STATUTORY INSTRUMENTS

1975 No. 500

HOUSING, ENGLAND AND WALES

The Housing (Prescribed Forms) (Amendment) Regulations 1975

Made - - -	*24th March* 1975
Laid before Parliament	*26th March* 1975
Coming into Operation	*16th April* 1975

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred by section 178 of the Housing Act 1957(**a**), as applied by paragraph 1(2) of Schedule 10 to the Housing Act 1974(**b**), as substituted by section 17(4) of and paragraph 25 of Schedule 5 to the Housing Rents and Subsidies Act 1975(**c**), and now vested in them(**d**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Housing (Prescribed Forms) (Amendment) Regulations 1975 and shall come into operation on 16th April 1975.

(2) The Housing (Prescribed Forms) Regulations 1972 to 1974 and these regulations may be cited together as the Housing (Prescribed Forms) Regulations 1972 to 1975.

Interpretation

2.—(1) In these regulations " the principal regulations " means the Housing (Prescribed Forms) Regulations 1972(**e**) as amended by the Housing (Prescribed Forms) (Amendment etc.) Regulations 1974(**f**).

(2) The Interpretation Act 1889(**g**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the principal regulations

3.—(1) The list set out in Schedule 1 to these regulations shall be added at the end of the list set out in Schedule 1 to the principal regulations.

(2) The forms set out in Schedule 2 to these regulations shall be added at the end of the forms set out in Schedule 2 to the principal regulations.

(**a**) 1957 c. 56.
(**b**) 1974 c. 44.
(**c**) 1975 c. 6.
(**d**) S.I. 1965/319, 1970/1681 (1965 I, p. 785; 1970 III, p. 5551).
(**e**) S.I. 1972/228 (1972 I, p. 739).
(**f**) S.I. 1974/1511 (1974 III, p. 5779).
(**g**) 1889 c. 63.

(3) The forms added by these regulations, or forms substantially to the like effect, shall be the forms to be used for the purposes of section 114 of and Schedule 10 to the Housing Act 1974, as substituted by section 17(4) of and paragraphs 21 and 25 of Schedule 5 to the Housing Rents and Subsidies Act 1975.

(4) In the form numbered 1 and set out in Schedule 2 to the principal regulations—

(*a*) after the words "[AND HOUSING ACT 1964]" there shall be inserted the words "[AND HOUSING ACT 1974]"; and

(*b*) after the words "[as applied by section 40 of the Housing Act 1964,]" there shall be inserted the words "[as applied by section 48(1) of the Housing Act 1974,] [and section 54(1) thereof,] [as applied by section 97(1) of the Housing Act 1974,]".

SCHEDULE 1

67. Rehabilitation order.
68. Advertisement of making of a rehabilitation order.
69. Personal notice of making of a rehabilitation order.
70. Advertisement and personal notice of confirmation of a rehabilitation order.

SCHEDULE 2

FORM NO. 67

HOUSING ACT 1974

REHABILITATION ORDER

Section 114 and paragraph 6 of Schedule 10.

Whereas the houses specified in Part I of the schedule to this order are houses comprised in a clearance area under Part III of the Housing Act 1957 which were purchased by agreement or compulsorily before 2nd December 1974 under section 43 of the Housing Act 1957 or which are subject to a compulsory purchase order made under that section before that date and confirmed by the Secretary of State in accordance with Schedule 3 to the Housing Act 1957 before 2nd March 1975 or which have been included in the clearance area by virtue of section 49 of the Housing Act 1957:

And Whereas the said houses were included in the clearance area by reason of their being unfit for human habitation and, in the opinion of the Council, are capable of being, and ought to be, improved to the full standard:

Strike out words in square brackets if inapplicable.

[And Whereas the land specified in Part II of the said schedule is other land which is in the clearance area (not being land subject to a clearance order made and confirmed by virtue of section 44 of the Housing Act 1957) or surrounded by or adjoining the clearance area for whose purchase under section 43(2) of the Housing Act 1957 a resolution has been passed (whether or not it has been so purchased) or to which the provisions of Part III of the Housing Act 1957 apply by virtue of section 49 thereof:]

Now therefore the Council, in pursuance of their powers under section 114 of and Schedule 10 to the Housing Act 1974, as substituted by section 17(4) of and Schedule 5 to the Housing Rents and Subsidies Act 1975, hereby make the following order:—

(1) This order is made in relation to the houses described in Part I of the schedule to this order and shown coloured yellow on the map marked "Map

referred to in the Rehabilitation Order 19 " (hereinafter referred to as " the map ").

[(2) This order also applies to the other land described in Part II of the said schedule and shown coloured light blue on the map.]

(3) This order may be cited as the Rehabilitation Order 19 .

SCHEDULE

Reference number on map* (1)	Description of land (2)
	PART I
	HOUSES INCLUDED IN CLEARANCE AREA BY REASON OF BEING UNFIT FOR HUMAN HABITATION AND WHICH IN THE COUNCIL'S OPINION OUGHT TO BE AND ARE CAPABLE OF BEING IMPROVED TO FULL STANDARD
	[PART II OTHER LAND]

*Each item in the schedule should be numbered as an individual reference and distinctly outlined on the map.

The Common Seal of the Council was hereunto affixed on 19 , in the presence of .

FORM No. 68

HOUSING ACT 1974

ADVERTISEMENT OF MAKING OF A REHABILITATION ORDER

Section 114 and paragraph 7(1)(*a*) of Schedule 10.

Notice is hereby given that the Council, in pursuance of their powers under section 114 of and Schedule 10 to the Housing Act 1974, as substituted by section 17(4) of and Schedule 5 to the Housing Rents and Subsidies Act 1975, on 19 made the Rehabilitation Order 19 , which applies to the land specified in the schedule hereto, and which is about to be submitted to the Secretary of State for [the Environment] [Wales] for confirmation.

Strike out words in square brackets which are inapplicable.

A copy of the said Rehabilitation Order 19 , and of its accompanying map, may be seen at all reasonable hours at .

SCHEDULE

PART I—HOUSES INCLUDED IN CLEARANCE AREA BY REASON OF BEING UNFIT FOR HUMAN HABITATION AND WHICH IN THE COUNCIL'S OPINION OUGHT TO BE AND ARE CAPABLE OF BEING IMPROVED TO FULL STANDARD

[PART II—OTHER LAND]

Dated 19 .

Signed

FORM NO. 69

HOUSING ACT 1974

Section 114 and paragraph 7(1)(*b*) of Schedule 10.

PERSONAL NOTICE OF MAKING OF A REHABILITATION ORDER

To

of .

Take Notice that—

(1) the Council, in pursuance of their powers under section 114 of and Schedule 10 to the Housing Act 1974, as substituted by section 17(4) of and Schedule 5 to the Housing Rents and Subsidies Act 1975, on 19 made the Rehabilitation Order 19 , (hereinafter called " the order ") which is about to be submitted to the Secretary of State for [the Environment] [Wales] for confirmation on the grounds set out in the statement accompanying this notice;

Strike out words in square brackets which are inapplicable.

(2) the order applies to the land specified in the schedule to this notice;

(3) the effect of the order, in relation to any land in respect of which the order is confirmed and becomes operative, is as follows:—

(i) the Council will be freed from any duty to demolish, or secure the demolition of, any buildings on the land;

(ii) where the Council are freed from the duty to demolish, or secure the demolition of, any house which was included in the clearance area by reason of its being unfit for human habitation they must take such steps as are necessary—

(*a*) to bring the house up to the full standard (*see note 1*), or

(*b*) where the house is not vested in the Council, to ensure that it is brought up to that standard;

(iii) where—

(*a*) any of the land is included in a compulsory purchase order made and confirmed by virtue of section 43 of the Housing Act 1957, and

(*b*) no interest in the land has vested in the Council, and

(*c*) they have not served a notice to treat in respect of any interest in the land under section 5 of the Compulsory Purchase Act 1965,

the compulsory purchase order will cease to have effect in relation to that land, and if the land is included in a clearance area, it will cease to be so included;

(iv) in a case where sub-paragraph (iii) above does not apply, any compulsory purchase order relating to the land and confirmed by virtue of section 43 of the Housing Act 1957 will have effect in relation to any interest in the land which has not vested in the Council—

(*a*) in so far as it relates to a house, as if it had been made and confirmed under Part V of the Housing Act 1957, and

(*b*) in so far as it relates to land other than a house, as if it had been made and confirmed under Part VI of the Town and Country Planning Act 1971;

(v) where any interest in the land is already vested in the Council—

(*a*) any such interest in a house will be treated as appropriated to the purposes of Part V of the Housing Act 1957, and

(*b*) any other such interest in the land will be treated as appropriated to the purposes of Part VI of the Town and Country Planning Act 1971;

(vi) in a case falling within sub-paragraph (iv) above, where a compulsory purchase order is to be treated as made under Part V of the Housing Act 1957 or Part VI of the Town and Country Planning Act 1971, compensation for compulsory acquisition will be assessed in accordance with the provisions applying to the said Part V or, as the case may be, the said Part VI (*see note 2 (a)*);

(vii) in a case falling within sub-paragraph (v) above, where—

(*a*) any interest in a house in a clearance area is to be treated as appropriated to Part V of the Housing Act 1957, compensation for its compulsory acquisition will be assessed or reassessed (if to do so would increase the compensation) in accordance with the provisions applying to the said Part V (*see note 2 (b)*);

(*b*) any interest in a house acquired by agreement (after the declaration of the clearance area) is to be treated as appropriated for the purposes of Part V of the Housing Act 1957, compensation will be paid as if the acquisition were a compulsory acquisition under the said Part V (if the provisions in paragraph (*a*) above would have increased the amount paid) but any amount previously paid in respect of the acquisition of that interest will be deducted (*see note 2 (c)*);

(viii) where the effect of the order is to exclude from the clearance area any land adjoining a general improvement area (within the meaning of Part II of the Housing Act 1969) that land will be included in the general improvement area unless the Secretary of State otherwise directs;

(4) the Council may not, in any event, until after the date when the order becomes operative, or the date when confirmation of the order is refused—

(i) serve notice to treat under section 5 of the Compulsory Purchase Act 1965 in respect of any land which is included in any compulsory purchase order made and confirmed by virtue of section 43 of the Housing Act 1957 if that compulsory purchase order includes any land in relation to which notice of the making of the rehabilitation order is required to be served; or

(ii) demolish, without the consent of the Secretary of State, any building on land in relation to which notice of the making of the rehabilitation order is required to be served;

(5) copies of the said Rehabilitation Order 19 and its accompanying map may be seen at all reasonable hours at ;

(6) [the land to which the order relates in which you are or were interested is ;]

[you have been served with this notice because land in which you have or had an interest was included in the Compulsory Purchase Order 19 ;]

(7) any objection to the order, stating the grounds of the objection, must be made in writing to the [Secretary of State for the Environment, Department of the Environment, 2 Marsham Street, London SW1P 3EB,] [Secretary of State for Wales, Welsh Office, Cathays Park, Cardiff CF1 3NQ,] before* (*see notes 3 and 4*).

*A reasonable period should be allowed, and in any case not less than 28 days from the date of service of this notice.

SCHEDULE

PART I—HOUSES INCLUDED IN CLEARANCE AREA BY REASON OF BEING UNFIT FOR HUMAN HABITATION (AND WHICH IN THE COUNCIL'S OPINION OUGHT TO BE AND ARE CAPABLE OF BEING IMPROVED TO FULL STANDARD), AND PURCHASED BY AGREEMENT OR COMPULSORILY UNDER SECTION 43 OF THE HOUSING ACT 1957 BEFORE 2ND DECEMBER 1974, OR SUBJECT TO A COMPULSORY PURCHASE ORDER MADE UNDER THAT SECTION BEFORE THAT DATE AND CONFIRMED BEFORE 2ND MARCH 1975 OR INCLUDED IN THE CLEARANCE AREA BY VIRTUE OF SECTION 49 OF THE HOUSING ACT 1957

[PART II—OTHER LAND IN THE CLEARANCE AREA (NOT BEING LAND SUBJECT TO A CLEARANCE ORDER MADE AND CONFIRMED BY VIRTUE OF SECTION 44 OF THE HOUSING ACT 1957) OR SURROUNDED BY OR ADJOINING THE CLEARANCE AREA FOR WHOSE PURCHASE UNDER SECTION 43(2) OF THE HOUSING ACT 1957 A RESOLUTION HAS BEEN PASSED (WHETHER OR NOT IT HAS BEEN SO PURCHASED) OR LAND TO WHICH THE PROVISIONS OF PART III OF THE HOUSING ACT 1957 APPLY BY VIRTUE OF SECTION 49 THEREOF]

Dated 19 .

Signed

NOTES

1. Improvement to the "full standard" means the carrying out of works to the house so that it complies with the following conditions:—

(*a*) that it is provided with all the following standard amenities for the exclusive use of its occupants:—

(i) a fixed bath or shower which, if reasonably practicable, is to be in a bathroom (but which may not be in a bedroom);

(ii) a hot and cold water supply at a fixed bath or shower;

(iii) a wash-hand basin;

(iv) a hot and cold water supply at a wash-hand basin;

(v) a sink;

(vi) a hot and cold water supply at a sink;

(vii) a water closet which, if reasonably practicable, must be in and accessible from within the house;

and

(*b*) that it is in good repair (disregarding internal decorative repair) for its age, character and locality;

and

(*c*) that it conforms with such requirements with respect to thermal insulation as may for the time being be specified by the Secretary of State;

and

(*d*) that it is in all other respects fit for human habitation;

and

(*e*) that it is likely to be available for use as a dwelling for a period of 15 years**.

**If this period has been varied under s. 66(2)(*e*) of the Housing Act 1974 the Council should substitute the new period.

2. (*a*) In relation to any interest not acquired before the rehabilitation order becomes operative, assessment of compensation for compulsory acquisition will automatically proceed on the new basis.

(*b*) In relation to any interest already acquired compulsorily, there will only be a change in the amount payable if the compensation (including payments for good maintenance, displacement and disturbance, owner-occupier supplement and any extra-statutory payments, paid to the owner of the interest) calculated on the old basis totals less than full compulsory purchase value calculated on the new basis.

(*c*) In relation to any interest already acquired by agreement, compensation will be payable if the amount which would have been payable if the interest had been purchased compulsorily on the old basis is less than the full compulsory purchase value calculated on the new basis; in those circumstances compensation would be equal to the difference between the full compulsory purchase value calculated on the new basis and the amount already paid.

3. Any objection should quote the title of the rehabilitation order which is set out in the above notice.

4. If no objection is made by any of the persons on whom notices are required to be served, or if all objections are withdrawn, the Secretary of State may, if he thinks fit,

confirm the order with or without modifications; in any other case he is required, before confirming the order, to cause a public local inquiry to be held, or to afford the objector an opportunity of appearing before and being heard by a person appointed for the purpose, and to consider any objection not withdrawn and the report of the person who held the inquiry or the person appointed to hear the objector, and he may then confirm the order with or without modifications. The Secretary of State has power to extend the order to any land in respect of which notice was required to be served, but he will not do so unless he has first served notice on every owner, lessee and occupier (except tenants for a period of a month or less) and, so far as it is reasonably practicable to ascertain such persons, every mortgagee of the land, and afforded them an opportunity to make their views known.

FORM NO. 70

HOUSING ACT 1974

ADVERTISEMENT AND PERSONAL NOTICE OF CONFIRMATION OF A REHABILITATION ORDER

Section 114 and paragraph 9 of Schedule 10.

To*

of

Notice is hereby given that the Secretary of State for [the Environment] [Wales], in exercise of his powers under Schedule 10 to the Housing Act 1974, as substituted by section 17(4) of and Schedule 5 to the Housing Rents and Subsidies Act 1975, on 19 confirmed [with modifications] the Rehabilitation Order 19 , made by the Council under section 114 of and Schedule 10 to the said Act of 1974 on 19 , which applies to the land specified in the schedule hereto.

*Name and address of person who gave notice of his objection and appeared at inquiry, and of every person on whom notice was served by the Secretary of State under paragraph 8(6) of Schedule 10 (to be omitted from advertisement).

A copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours at

If any person is aggrieved by the order as confirmed and desires to question its validity on the ground that it is not within the powers of the Housing Act 1974 or that any requirement of that Act has not been complied with, that person may apply to the High Court for that purpose within 6 weeks from [the date of publication of this notice] [19 , on which date a notice in like terms to this notice was published in the press]. The Court has power to suspend the operation of the order in whole or in part until the final determination of the proceedings. If the Court is satisfied that the order is not within the powers of that Act or that any requirement of that Act has not been complied with, and that the interests of the applicant have been substantially prejudiced by the non-compliance, the order will be quashed either generally or in so far as it affects any property of the applicant. Subject to this, the order will become operative at the expiration of the 6 week period.

· Strike out words in square brackets which are inapplicable.

SCHEDULE

Dated 19 .

Signed

Anthony Crosland,
Secretary of State for the Environment.

24th March 1975.

John Morris,
Secretary of State for Wales.

24th March 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations add to the Housing (Prescribed Forms) Regulations 1972 (as amended by the Housing (Prescribed Forms) (Amendment etc.) Regulations 1974) the prescribed forms to be used by local authorities in connection with the making of rehabilitation orders under section 114 of and Schedule 10 to the Housing Act 1974 (as substituted by section 17(4) of and paragraphs 21 and 25 of Schedule 5 to the Housing Rents and Subsidies Act 1975).

The Regulations also amend Form 1 (Notice before entry for the purposes of inspection etc.) in the Housing (Prescribed Forms) Regulations 1972 by inserting references to sections 48(1), 54(1) and 97(1) of the Housing Act 1974 which, respectively, apply section 159 of the Housing Act 1957 (power of entry for inspection, etc.) to Part IV (housing action areas), Part VI (priority neighbourhoods) and Part VIII (compulsory improvement) of the Housing Act 1974.

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