to the above forms to the market value for its existing use of the interest of the person entitled to compensation, the words "for its existing use" shall be deleted.

(2) At the end of the Notes to the above forms there shall be added the following paragraph:—

"Any compensation paid (other than a payment for good maintenance) may in addition include an amount in respect of the cost of professional fees reasonably incurred in preparing the claim."

(a) 5 & 6 Eliz. 2. c. 56. (b) 7 & 8 Eliz. 2. c. 53. (c) S.I. 1957/1842 (1957 I, p. 1090).
(d) 52 & 53 Vict. c. 63.

[H.L.G. 8018]

Forms Nos. 11 *and* 26

2.—(1) For the words "Compensation based on market value", wherever they occur in the Notes to the above forms, there shall be substituted the words "Additional compensation".

(2) In every reference in the Notes to the above forms to the market value for its existing use of the interest of the person entitled to compensation, the words "for its existing use" shall be deleted.

(3) The following two paragraphs shall be added at the end of the Notes to Form No. 11, and the first of those paragraphs shall be inserted immediately before, and the second of them after, the last paragraph of the Notes to Form No. 26:—

"The total amount payable in respect of the interest of the owner-occupier of a private dwelling, excluding any compensation attributable to disturbance or to severance or injurious affection, will not in any event be less than the gross value of the dwelling for rating purposes.

Any compensation paid (other than a payment for good maintenance) may in addition include an amount in respect of the cost of professional fees reasonably incurred in preparing the claim."

Forms Nos. 24 *and* 28

3. In paragraph 2 (*b*) of each of the above forms, for the words "The Town and Country Planning Acts, 1947 to 1954", there shall be substituted the words "The Town and Country Planning Acts, 1947 to 1959".

PART II

FORM NO. 32

HOUSING ACT, 1957

TOWN AND COUNTRY PLANNING ACT, 1959

DECLARATION OF UNFITNESS ORDER

Whereas the Council are a local authority for the purposes of Part III of the Housing Act, 1957;

And Whereas the [house] [houses] described in the schedule hereto and shown coloured pink on the map annexed hereto [is] [are] situate on land in the area of the Council;

And Whereas [the land is situated within an area designated as the site of a new town] [and] [it is proposed that the land should be acquired compulsorily under (1)] [in pursuance of (2)];*

And Whereas the said [house is] [houses 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 2 of Part I of the Second Schedule to the Town and Country Planning Act, 1959, by this order declare the said [house] [houses] 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, 19 .

SCHEDULE

The common seal of the Council was hereunto affixed this day of , 19 , in the presence of .

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* The alternatives should be used according to circumstances, having regard to the provisions of sub-paragraphs (1) and (2) of paragraph 2 of Part I of the Second Schedule to the Town and Country Planning Act, 1959.

(1) Specify the relevant powers.

(2) Insert the title of any compulsory purchase order made, or refer to any notice served under section 19 of the Town and Country Planning Act, 1947, or section 39 of the Town and Country Planning Act, 1959.

FORM NO. 33

HOUSING ACT, 1957

TOWN AND COUNTRY PLANNING ACT, 1959

NOTICE OF THE MAKING OF A DECLARATION OF UNFITNESS ORDER

To of

, being the [owner] [mortgagee] of

Take Notice that—

(1) the Council, in pursuance of their powers under paragraph 2 of Part I of the Second Schedule to the Town and Country Planning Act, 1959, made on the day of , 19 , and are about to submit to the Minister of Housing and Local Government for confirmation the (Declaration of Unfitness) Order, 19 , declaring to be unfit for human habitation and not capable at reasonable expense of being rendered so fit the [house] [houses] described in the first column of the schedule to this notice [, and shown coloured pink on the map annexed to the order], being [a house] [houses] on land which * ;

(2) the principal grounds upon which the Council are of opinion that the [house is] [houses are] unfit for human habitation and not capable at reasonable expense of being rendered so fit are set out in the second column of the schedule to this notice;

(3) any objection to the order, stating the grounds of the objection, must be made in writing to the Minister of Housing and Local Government, Whitehall, S.W.1, before the ** day of , 19 .

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

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* Insert a reference to the relevant provisions of paragraph 2 (1) of Part I of the Second Schedule to the Town and Country Planning Act, 1959, adapting the terms of the third recital in the Declaration of Unfitness Order.

** A reasonable period should be allowed, and in any case not less than 14 days from date of service of notice.

NOTES

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

If the unfitness order is confirmed, the compensation payable for a house to which the order applies if it is purchased compulsorily in any of the ways mentioned in paragraph 2 (1) of Part I of the Second Schedule to the Town and Country Planning Act, 1959, and either

(*a*) the compulsory purchase order was confirmed concurrently with or after the confirmation of the unfitness order, or

(*b*) where the acquisition is in pursuance of a notice to treat deemed to have been served as mentioned in paragraph 2 (2) (*b*) of Part I of the said Second Schedule, the unfitness order was made before the date on which the notice to treat is deemed to have been served,

will be the value of the land on which the house stands 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 the Minister of Housing and Local Government is satisfied that a house to which this order relates, notwithstanding its unfitness, has been well maintained, he may give direction that the acquiring authority shall make a payment in respect of the house in accordance with section 60 of the Housing Act, 1957. If a person interested in the house thinks that it has been well maintained by him or at his expense, he should make a representation in writing to the Minister of Housing and Local Government, Whitehall, S.W.1, before the end of the objection period specified in paragraph (3) of this notice. A form of representation may be obtained from the Council Offices. A person on whom this notice is served who has a tenant on a monthly or lesser tenancy or a statutory tenant in occupation of the house or any part of it is requested to bring this paragraph to the notice of any such occupier.

Additional compensation may become payable if the house has been occupied for business purposes, provided that certain conditions are fulfilled. Broadly these are that the house must have been wholly or partly occupied for business purposes by a person having a freehold interest or a leasehold interest for more than a year at the date of the making of the compulsory purchase order and either on 13th December, 1955, or at all times during the ten years preceding the date of the making of the order.

Additional compensation may also become payable if the house is purchased compulsorily before 13th December, 1965, and it has been occupied as a private dwelling, provided that certain other conditions are fulfilled. Broadly these are that the house must have been wholly or partly occupied as a private dwelling on 13th December, 1955, by a person having an interest of the kind mentioned in the preceding paragraph or a member of his family, and must have been purchased by that person on or after 1st September, 1939, and before 13th December, 1955 (members of the armed forces posted away, or persons changing their place of employment or occupation being treated in certain cases as having continued in occupation).

The further compensation, if it becomes payable, is the market value of the interest of the person entitled to compensation, less site value. A person who is entitled to such compensation cannot also receive a payment for good maintenance.

Any person on whom this notice is served who thinks that if the unfitness order is confirmed and his interest is purchased compulsorily he may have a claim to this further compensation should notify the clerk of the local authority in writing of the facts on which he relies. The question whether any compensation may be payable will not be settled at this stage, but it is important to establish the facts relating to ownership and occupation as soon as possible.

The total amount payable in respect of the interest of the owner-occupier of a private dwelling, excluding any compensation attributable to disturbance or to severance or injurious affection, will not in any event be less than the gross value of the dwelling for rating purposes.

Any compensation paid (other than a payment for good maintenance) may in addition include an amount in respect of the cost of professional fees reasonably incurred in preparing the claim.

Given under the official seal of the Minister of Housing and Local Government this seventh day of August, nineteen hundred and fifty-nine.

(L.S.)

Henry Brooke,
Minister of Housing
and Local Government.

EXPLANATORY NOTE

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

These Regulations amend the Housing (Prescribed Forms) Regulations, 1957, by making certain alterations in the notes on compensation appended to forms concerned with the compulsory demolition, closing and acquisition of unfit houses, and by substituting two new forms for the forms prescribed for the purpose of declaring that a house which is to be compulsorily purchased is unfit for human habitation. The main amendments are consequential on the provisions of the Town and Country Planning Act, 1959, in particular the provisions contained in Part I of the Second Schedule to that Act.