EXPLANATORY NOTE

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

This Order prescribes the requirements which must be complied with by parking meters used for collecting charges for the parking of vehicles on highways in England and Wales at parking places provided under the Road Traffic Act, 1956, where provision is made for the use of meters complying with such requirements. This Order also specifies the steps to be taken by local authorities in connection with the testing and inspection of such meters.

HOUSING, ENGLAND

1957 No. 1842

The Housing (Prescribed Forms) Regulations, 1957

Made - - - -	*25th October*, 1957
Laid before Parliament	*31st October*, 1957
Coming into Operation	*1st December*, 1957

The Minister of Housing and Local Government, in exercise of his powers under section 178 of the Housing Act, 1957(a), 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) Regulations, 1957, and shall come into operation on the first day of December, 1957.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The forms set out in the second schedule hereto (of which a list is set out in the first schedule hereto) or forms substantially to the like effect shall be the forms to be used for the purposes of the Housing Act, 1957.

3. The regulations comprised in the Housing (Form of Orders and Notices) Regulations, 1937 to 1956(c), are hereby revoked, but this revocation shall not affect the validity of any order, notice, advertisement or other document made or used in a form prescribed by the said regulations before the coming into operation of these regulations.

Given under the official seal of the Minister of Housing and Local Government this twenty-fifth day of October, nineteen hundred and fifty-seven.

(L.S.)

Henry Brooke,
Minister of Housing and Local Government.

(a) 5 & 6 Eliz. 2. c. 56. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1937/78, 1939/30 (Rev. X, p. 38: 1937, p. 880; 1939 II, p. 1719); S.I. 1950/363, 1954/1632, 1956/1198 (1950 I, p. 985; 1954 I, p. 950; 1956 I, p. 1056).

FIRST SCHEDULE

LIST OF FORMS

FORM NO.

1. Notice before entry for the purpose of inspection, etc.
2. Notice requiring execution of works.
3. Notice requiring execution of works or reduction of number of occupants of house let in lodgings.
4. Notice to abate overcrowding in house let in lodgings.
5. Order declaring expenses of execution of works to be payable by instalments.
6. Notice of time and place for consideration of condition of house liable to be made subject to demolition or closing order.
7. Order for demolition of a house.
8. Notice of intention to cleanse building to which a demolition order or clearance order applies.
9. Notice to proceed with demolition after a building has been cleansed.
10. Notice to occupier to quit house after demolition order has become operative.
11. Notice of determination by local authority to purchase house in lieu of making a demolition order where no undertaking to do works has been accepted or on breach of an undertaking accepted.
12. Notice of time and place for consideration of condition of part of a building liable to be made subject to closing order.
13. Closing order in respect of part of a building.
14. Closing order in lieu of demolition order in respect of a house.
15. Clearance order.
16. Clearance order providing for postponement of demolition.
17. Personal notice of the making of a clearance order for demolition of buildings.
18. Advertisement of the making of a clearance order for demolition of buildings.
19. Personal notice of the making of a clearance order for demolition of houses but postponing demolition.
20. Advertisement of the making of a clearance order for demolition of houses but postponing demolition.
21. Advertisement and personal notice of clearance order confirmed by the Minister of Housing and Local Government.
22. Notice to occupier to quit building after clearance order has become operative.
23. Notice requiring demolition of house the demolition of which has been postponed under a clearance order.
24. Compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.
25. Advertisement of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

FORM NO.

26. Personal notice of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.
27. Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Housing and Local Government in respect of land comprised in a clearance area and land surrounded by or adjoining the area.
28. Compulsory purchase order in respect of land cleared of buildings in accordance with a clearance order.
29. Advertisement of a compulsory purchase order in respect of land cleared of buildings in accordance with a clearance order.
30. Personal notice of the making of a compulsory purchase order in respect of land which has been cleared of buildings in accordance with a clearance order.
31. Advertisement and personal notice of compulsory purchase order confirmed by the Minister of Housing and Local Government in respect of land cleared of buildings in accordance with a clearance order.
32. Declaration of unfitness order.
33. Notice of the making of a declaration of unfitness order.

SECOND SCHEDULE

FORM NO. 1

HOUSING ACT, 1957

Section 159.

NOTICE BEFORE ENTRY FOR THE PURPOSE OF INSPECTION, ETC.

(*Note:—Notice must be given to the occupier, and also to the owner, if known.*)

To of , being the [occupier] [owner] of the [house] [premises] [building] known as

Take Notice that in pursuance of section 159 of the Housing Act, 1957, I , being a person duly authorised in writing by the Council, intend on the* day of , 19 , between the hours of and to enter the above-mentioned [house] [premises] [building] for the purpose of [survey and examination] [survey] [valuation] [measuring rooms].

* Twenty-four hours notice must be given.

Dated this day of , 19 .

Signature
Description
Residence or Place of Business
} of person authorised to enter

FORM NO. 2

HOUSING ACT, 1957

NOTICE REQUIRING EXECUTION OF WORKS

Section 9.

To of

being the person having control* of the house known as

* See section 39 (2). Notices may also be served on the persons referred to in section 9 (2).

Take Notice that—

(1) the Council are satisfied that the above-mentioned house is unfit for human habitation;

(2) the Council are not satisfied that it cannot be rendered fit at reasonable expense; and

(3) in pursuance of subsection (1) of section 9 of the Housing Act, 1957, the Council require you within a period of † days ending on the day of , 19 , to execute the following works, which will in the opinion of the Council render the house fit for human habitation, namely

† The time allowed must be reasonable, and in any event not less than twenty-one days.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

A person aggrieved by this notice may appeal against it to the County Court. If there is no appeal, and this notice is not complied with, then, after the expiration of the time specified in the notice, the local authority may themselves do the work required by the notice to be done.

On appeal the Court may quash the notice or may confirm the notice, with or without variation. If the notice is confirmed, with or without variation, the local authority cannot exercise their power to do the work until the expiration of 21 days from the final determination of the appeal or of such longer period as the Court may have fixed.

If a person on whom a demand for the recovery of expenses incurred by the local authority in doing the work is aggrieved thereby, he may appeal against the demand to the County Court. He may similarly appeal against an order made by the local authority declaring any such expenses to be payable by instalments.

Any appeal must be brought within 21 days after the date of service of the notice, demand or order, to the County Court within the jurisdiction of which the premises to which the notice, demand or order relates are situate, and no proceedings may be taken by the local authority to enforce any notice, demand or order against which there is an appeal, until the appeal has been finally determined or withdrawn. On an appeal against a demand or order, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of works.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice (or in the case of a demand

or order, a copy of the demand or order) must at the same time be filed in the Court Office, together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

A lessee who, or whose agent, has incurred expenditure in executing works required by this notice, or in defraying expenses incurred by the local authority in doing so, is entitled to recover from the lessor such part (if any) of that expenditure as the lessor may agree or as may, in default of agreement between the parties, be determined by the County Court. This procedure does not apply if there is in force a charging order made by the local authority charging on the house expenses incurred by an owner in executing the works, or if there is an application from him for an order awaiting decision by the local authority.

FORM NO. 3

HOUSING ACT, 1957

Section 36.

NOTICE REQUIRING EXECUTION OF WORKS OR REDUCTION OF NUMBER OF OCCUPANTS OF HOUSE LET IN LODGINGS

To of , being the person having control* of the house known as .

* See section 39 (2).

Take Notice that—

(1) it appears to the Council that the above-mentioned house [part of the above-mentioned house, namely] is, with respect to the matters specified in the first schedule to this notice, so far defective having regard to the number of [individuals] [individuals and households] [households] accommodated therein, as not to be reasonably suitable for occupation by those [individuals] [individuals and households] [households];

(2) in the opinion of the Council the works specified in the second schedule to this notice are required for rendering the premises suitable for such occupation as aforesaid;

(3) you are required, in default of the execution of the said works within [weeks] [months] from the date of this notice, to take such steps as are reasonably open to you (including if necessary the taking of legal proceedings) for securing that [the number of individuals accommodated is reduced to] [the number of individuals accommodated is reduced to and the number of households accommodated is reduced to] [the number of households accommodated is reduced to].

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FIRST SCHEDULE

DEFECTS AS TO SUITABILITY FOR OCCUPATION

(Insert description of defects under each of the headings which is material)

1. Natural lighting.
2. Ventilation.
3. Water supply.
4. Drainage and sanitary conveniences.
5. Facilities for storage, preparation and cooking of food, and for the disposal of waste water.

SECOND SCHEDULE

SPECIFICATION OF WORKS

(Insert detailed specification of works to be executed)

NOTES

A person aggrieved by this notice may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of this notice to the County Court within the jurisdiction of which the premises are situate, and if an appeal is brought no proceedings may be taken by the local authority to enforce this notice before the appeal has been finally determined or withdrawn.

The County Court rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court Office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

The Rent Acts do not prevent an application being made to the County Court for an order for possession of the house or part of the house, where this is required for the purposes of complying with paragraph (3) of this notice.

A person who fails to comply with any requirement of this notice is guilty of an offence and liable on summary conviction to a fine not exceeding £5; and if the failure continues after conviction he is guilty of a further offence and liable on summary conviction to a fine not exceeding £2 for every day on which the failure continues.

FORM NO. 4

HOUSING ACT, 1957

NOTICE TO ABATE OVERCROWDING IN HOUSE LET IN LODGINGS

Section 90.

To of , being the [occupier] [person having the control and management] of the premises known as .

Take Notice that—

(1) it appears to the Council that excessive numbers of persons are being accommodated in the above-mentioned premises having regard to the rooms available;

(2) in the opinion of the Council the rooms on the premises described in the first schedule to this notice are unsuitable to be occupied as sleeping accommodation, and the rooms described in the second schedule to this notice are unsuitable to be occupied as sleeping accommodation by more than the number of persons therein specified;

(3) you will be guilty of an offence under subsection (4) of section 90 of the Housing Act, 1957, if, after this notice has become operative—

(*a*) you cause or knowingly permit any room described in the first schedule to this notice to be occupied as sleeping accommodation or any room described in the second schedule to this notice to be occupied by more than the number of persons specified in that schedule; or

(*b*) you cause or knowingly permit to be accommodated on the premises such a number of persons that it is not possible without contravening

sub-paragraph (*a*) of this paragraph, or using as sleeping accommodation some part of the premises not described in the schedules to this notice, to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.

Dated this day of , 19

Signed

Clerk of the Local Authority.

FIRST SCHEDULE

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION)

SECOND SCHEDULE

(ROOMS UNSUITABLE TO BE OCCUPIED AS SLEEPING ACCOMMODATION BY MORE THAN THE NUMBER OF PERSONS SPECIFIED)

Rooms	*Number of persons**

* Special maxima can be prescribed in a case where some or all of the persons occupying a room are under such an age as may be specified.

NOTES

A person aggrieved by this notice may appeal against it to the County Court. The appeal must be brought within 21 days after the date of service of this notice to the County Court within the jurisdiction of which the premises to which this notice relates are situate, and if an appeal is brought, no proceedings may be taken by the local authority to enforce the notice before the appeal has been finally determined or withdrawn.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court Office, together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

If no appeal is brought within the 21 days referred to above this notice will become operative. If this notice becomes operative and a person commits such an offence as is mentioned in this notice, he will be liable on summary conviction to a fine not exceeding £5, and where the offence of which he was convicted continues after conviction, to a further fine not exceeding £2 for every day on which the offence continues.

FORM NO. 5

HOUSING ACT, 1957

Section 10 (5).

ORDER DECLARING EXPENSES OF EXECUTION OF WORKS TO BE PAYABLE BY INSTALMENTS

To of , being the [owner] [occupier] of the house known as .

Whereas the Council have incurred expenses amounting to the sum of £ in doing work to the above-mentioned house which was required to be done by a notice duly served under section 9 of the Housing Act, 1957, on the person having control of the house, being work which he failed to do:

Now therefore the Council, by this order, in pursuance of subsection (5) of section 10 of the said Act of 1957, declare that the said expenses amounting to the sum of £ shall be payable by instalments of £ within a period of * years with interest at the rate of £ per cent. per annum until the whole amount is paid.

* Not exceeding 30 years.

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

NOTES

The local authority may make the expenses payable by weekly or any other periodic instalments they may consider appropriate, and the rate of interest to be charged is fixed by the Minister of Housing and Local Government with the approval of the Treasury.

Any sum due under this order may be recovered summarily as a civil debt from any owner or occupier of the house, and if recovered from the occupier may be deducted by him from the rent of the house.

A person aggrieved by this order may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of the order to the County Court within the jurisdiction of which the house is situate, and if an appeal is brought, no proceedings may be taken by the local authority to enforce the order until the appeal has been finally determined or withdrawn. On an appeal no question can be raised which might have been raised on an appeal against the original notice requiring the execution of works.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this order must at the same time be filed in the Court Office, together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

FORM NO. 6

HOUSING ACT, 1957

NOTICE OF TIME AND PLACE FOR CONSIDERATION OF CONDITION OF HOUSE LIABLE TO BE MADE SUBJECT TO DEMOLITION OR CLOSING ORDER

Section 16.

To of , being the person having control* of the house known as , and to of , being the owner[s] of the said house, and to of , being the mortgagee[s] of the said house.

* See section 39 (2).

Take Notice that the Council are satisfied that the above-mentioned house is unfit for human habitation and is not capable of being made fit at reasonable cost, and that the condition of the house, and any offer with respect to the carrying out of works, or the future use of the house, which you may wish to submit will be considered by the Council at on the † day of , 19 , at o'clock when you will be entitled to be heard.

† In any case at least 21 days from date of service of notice, but later if necessary to ensure a reasonable period for submission of list of works in the event of notice of intention to submit an offer being served on the Council.

If you intend to submit an offer with respect to the carrying out of works, you are required to serve notice in writing upon the Council stating your intention within 21 days from the date of service of this notice on you, and if you give such notice you will be required before the meeting mentioned above to submit a list of the works which you offer to carry out.

If you fail either—

(a) to notify the Council within the period of 21 days referred to above of your intention to make an offer to carry out works, and within such reasonable period as the Council may allow submit to them a list of the works which you offer to carry out; or

(b) to make an offer before or at the meeting mentioned above as to the future use of the house,

the Council will be bound to make an order for the demolition or closing of the house or to purchase it for providing temporary housing accommodation.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 7

HOUSING ACT, 1957

Section 17 (1).

ORDER FOR DEMOLITION OF A HOUSE

Whereas the Council, being satisfied that the house known as is unfit for human habitation and is not capable of being made fit at reasonable cost, have complied with the provisions of section 16 of the Housing Act, 1957, in relation to the house;

[And Whereas no such undertaking in relation to the house as is mentioned in the said section 16 has been accepted:]

[And Whereas such an undertaking in relation to the house as is mentioned in the said section 16, which was accepted on the day of , 19 , has been broken:]

Now Therefore the Council in pursuance of section 17 of the Housing Act, 1957, hereby order as follows:—

* This period must not be less than 28 days.

(1) the house shall be vacated within *days from the date on which this order becomes operative;

† A longer period may be allowed.

(2) the house shall be demolished within six† weeks from the expiration of the last-mentioned period, or, if it is not vacated before the expiration of that period, within six† weeks from the date on which it is vacated.

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

NOTES

A person aggrieved by this order may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of the order to the County Court within the jurisdiction of which the house is situate, and if an appeal is brought, no proceedings may be taken by the local auhority to enforce the order until the appeal has been finally determined or withdrawn. An appeal cannot be brought by a person in occupation of the house under a lease or agreement of which the unexpired term does not exceed three years.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this order must at the same time be filed in the Court Office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

This order will become operative 21 days after the date of the service of the order unless an appeal has been brought against it. If an appeal is brought, the order will not become operative until the appeal is finally determined or withdrawn.

A person who knowing that this order has become operative enters into occupation of the house to which it applies, or any part thereof, after the date by which the order requires the house to be vacated, or permits any other person to enter into such occupation after that date, is liable on summary conviction to a fine not exceeding £20, and to a further fine of £5 for every day, or part of a day, on which the occupation continues after conviction.

If the owner of the house to which this order relates submits proposals to the local authority for the execution by him of works designed to secure the reconstruction, enlargement or improvement of the house, or of any buildings of which the house is one, and the local authority are satisfied that the result of the works will be the provision of one or more houses fit for human habitation, the authority have power to extend for such period as they may specify the time within which the owner of the house is required to demolish it in order that he may have an opportunity of carrying out the works. The authority have a discretionary power of further extending the time. If the works are completed to the satisfaction of the authority, they must revoke this order. This will not prevent them from commencing proceedings subsequently in relation to the making of a demolition order if the house again becomes unfit for human habitation.

Compensation

If a person interested in the house to which this order applies thinks that notwithstanding its unfitness the house has been well maintained by him or at his expense, he may within three months after the service of a copy of the order on persons interested make a representation to the local authority accordingly. A form of representation may be obtained at the Council Offices. A person on whom a copy of this order 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.

Unless the local authority notify a person making a representation that they do not consider that the house has been well maintained, he will, on the vacation of the house, be entitled to a payment from them in accordance with section 30 of the Housing Act, 1957. If the local authority give him notice that no payment falls to be made to him, and he is aggrieved by that notice, he can within 21 days after the date of its service on him appeal to the County Court within the jurisdiction of which the house is situate, unless he agrees with the local authority to submit the matter to arbitration. (See the second and third paragraphs of these Notes as to the requirements of the County Court Rules.)

If this order becomes operative, and the house has been occupied for business purposes, compensation may become payable on the vacation of the house in pursuance of the order, 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 order and either on 13th December, 1955, or at all times during the ten years preceding the date of the making of the order.

Compensation may also become payable if the house is vacated in pursuance of the order before 13th December, 1965, and 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).

Any person on whom a copy of this order is served who thinks that if the order becomes operative he may have a claim to compensation on the vacation of the house should notify the clerk of the local authority in writing of the facts on which he relies, as it is important to establish the facts relating to ownership or occupation as soon as possible.

The compensation if it becomes payable is the market value for its existing use of the interest of the person entitled to compensation, less the value of his interest in the site, which he retains after the demolition of the house. A person who is entitled to such compensation cannot also receive a payment for good maintenance.

FORM NO. 8

HOUSING ACT, 1957

Sections 25 and 44 (7).

NOTICE OF INTENTION TO CLEANSE BUILDING TO WHICH A DEMOLITION ORDER OR CLEARANCE ORDER APPLIES

* To be served between date on which order is made or confirmed and date on which it becomes operative.

To* of , the owner of the building known as , being premises to which a [demolition order made] [clearance order confirmed] on the day of , 19 , applies.

Take Notice that the Council in pursuance of their powers under [section 25] [sections 25 and 44 (7)] of the Housing Act, 1957, intend to cleanse the above-mentioned premises from vermin before they are demolished.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTE

After the service of this notice the demolition of the premises must not be begun, or, if begun, be continued until the local authority have served a further notice authorising the demolition to proceed. At any time after the order has become operative and the premises have been vacated the local authority may enter and carry out such work as they think requisite for the purpose of destroying or removing vermin. If at any time after the premises have been vacated the local authority have not done this, the owner can serve notice in writing on them requiring them to carry out the work within 14 days, at the end of which period he will be free to proceed with the demolition whether the work has been completed or not.

FORM NO. 9

HOUSING ACT, 1957

Sections 25 and 44 (7).

NOTICE TO PROCEED WITH DEMOLITION AFTER A BUILDING HAS BEEN CLEANSED

To of , being the owner of the premises known as .

Take Notice that—

(1) the Council have completed the cleansing of the above-mentioned premises which are subject to a [demolition order] [clearance order] which became operative on the day of , 19 , and in relation to which a notice of intention to cleanse was served upon you by the Council on the day of , 19 ;

(2) you are hereby authorised to proceed with the demolition of the said premises in accordance with the said order ; and

(3) you are accordingly required to proceed with the demolition and to complete it within six weeks from the date of the service of this notice on you or such longer period (if any) as may have been allowed by the said order.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 10

HOUSING ACT, 1957

NOTICE TO OCCUPIER TO QUIT HOUSE AFTER DEMOLITION ORDER HAS BECOME OPERATIVE

Section 22.

To , the occupier of the house known as .

Take Notice that—

(1) on the day of , 19 , the Council duly made a demolition order which requires—

(*a*) the above-mentioned house to be vacated within days from the date on which the order becomes operative; and

(*b*) the said house to be demolished within weeks from the end of the period mentioned in (*a*) above, or if the house is not vacated before the end of that period, within weeks from the date on which it is vacated;

(2) the demolition order became operative on the day of , 19 ;

(3) in pursuance of section 22 of the Housing Act, 1957, you are hereby required to quit the said house before the * day of , 19 .

* 28 days from service of this notice or end of period mentioned in demolition order, if later.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

If at any time after the date on which this notice requires the house to be vacated any person is in occupation of the house, or of any part thereof, the local authority or any owner of the house may complain to a magistrates court, who are thereupon required to order vacant possession of the house to be given to the person making the complaint.

A person who knowing that the demolition order has become operative enters into occupation of the house to which it applies, or any part thereof, after the date by which the order requires the house to be vacated, or permits any other person to enter into such occupation after that date, is liable on summary conviction to a fine not exceeding £20, and to a further fine of £5 for every day, or part of a day, on which the occupation continues after conviction.

FORM NO. 11

HOUSING ACT, 1957

NOTICE OF DETERMINATION BY LOCAL AUTHORITY TO PURCHASE HOUSE IN LIEU OF MAKING A DEMOLITION ORDER

Section 17 (2).

To of , being the owner of the house known as .

Take Notice that—

(1) the Council, having been satisfied that the above-mentioned house was unfit for human habitation and was not capable of being rendered

fit at reasonable expense, and having complied with the provisions of section 16 of the Housing Act, 1957, in relation to the house, [have not accepted any such] [accepted such an] undertaking as is mentioned in the said section [the terms of which have been broken] ;

(2) it appears to the Council that the house is or can be rendered capable of providing accommodation which is adequate for the time being ; and

(3) the Council have accordingly determined to purchase the house under subsection (2) of section 17 of the Housing Act, 1957, in lieu of making a demolition or closing order in respect thereof.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

A person aggrieved by this notice may appeal against it within 21 days after the date of the service of the notice to the County Court within the jurisdiction of which the house is situate. An appeal cannot be brought by a person in occupation of the house under a lease or agreement of which the unexpired term does not exceed three years.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this notice must at the same time be filed in the Court Office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

This notice will become operative 21 days after the date of the service of the notice unless an appeal has been brought against it. If an appeal is brought, the notice will not become operative until the appeal is finally determined or withdrawn. When the notice has become operative the local authority may purchase the house by agreement or may be authorised by the Minister of Housing and Local Government to purchase it compulsorily.

Compensation

If the house is purchased compulsorily, the compensation payable is the value 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 any person interested in the house to which this notice relates thinks that notwithstanding its unfitness the house has been well maintained by him or at his expense, he may, within three months after the service of this notice make a representation to the local authority accordingly. A form of representation may be obtained at 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.

Unless the local authority notify a person making a representation that they do not consider that the house has been well maintained, he will be entitled to a payment from them in accordance with section 30 of the Housing Act, 1957. If the local authority give him notice that no payment falls to be made to him, and he is aggrieved by that notice, he can within 21 days after the date of its service on him appeal to the County Court within the jurisdiction of which the house is situate, unless he agrees with the local authority to submit the matter to arbitration. (See the second and third paragraphs of these Notes as to the requirements of the County Court Rules.)

Compensation based on market value 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 preceeding the date of the making of the order.

Compensation based on market value may also become payable if the house is purchased in pursuance of the order before 13th December, 1965, and 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).

If a person thinks that, if this notice becomes operative, he may have a claim to this further compensation on the compulsory purchase of the house, he should notify the clerk of the local authority in writing of the facts on which he relies, as it is important to establish the facts relating to ownership or occupation as soon as possible.

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

FORM NO. 12

HOUSING ACT, 1957

Section 18.

NOTICE OF TIME AND PLACE FOR CONSIDERATION OF MATTERS RELATING TO THE MAKING OF A CLOSING ORDER IN RESPECT OF PART OF A BUILDING

To of , being the person having control* of the part of the building known as , which comprises , and to of , being the owner[s] of the premises, and to of , being the mortgagee[s] of the premises.

* See section 39 (2).

Take Notice that the Council are satisfied that the above-mentioned part of the said building [which is used, or is suitable for use, as a dwelling] [which is an underground room such as is referred to in subsection (2) of section 18 of the Housing Act, 1957,] is unfit for human habitation and is not capable of being rendered fit at reasonable expense, and that the condition thereof, and any offer with respect to the carrying out of works, or the future use thereof, which you may wish to submit, will be considered by the Council at a meeting at on the † day of , 19 , at o'clock when you will be entitled to be heard.

† In any case at least 21 days from date of service of notice, but later if necessary to ensure a reasonable period for submission of list of works in the event of notice of intention to submit an offer being served on the Council.

If you intend to submit an offer with respect to the carrying out of works, you are required to serve upon the Council notice in writing stating your intention within 21 days from the date of service of this notice on you, and if you give such notice you will be required before the meeting mentioned above to submit to them a list of the works which you offer to carry out.

If you fail either—

(a) to notify the Council within the period of 21 days referred to above of your intention to make an offer to carry out works, and

within such reasonable period as the Council may allow submit to them a list of the works which you offer to carry out; or

(b) to make an offer before or at the meeting mentioned above as to the future use of the part of the building to which this notice relates,

the Council will be bound to make an order for the closing thereof.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 13

HOUSING ACT, 1957

Section 18.

CLOSING ORDER IN RESPECT OF PART OF A BUILDING

Whereas the Council, being satisfied that the part of the building known as , which comprises , and [which is used, or is suitable for use, as a dwelling] [which is an underground room such as is referred to in subsection (2) of section 18 of the Housing Act, 1957,] is unfit for human habitation and is not capable of being rendered fit at reasonable expense, have complied with the provisions of section 16 of the Housing Act, 1957, in relation to the premises;

[And Whereas no such undertaking in relation to the premises as is mentioned in the said section 16 has been accepted:]

[And Whereas such an undertaking in relation to the premises as is mentioned in the said section 16, which was accepted on the day of , 19 , has been broken:]

Now Therefore the Council in pursuance of section 18 of the Housing Act, 1957, by this order prohibit the use of the above-mentioned [part of the said building] [room] for any purpose other than a purpose approved by the Council and hereby approve the following purpose[s], namely as .

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

NOTES

A person aggrieved by this order may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of the order to the County Court within the jurisdiction of which the premises to which the order relates are situate, and if an appeal is brought no proceedings may be taken by the local authority to enforce the order until the appeal has been finally determined or withdrawn. An appeal cannot be brought by a person who is in occupation of the premises under a lease or agreement of which the unexpired term does not exceed three years.

This order will become operative 21 days after the date of the service of the order unless an appeal has been brought against it. If an appeal is brought, the order will not become operative until the appeal is finally determined or withdrawn.

After this order has become operative, the local authority must not unreasonably refuse their approval of a proposed use of the premises to which it relates, and a person aggrieved by a refusal may within 21 days after the refusal appeal to the County Court within the jurisdiction of which the premises are situate.

The local authority must determine this order if at any time after it has become operative they are satisfied that the premises to which it relates have been rendered fit for human habitation. A person aggrieved

by their refusal to determine the order (except a person in occupation of the premises under a lease or agreement of which the unexpired term does not exceed three years) may within 21 days after the refusal appeal to the County Court.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this order (and in the case of a refusal, a copy of the refusal) must at the same time be filed in the Court Office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

A person who knowing that this order has become operative uses the premises to which it relates in contravention of the terms of the order, or permits them to be so used, is liable on summary conviction to a fine not exceeding £20 and to a further fine of £5 for every day or part of a day on which he so uses them or permits them to be so used after conviction.

FORM NO. 14

HOUSING ACT, 1957

CLOSING ORDER IN LIEU OF DEMOLITION ORDER IN RESPECT OF A HOUSE

Proviso to section 17 (1).

Whereas the Council, being satisfied that the house known as , is unfit for human habitation and is not capable of being made fit at reasonable cost, have complied with the provisions of section 16 of the Housing Act, 1957, in relation to the house;

[And Whereas no such undertaking in relation to the house as is mentioned in the said section 16 has been accepted;]

[And Whereas such an undertaking in relation to the house as is mentioned in the said section 16, which was accepted on day of , 19 , has been broken;]

And Whereas the Council would be required, apart from the provisions of the proviso to subsection (1) of section 17 of the said Act, to make an order for the demolition of the house, but the Council consider it inexpedient to make a demolition order having regard to the effect of the demolition of the house upon other houses or buildings:

Now Therefore the Council in exercise of the power conferred on them for that purpose by the proviso to subsection (1) of section 17 of the Housing Act, 1957, by this order prohibit the use of the above-mentioned house for any purpose other than a purpose approved by the Council and hereby approve the following purpose[s], namely as

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

NOTES

A person aggrieved by this order may appeal against it to the County Court. The appeal must be brought within 21 days after the date of the service of the order to the County Court within the jurisdiction of which the house is situate, and if an appeal is brought, no proceedings may be taken by the local authority to enforce the order until the appeal has been finally determined or withdrawn. An appeal cannot be brought by a person in occupation of the house under a lease or agreement of which the unexpired term does not exceed three years.

This order will become operative 21 days after the date of the service of the order unless an appeal has been brought against it. If an appeal is brought the order will not become operative until the appeal is finally determined or withdrawn.

After this order has become operative, the local authority must not unreasonably refuse their approval of a proposed use of the house to which it relates, and a person aggrieved by a refusal may within 21 days after the refusal appeal to the County Court within the jurisdiction of which the house is situate.

The local authority must determine this order if at any time after it has become operative they are satisfied that the house to which it relates has been rendered fit for human habitation. A person aggrieved by their refusal to determine the order (except a person in occupation of the house under a lease or agreement of which the unexpired term does not exceed three years) may appeal to the County Court.

The County Court Rules provide that an appeal shall be brought by requesting the Registrar of the County Court having jurisdiction in the matter to enter the appeal. A copy of this order (and in the case of a refusal a copy of the refusal) must at the same time be filed in the Court Office together with an additional copy of the request to the Registrar for service on the local authority.

The County Court Rules further provide that the request to the Registrar for entry of the appeal shall be in accordance with the form prescribed by the rules, with such variations as the circumstances may require.

This order may at any time be revoked by the local authority, who may then make a demolition order without prior notice. A copy of any such order made will be served upon interested persons.

A person who knowing that this order has become operative uses the house to which it relates in contravention of the terms of the order, or permits it to be so used, is liable on summary conviction to a fine not exceeding £20 and to a further fine of £5 for every day or part of a day on which he so uses it or permits it to be so used after conviction.

Compensation

If a person interested in the house to which this order applies thinks that notwithstanding its unfitness the house has been well maintained by him or at his expense, he may within three months after the service of a copy of the order on persons interested make a representation to the local authority accordingly. A form of representation may be obtained from the Council Offices. A person on whom this order 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.

Unless the local authority notify a person making a representation that they do not consider that the house has been well maintained, he will on the vacation of the house be entitled to a payment from them in accordance with section 30 of the Housing Act, 1957. If the local authority give him notice that no payment falls to be made to him, and he is aggrieved by that notice, he can within 21 days after the date of its service on him appeal to the County Court within the jurisdiction of which the house is situate, unless he agrees with the local authority to submit the matter to arbitration. (See the seventh and eighth paragraphs of these Notes as to the requirement of the County Court Rules.)

If this order becomes operative, compensation may become payable if the house is vacated in pursuance of the order before 13th December, 1965, and the house has been occupied as a private dwelling, provided that certain 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 a freehold interest or a leasehold interest for more

than a year, 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).

Any person on whom a copy of this order is served who thinks that if the order becomes operative he may have a claim to compensation on the vacation of the house should notify the clerk of the local authority in writing of the facts on which he relies, as it is important to establish the facts relating to ownership or occupation as soon as possible.

The compensation if it becomes payable is the market value for its existing use of the interest of the person entitled to compensation, less the value of his interest in the site, which he retains after the closing order becomes operative. A person entitled to such compensation cannot also receive a payment for good maintenance.

FORM NO. 15

HOUSING ACT, 1957

CLEARANCE ORDER

Section 44.

Whereas by a resolution passed on the day of , 19 , the Council declared a certain area which they had duly caused to be defined on a map to be a clearance area;

And Whereas by a resolution passed on the day of , 19 , the Council determined to order the demolition of the buildings hereinafter referred to which are situate within the said clearance area:

Now Therefore the Council, in pursuance of their powers under section 44 of the Housing Act, 1957, hereby order as follows:—

1. The buildings specified in the schedule hereto and delineated and shown [coloured pink] on a map marked "Map referred to in the Clearance Order, 19 ", sealed with the common seal of the Council and deposited at the offices of the Council, shall be demolished.
2. For the purposes of demolition each such building shall be vacated on or before the expiration of the period specified in the sixth column of the schedule hereto opposite the number and description of that building in columns 1 and 2.
3. This order may be cited as the Clearance Order, 19 .

SCHEDULE

Reference numbers on map (1)	Description of buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or less) (5)	Period from the date when the order becomes operative within which the building is to be vacated* (6)

A period must be entered in this column even for a building known to be vacant.

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

FORM NO. 16

HOUSING ACT, 1957

Section 46 (1), (2) and (3).

CLEARANCE ORDER PROVIDING FOR POSTPONEMENT OF DEMOLITION

Whereas by a resolution passed on the day of , 19 , the Council declared a certain area which they had duly caused to be defined on a map to be a clearance area;

And Whereas by a resolution passed on the day of , 19 , the Council determined to order the demolition of buildings in the said clearance area, including the [house] [houses] hereinafter referred to;

And Whereas the Council are of opinion that the [house is] [houses are] or can be rendered capable of providing accommodation which is adequate for the time being, and that the [house] [houses] ought not to be demolished for the time being but ought to be retained for temporary use for housing purposes;

And Whereas the Council [have acquired] [are satisfied that by the time this order becomes operative they will have acquired] such rights under [a tenancy] [tenancies] of the [house] [houses] as will enable them to retain the [house] [houses] for use for housing purposes until they determine that [it is] [they are] no longer required for such use and to deal with [it] [them] in all respects as if [it was a house] [they were houses] on land in a clearance area belonging to them:

Now Therefore the Council, in pursuance of their powers under section 46 of the Housing Act, 1957, hereby order as follows:—

1. The [house] [houses] specified in the schedule hereto and delineated and shown [coloured pink] on a map marked "Map referred to in the Clearance Order, 19 ", sealed with the common seal of the Council and deposited at the offices of the Council, shall be demolished.
2. The demolition of the [house] [houses] shall be postponed until the Council determine that the [house is] [houses are] no longer required for use for housing purposes.
3. This order may be cited as the Clearance Order, 19 .

SCHEDULE

Reference number on map (1)	Description of houses (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or less) (5)

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

FORM NO. 17

HOUSING ACT, 1957

PERSONAL NOTICE OF THE MAKING OF A CLEARANCE ORDER FOR DEMOLITION OF BUILDINGS

Paragraph 3 (1) (*b*) of Fifth Schedule.

To of .

Take Notice that—

(1) the Council, in pursuance of their powers under section 44 of the Housing Act, 1957, on the day of , 19 , made the Clearance Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, ordering the demolition of the buildings described in the schedule to this notice;

(2) copies of the order and of the map referred to therein and a map of the clearance area have been deposited at , and may be seen at all reasonable hours;

(3) the buildings included in the clearance area to which the clearance order relates in which you are interested as [owner] [mortgagee] [lessee] [occupier] are

;

(4) the order requires that for the purpose of demolition these buildings shall be vacated within [weeks] [months] after the order becomes operative;

(5) 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 .

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

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, the Minister may, if he thinks fit, confirm the clearance order with or without modification; but 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 by him for that 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 modification.

If this order is confirmed by the Minister of Housing and Local Government it will become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the

provisions of the Housing Act, 1957, but if proceedings in the High Court are commenced within that period for questioning the validity of the order, the court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

If this order becomes operative, the owner or owners of any building to which the order applies will have to demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated. In either case the period of six weeks may be extended by the local authority.

Compensation

If the order is confirmed the Minister of Housing and Local Government may direct the local authority to make a payment in accordance with section 60 of the Housing Act, 1957, in respect of a house to which the order will apply if he is satisfied that notwithstanding its unfitness it has been well maintained. If a person who has an interest in the house thinks that the house 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 (5) of this notice. A form of representation may be obtained from the Council Offices. Persons on whom this notice is served who have tenants on a monthly or lesser tenancy or statutory tenants in occupation of houses in respect of which the notice is served are requested to bring this paragraph to the notice of those occupiers.

If this order becomes operative, and a house to which the order applies has been occupied for business purposes, compensation may become payable on the vacation of the house in pursuance of the order, 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 order and either on 13th December, 1955, or at all times during the ten years preceding the date of the making of the order.

Compensation may also become payable if the house is vacated in pursuance of the order before 13th December, 1965, and has been occupied as a private dwelling, provided 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).

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

The compensation if it becomes payable is the market value for its existing use of the interest of the person entitled to compensation, less the value of his interest in the site, which he retains after the order becomes operative. A person who is entitled to such compensation cannot also receive a payment for good maintenance.

FORM NO. 18

HOUSING ACT, 1957

ADVERTISEMENT OF MAKING OF CLEARANCE ORDER FOR DEMOLITION OF BUILDINGS

Section 44 and paragraph 3 (1) (*a*) of Fifth Schedule.

Notice is hereby given that the Council in pursuance of their powers under section 44 of the Housing Act, 1957, on the day of , 19 , made the Clearance Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, ordering the demolition of the buildings described in the schedule to this notice and their vacation within the periods respectively specified in the order.

Copies of the said order and of the map referred to therein, and a map of the clearance area have been deposited at , and may be seen at all reasonable hours.

SCHEDULE

Dated this day of , 19 .

Signed
Clerk of the Local Authority.

FORM NO. 19

HOUSING ACT, 1957

PERSONAL NOTICE OF MAKING OF CLEARANCE ORDER FOR DEMOLITION OF HOUSES BUT POSTPONING DEMOLITION

Section 46 and paragraph 3 (1) (*b*) of Fifth Schedule.

To of .

Take Notice that—

(1) the Council, in pursuance of their powers under section 46 of the Housing Act, 1957, on the day of , 19 , made the Clearance Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, ordering the demolition of the houses described in the schedule to this notice;

(2) copies of the order and of the map referred to therein and a map of the clearance area have been deposited at , and may be seen at all reasonable hours;

(3) the [house] [houses] to which the order relates in which you are interested as [owner] [mortgagee] [lessee] [occupier] [is] [are]

;

(4) the order requires the demolition of the houses but provides that the demolition of the [house] [houses] shall be postponed until the Council determine that [it is] [they are] no longer required for use by them for housing purposes. When this happens the Council will serve notice of the period (not being less than six weeks) within which the house is required to be demolished;

(5) 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, London, S.W.1., before the * day of , 19 .

* A reasonable period should be allowed, and in any case not less than 14 days.

SCHEDULE

Dated this day of , 19 .

Signed
Clerk of the Local Authority.

NOTES

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification; but 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 by him for that purpose, and to consider any objections 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 modification.

If the order is confirmed by the Minister it will become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of the Housing Act, 1957, but if proceedings in the High Court are commenced within that period for questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

Compensation

If the order is confirmed the Minister of Housing and Local Government will have power to direct the local authority to make a payment in accordance with section 60 of the Housing Act, 1957, in respect of a house to which the order will apply on the order becoming operative if notwithstanding its unfitness he is satisfied that it has been well maintained. If a person who has an interest in the house but who will not be entitled to compensation thinks that the house 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 (5) of this notice. A form of representation may be obtained from the Council Offices. Persons on whom this notice is served who have tenants on a monthly or lesser tenancy or statutory tenants in occupation of houses or parts of houses in respect of which the notice is served are requested to bring this paragraph to the notice of those occupiers.

If this order becomes operative, and a house to which the order applies has been occupied for business purposes, compensation may become payable on the vacation of the house in pursuance of the order, 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 leasehold interest for more than a year at the date of the making of the order and either on 13th December, 1955, or at all times during the ten years preceding the date of the making of the order.

Compensation may also become payable if the house is vacated in pursuance of the order before 13th December, 1965, and 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).

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

The compensation if it becomes payable is the market value for its existing use of the interest of the person entitled to compensation, less the value of his interest in the site, which he retains after the order becomes operative. A person who is entitled to such compensation cannot also receive a payment for good maintenance.

FORM NO. 20

HOUSING ACT, 1957

ADVERTISEMENT OF MAKING OF CLEARANCE ORDER FOR DEMOLITION OF HOUSES BUT POSTPONING DEMOLITION

Section 46 and paragraph 3 (1) (*a*) of Fifth Schedule.

Notice is hereby given that the Council, in pursuance of their powers under section 46 of the Housing Act, 1957, on the day of , 19 , made the Clearance Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, ordering the demolition of the houses described in the schedule to this notice, but postponing their demolition until the Council determine that they are no longer required for use by them for housing purposes.

Copies of the said order and of the map referred to therein and a map of the clearance area have been deposited at , and may be seen at all reasonable hours.

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 21

HOUSING ACT, 1957

ADVERTISEMENT AND PERSONAL NOTICE OF CLEARANCE ORDER CONFIRMED BY THE MINISTER OF HOUSING AND LOCAL GOVERNMENT

Paragraph 1 of Fourth Schedule.

To* of

* Name and address of objector who supported his objection at local inquiry (to be omitted from advertisement).

Notice is hereby given that the Minister of Housing and Local Government in pursuance of the powers vested in him by the Housing Act, 1957, on the day of , 19 , confirmed [with modifications] the Clearance Order, 19 , made by the Council under section 44 of the said Act of 1957 on the day of , 19 , and submitted to him by them on the day of , 19 , ordering the demolition of the buildings described in the schedule to this notice [and their vacation for that purpose within the periods respectively specified in the order] [but postponing their demolition].

Copies of the confirmed order and of the map referred to therein and a map of the clearance area have been deposited at , and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from [the date of publication of this notice] [the day of , 19 , on which a notice in like terms to this notice was published in the press], but if proceedings in the High Court are commenced within that period for questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Housing Act, 1957, or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 22

HOUSING ACT, 1957

Section 45 (2).

NOTICE TO OCCUPIER TO QUIT BUILDING AFTER CLEARANCE ORDER HAS BECOME OPERATIVE

To , being the occupier of the building known as .

Take Notice that—

(1) by the Clearance Order, 19 , made by the Council in pursuance of their powers under section 44 of the Housing Act, 1957, and confirmed by the Minister of Housing and Local Government on the day of , 19 , it was ordered that the above-mentioned building be demolished and for the purposes of demolition be vacated within [weeks] [months] from the date of the order becoming operative;

(2) the said clearance order became operative on the day of , 19 ;

(3) in pursuance of subsection (2) of section 45 of the Housing Act, 1957, you are required to quit the said building before the * day of , 19 .

* 28 days from service of the notice or the end of the period mentioned in clearance order, if later.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

If at any time after the date on which this notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may complain to a magistrates court, who are thereupon required to order vacant possession of the building or of the part thereof to be given to the complainant.

A person who, knowing that this clearance order has become operative and applies to the building, enters into occupation of the building, or of any part thereof, after the date by which the order requires the building to be vacated, or permits any other person to enter into such occupation after that date, is liable on summary conviction to a fine not exceeding £20 and to a further fine of £5 for every day or part of a day on which the occupation continues after conviction.

FORM NO. 23

HOUSING ACT, 1957

NOTICE REQUIRING DEMOLITION OF HOUSE THE DEMOLITION OF WHICH HAS BEEN POSTPONED UNDER A CLEARANCE ORDER

Section 46 (4).

To of
being the owner of the house known as .

Take Notice that—

(1) the Council have determined that the above-mentioned house (the demolition of which has been postponed under the Clearance Order, 19 , which duly became operative) is no longer required by them for use for housing purposes; and

(2) you are hereby required to demolish the said house within a period of six* weeks from the date of this notice.

* A longer period may be allowed.

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 24

HOUSING ACT, 1957

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA

Section 43 (3).

Whereas by a resolution passed on the day of , 19 , the Council declared a certain area which they had duly caused to be defined on a map to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions of Part III of the Housing Act, 1957;

And Whereas by a resolution passed on the day of , 19 , the Council in pursuance of their powers under subsection (1) of section 43 of the said Act of 1957 determined to purchase the lands hereinafter mentioned which are comprised in the said clearance area and themselves to undertake or otherwise to secure the demolition of the buildings thereon;

And Whereas by a resolution passed on the day of , 19 , the Council in pursuance of their powers under subsection (2) of the said section 43 determined to purchase other lands hereinafter mentioned as being land surrounded by or adjoining the said clearance area:

Now Therefore the Council, in pursuance of their powers under subsection (3) of section 43 of the Housing Act, 1957, hereby make the following order:—

1. Subject to the provisions of this order, the Council are hereby authorised to purchase compulsorily for the purposes of the provisions of Part III of the Housing Act, 1957, relating to clearance areas the following lands, namely—

(*a*) the lands described in Part I of the schedule to this order and shown [coloured pink] on a map marked "Map referred to in the Compulsory Purchase Order, 19 ", sealed with the common seal of the Council and deposited at the offices of the Council, which said lands were included in the said clearance area on the ground that the houses thereon were unfit for human habitation;

(*b*) the lands described in Part II of the said schedule and shown [coloured pink hatched yellow] on the said map, being lands which were included in the said clearance area on the ground only that the buildings thereon by reason of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets were dangerous or injurious to the health of the inhabitants of the area;

(*c*) the lands described in Part III of the said schedule and [coloured grey] on the said map, which said lands are outside the said clearance area.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 133 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Town and Country Planning Acts, 1947 to 1954; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of Part II of the Third Schedule to the Housing Act, 1957, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3. The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Church Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the Compulsory Purchase Order, 19 .

SCHEDULE

Reference numbers and colouring on map	Description of lands	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or less)
	LANDS WITHIN THE CLEARANCE AREA			
	PART I			
	PART II			
	LANDS OUTSIDE THE CLEARANCE AREA			
	PART III			

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

FORM NO. 25

HOUSING ACT, 1957

Paragraph 2 (1) (*a*) of Third Schedule.

ADVERTISEMENT OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA

Notice is hereby given that the Council, in pursuance of their powers under section 43 of the Housing Act, 1957, on the day of , 19 , made an order which is about to be submitted to the Minister of Housing and Local Government for confirmation, authorising them to purchase compulsorily the lands described in the schedule to this notice, being lands in an area declared to be a clearance area by a resolution of the Council dated the day of , 19 , and also lands surrounded by or adjoining the said area.

Copies of the said order and of the map referred to therein and of the map of the clearance area have been deposited at , and may be seen at all reasonable hours.

The order distinguishes the following classes of lands namely—

(*a*) lands included in the clearance area on which there are—

(i) houses unfit for human habitation ; and

(ii) buildings which by reason only of their bad arrangment in relation to other buildings, or the narrowness or bad arrangement of the streets, are dangerous or injurious to the health of the inhabitants of the area ; and

(*b*) lands outside the clearance area.

SCHEDULE

Signed

Clerk of the Local Authority.

FORM NO. 26

HOUSING ACT, 1957

Paragraph 2 (1) (*a*) of Third Schedule.

PERSONAL NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA

To of .

Take Notice that—

(1) the Council, in pursuance of their powers under section 43 of the Housing Act, 1957, on the day of , 19 , made the Compulsory Purchase Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, authorising the Council to purchase compulsorily the lands described in the schedule to this notice ;

(2) the lands included in the order are—

(*a*) lands in an area declared to be a clearance area by a resolution of the Council dated the day of , 19 , which lands the Council have determined to purchase for securing the clearance thereof by themselves undertaking or otherwise securing the demolition of the buildings thereon ;

(*b*) lands which the Council have determined to purchase as being [lands surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of covenient shape and dimensions] [and] [lands adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area] ;

(3) copies of the order and the map referred to therein and a map of the clearance area have been deposited at , and may be seen at all reasonable hours ;

(4) the order distinguishes the following classes of lands, namely—

(*a*) lands included in the clearance area on which there are—

(i) houses unfit for human habitation ;

(ii) buildings which by reason only of their bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets are dangerous or injurious to the health of the inhabitants of the area ; and

(*b*) lands outside the clearance area ;

(5) the [land] [lands] in which you are interested as [owner] [mortgagee] [lessee] [occupier] [is] [are] included in the [class] [classes] mentioned at of paragraph (4) above ;

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

* A reasonable period should be allowed, and in any case not less than 14 days.

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may if he thinks fit confirm the order with or without modification, but 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 by him for that 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 modification.

The Minister is required, if he comes to the conclusion that land included in the clearance area ought not to have been included, to modify the order so as to exclude that land for all purposes from the clearance area, but if he nevertheless considers that the land may properly be purchased by the local authority as being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, or as being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area, he is required further to modify the order so as to authorise the authority to purchase the land as land outside the clearance area.

If the order is confirmed by the Minister it will become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of the Housing Act, 1957, but if proceedings in the High Court are commenced within that period for questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

COMPENSATION

If the order becomes operative, the compensation payable for land, including any buildings thereon, which is purchased under the order will be as follows.

For land falling within the class mentioned in paragraph 4 (a) (*i*) *of this notice,* the compensation will be its value 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.

The Minister of Housing and Local Government may on confirming the order direct the local authority to make a payment in accordance with section 60 of the Housing Act, 1957, in respect of a house on land to which the order will apply on the order becoming operative if he is satisfied that notwithstanding its unfitness it has been well maintained. If a person interested in the house thinks that the house 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 (6) of this notice. A form of representation may be obtained from the Council Offices. Persons on whom this notice is served who have tenants on a monthly or lesser tenancy or statutory tenants in occupation of houses on lands in respect of which this notice is served are requested to bring this paragraph to the notice of those occupiers.

Compensation based on market value may be payable in respect of a house which 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 the 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 order and either on 13th December, 1955, or at all times during the ten years preceding the date of the making of the order.

Compensation based on market value may also become payable if the house is purchased 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).

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

The further compensation, if it becomes payable, is the market value for its existing use 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.

For land falling within the classes mentioned in paragraph 4 (a) *(ii) and* (b) *of this notice,* the compensation will be the market value for its existing use of the interest of the person entitled to compensation, subject to the rules in Part III of the Third Schedule to the Housing Act, 1957.

FORM NO. 27

HOUSING ACT, 1957

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HOUSING AND LOCAL GOVERNMENT IN RESPECT OF LAND COMPRISED IN A CLEARANCE AREA AND LAND SURROUNDED BY OR ADJOINING THE AREA

Paragraph 1 of Fourth Schedule.

To* of .

* Name and address of objector who supported his objection at local inquiry (to be omitted from advertisement).

Notice is hereby given that the Minister of Housing and Local Government, in pursuance of the powers vested in him by the Housing Act, 1957, on the day of , 19 , confirmed [with modifications] the Compulsory Order, 19 , submitted to him by the Council, authorising them to purchase compulsorily under section 43 of the said Act the lands described in the schedule to this notice, which lands are lands in an area declared to be a clearance area by a resolution of the Council dated the day of , 19 [, and also lands surrounded by and/or lands adjoining the said clearance area].

Copies of the confirmed order and of the map referred to therein and a map of the said clearance area have been deposited at , and may be seen at all reasonable hours.

The order distinguishes the following classes of lands to be purchased compulsorily, namely—

(*a*) lands included in the clearance area on which there are—

(i) houses unfit for human habitation ;

(ii) buildings which by reason only of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets are dangerous or injurious to the health of the inhabitants of the area ; and

(*b*) lands outside the clearance area.

The order will become operative at the expiration of six weeks from [the date of publication of this notice] [the day of , 19 , on which a notice in like terms to this was published in the press], but if proceedings in the High Court are instituted within that period for questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE

Dated this day of , 19 .

Signed
Clerk of the Local Authority.

FORM NO. 28

HOUSING ACT, 1957

Section 51 (2).

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER

Whereas pursuant to the provisions of the Housing Act, 1957, the Clearance Order, 19 , made by the Council and confirmed by the Minister of Housing and Local Government, became operative on the day of , 19 ;

And Whereas by a resolution passed on the day of , 19 , the Council in pursuance of their powers under subsection (1) of section 51 of the said Act of 1957 determined to purchase the lands hereinafter described as being lands which have been cleared of buildings in accordance with the said clearance order and which at the date of the passing of the said resolution had not been, or were not in process of being, used for building purposes, or otherwise developed in the manner stated in the said subsection (1):

Now Therefore the Council, in pursuance of their powers under subsection (2) of section 51 of the Housing Act, 1957, hereby make the following order:—

1. Subject to the provisions of this order, the Council are hereby authorised to purchase compulsorily for the purposes of subsection (5) of the said section 51 the lands described in the schedule hereto, which lands are shown coloured on a map marked "Map referred to in the Compulsory Purchase Order, 19 ", sealed with the common seal of the Council and deposited at the offices of the Council.

2. Subject to any necessary adaptations the provisions of—

(*a*) the Lands Clauses Acts (except sections 127 to 133 of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Town and Country Planning Acts, 1947 to 1954; and

(*c*) section 77 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the provisions of the Part II of the Third Schedule to the Housing Act, 1957, are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

3. The sums agreed upon or awarded for the purchase of any land comprised in this order which is glebe land or other land belonging to an ecclesiastical benefice or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or injury affecting any such land, shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Church Commissioners to be applied by them as money paid

to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

4. This order may be cited as the Compulsory Purchase Order, 19 .

SCHEDULE

Reference numbers on map	Description of lands	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or less)

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

FORM NO. 29

HOUSING ACT, 1957

ADVERTISEMENT OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER

Paragraph 2 (1) (*a*) of Third Schedule.

Notice is hereby given that the Council, in pursuance of their powers under section 51 of the Housing Act, 1957, on the day of , 19 , made the Compulsory Purchase Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, authorising them to purchase compulsorily the lands described in the schedule to this notice, being lands which the Council by a resolution dated the day of , 19 , determined to purchase as being lands which have been cleared of buildings in accordance with the Clearance Order, 19 , and which at the date of the passing of the said resolution had not been, or were not in process of being, used for building purposes or otherwise developed in the manner stated in subsection (1) of the said section 51.

Copies of the said order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 30

HOUSING ACT, 1957

Paragraph 2 (1) (*b*) of Third Schedule.

PERSONAL NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER IN RESPECT OF LAND CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER

To of

Take Notice that—

(1) the Council, in pursuance of their powers under section 51 of the Housing Act, 1957, on the day of , 19 , made the Compulsory Purchase Order, 19 , which is about to be submitted to the Minister of Housing and Local Government for confirmation, authorising them to purchase compulsorily the lands described in the schedule to this notice;

(2) the lands included in the order are lands which the Council by a resolution dated the day of , 19 , determined to purchase as being lands which have been cleared of buildings in accordance with the Clearance Order, 19 , and which at the date of the passing of the said resolution had not been, or were not in process of being, used for building purposes or otherwise developed in the manner stated in subsection (1) of the said section 51;

(3) copies of the said order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours;

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

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

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

NOTES

If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections are withdrawn, or if the Minister is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he is required before confirming the order to cause a public local inquiry to be held or afford the objector an opportunity of appearing before and being heard by a person appointed by him for that 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 either with or without modification.

FORM NO. 31

HOUSING ACT, 1957

ADVERTISEMENT AND PERSONAL NOTICE OF COMPULSORY PURCHASE ORDER CONFIRMED BY THE MINISTER OF HOUSING AND LOCAL GOVERNMENT IN RESPECT OF LAND CLEARED OF BUILDINGS IN ACCORDANCE WITH A CLEARANCE ORDER

Paragraph 1 of Fourth Schedule.

To* of .

* Name and address of objector who supported his objection at local inquiry (to be omitted from advertisement).

Notice is hereby given that the Minister of Housing and Local Government, in pursuance of the powers vested in him by the Housing Act, 1957, on the day of , 19 , confirmed [with modification] the Compulsory Purchase Order, 19 , submitted to him by the Council, authorising them to purchase compulsorily under section 51 of the said Act the lands described in the schedule to this notice as being lands which had been cleared of buildings in accordance with the Clearance Order, 19 , but which at the date of the passing of the resolution of the Council determining to purchase the said lands had not been, or were not in process of being, used for building purposes or otherwise developed in the manner stated in subsection (1) of the said section 51.

Copies of the confirmed order and of the map referred to therein have been deposited at , and may be seen at all reasonable hours.

The order will become operative at the expiration of six weeks from [the date of publication of this notice] [the day of , 19 , on which a notice in like terms to this notice was published in the press], but if proceedings in the High Court are commenced within that period for questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act, or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, quash the order either generally or in so far as it affects any property of the applicant.

SCHEDULE

Dated this day of , 19 .

Signed

Clerk of the Local Authority.

FORM NO. 32

HOUSING ACT, 1957

TOWN AND COUNTRY PLANNING ACT, 1944, AS AMENDED BY THE TOWN AND COUNTRY PLANNING ACT, 1947

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 designated by a development plan under the Town and County Planning Act, 1947, as subject to compulsory acquisition] [is proposed to be acquired compulsorily under [subsection (2) of section 37] [subsection (2) of section 38] of the Town and Country Planning Act, 1947];

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 9 of the Fifth Schedule to the Town and Country Planning Act, 1944, as amended by the Town and Country Planning Act, 1947, 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

FORM NO. 33

HOUSING ACT, 1957

TOWN AND COUNTRY PLANNING ACT, 1944, AS AMENDED BY THE TOWN AND COUNTRY PLANNING ACT, 1947

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 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 , 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 schedule to this notice [, and shown coloured pink on the map annexed to the order], being [a house] [houses] on [land] [lands] [designated by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition] [proposed to be acquired compulsorily under [subsection (2) of section 37] [subsection (2) of section 38] of the Town and Country Planning Act, 1947];

(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 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 .

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

FIRST SCHEDULE

SECOND SCHEDULE

Dated this day of 19 .

Signed
Clerk of the Local Authority.

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, and may then, if he thinks fit, confirm the order.

If the unfitness order is confirmed, the compensation payable for a house to which the order applies if it is purchased compulsorily under a compulsory purchase order confirmed under Part IV of the Town and Country Planning Act, 1947, either before or within two years after the confirmation of the unfitness order 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 a person interested in the house thinks that the house has been well maintained by him or at his expense, he must make a representation in writing to the Minister of Housing and Local Government, Whitehall, S.W.1., not later than three months after his first becoming aware that a notice to treat for the purchase of any interest in the house has been served. A representation should, however, be made as soon as possible after a compulsory purchase order is made. On receiving such a representation the Minister may direct the local authority to make a payment in accordance with section 60 of the Housing Act, 1957, if he is satisfied that notwithstanding its unfitness the house has been well maintained. 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.

Compensation based on market value 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.

Compensation based on market value may also become payable if the house is purchased in pursuance of the compulsory purchase order 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 for its existing use 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.

EXPLANATORY NOTE

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

These regulations prescribe the forms of orders, notices and advertisements required to be used for the purposes of the Housing Act, 1957. The prescribed forms replace those prescribed by the Housing (Form of Orders and Notices) Regulations, 1937 to 1956, which are revoked by these Regulations.