



Housing Act 1985

1985 CHAPTER 68

PART VIII

AREA IMPROVEMENT

Modifications etc. (not altering text)

- C1** Pt. VIII (ss. 239–263): by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), [s. 98\(1\)](#) it is provided that the provisions of Part VII of that Act shall have effect in place of Part VIII of this Act

Housing action areas

239 Declaration of housing action area.

- (1) Where a report with respect to an area within their district consisting primarily of housing accommodation is submitted to the local housing authority by a person appearing to the authority to be suitably qualified (who may be an officer of the authority), and the authority, upon consideration of the report and of any other information in their possession, are satisfied, having regard to—
 - (a) the physical state of the housing accommodation in the area as a whole, and
 - (b) social conditions in the area,that the requirement mentioned in subsection (2) is fulfilled with respect to the area, they may cause the area to be defined on a map and by resolution declare it to be a housing action area.
- (2) The requirement is that the living conditions in the area are unsatisfactory and can most effectively be dealt with within a period of five years so as to secure—
 - (a) the improvement of the housing accommodation in the area as a whole,
 - (b) the well-being of the persons for the time being resident in the area, and
 - (c) the proper and effective management and use of that accommodation,by declaring the area to be a housing action area.

Changes to legislation: Housing Act 1985, PART VIII is up to date with all changes known to be in force on or before 30 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In considering whether to take action under this section the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State, either generally or with respect to a particular authority or description of authority or in any particular case, with regard to the identification of areas suitable to be declared housing action areas.
- (4) An area which is declared to be a housing action area shall be such an area for the period of five years . . . ^{F1}, subject to—
 - (a) section 241(2)(a) (power of Secretary of State to overrule declaration),
 - (b) section 250(1)(b) (power of local housing authority to terminate housing action area), and
 - (c) section 251 (extension of duration of housing action area).
- (5) A resolution declaring an area to be a housing action area is a local land charge.

Textual Amendments

F1 Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(2)(a)

240 Steps to be taken after declaration of housing action area.

- (1) As soon as may be after . . . ^{F2} declaring an area to be a housing action area the local housing authority shall take the following steps.
- (2) They shall publish in two more more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
 - (a) identifying the area, and
 - (b) naming a place where a copy of the resolution, a map on which the area is defined and of the report referred to in section 239 may be inspected at all reasonable times.
- (3) They shall take such further steps as appear to them best designed to secure—
 - (a) that the resolution and the obligations imposed by section 247 (duty to notify local housing authority of changes of ownership or occupation of land) are brought to the attention of persons residing or owning property in the area, and
 - (b) that those persons are informed of the name and address of the person to whom should be addressed inquiries and representations concerning action to be taken with respect to the area or concerning the obligations imposed by that section.
- (4) They shall send to the Secretary of State—
 - (a) a copy of the resolution, the map and a copy of the report mentioned in section 239(1),
 - (b) a statement of the numbers of dwellings, houses in multiple occupation and hostels in the area, and
 - (c) a statement, containing such information as the Secretary of State may for the time being require, either generally or with respect to a particular authority or description of authority or in any particular case, showing the basis on which the authority satisfied themselves, having regard to the matters mentioned in section 239(1) and any relevant guidance under section 239(3), that the area was suitable to be a housing action area.

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- (5) They shall also send to the Secretary of State a statement of their proposals, whether general or specific, for the participation of [^{F3}private registered providers of social housing or (as the case may be)] [^{F4}registered social landlords] in dealing with living conditions in the area.

Textual Amendments

- F2** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(2)(b)
- F3** Words in s. 240(5) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 29](#) (with art. 6, Sch. 3)
- F4** Words in s. 240(5) substituted (1.10.1996) by [S.I. 1996/2325](#), art. 5(1), [Sch. 2 para. 14\(18\)](#)

241 Functions of Secretary of State with respect to declaration of housing action area.

- (1) When a local housing authority have declared an area to be a housing action area and have sent to the Secretary of State the documents referred to in section 240(4), he shall send them a written acknowledgement of the receipt of those documents.
- (2) If it appears to the Secretary of State appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent the acknowledgement, notify the authority—
- (a) that the area declared by them to be a housing action area is no longer to be such an area, or
 - (b) that land defined on a map accompanying the notification is to be excluded from the area,
- or notify them that he requires more time to consider their declaration of the area as a housing action area.
- (3) Where the Secretary of State notifies an authority that he requires more time, he may direct the authority to send him such further information and documents as are specified in the direction; and on completion of his consideration of the matter, he shall either—
- (a) notify the authority as mentioned in subsection (2)(a) or (b), or
 - (b) notify them that he proposes to take no further action with respect to their declaration.
- (4) Where the Secretary of State notifies the authority as mentioned in subsection (2)(a) or (b) (whether under that subsection or under subsection (3)), the area concerned shall cease to be a housing action area or, as the case may be, the land concerned shall be excluded from the housing action area, with effect from the date on which the authority is so notified.
- (5) The authority shall, as soon as may be after the receipt of the notification, publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice—
- (a) stating the effect of the Secretary of State's notification, and
 - (b) naming a place where a copy of the notification and, in the case of a notification excluding land from the area, a copy of the amended map of the housing action area, may be inspected at all reasonable times,

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and take such further steps as may appear to them best designed to secure that the effect of the notification is brought to the attention of persons residing or owning property in the area declared by them to be a housing action area.

242 Incorporation into housing action area of land comprised in general improvement area.

- (1) If a local housing authority propose to declare as a housing action area an area which consists of or includes land which is comprised in a general improvement area, they shall indicate on the map referred to in section 239(1) the land which is so comprised.
- (2) With effect from the date on which [^{F5}the area is declared] to be a housing action area, the land so indicated shall be deemed to have been excluded from the general improvement area or, as the case may be, to have ceased to be such an area by virtue of a resolution under section 258 passed on that date, but subject to the following provisions.
- (3) If the Secretary of State notifies the local housing authority in accordance with section 241 that the area declared by them to be a housing action area is no longer to be such an area, subsection (2) shall be treated as never having applied in relation to land in that area.
- (4) If the Secretary of State notifies the local housing authority in accordance with section 241 that any land within the area declared by the authority to be a housing action area is to be excluded from the housing action area, subsection (2) shall be treated as never having applied in relation to land so excluded.

Textual Amendments

F5 Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(2)(c)

243 General powers of local housing authority.

- (1) Where a local housing authority have declared an area to be a housing action area, they may, for the purpose of securing or assisting in securing all or any of the objectives specified in section 239(2)(a) to (c) exercise the following powers.
- (2) They may acquire by agreement, or be authorised by the Secretary of State to acquire compulsorily, land in the area on which there are premises consisting of or including housing accommodation.
- (3) They may undertake on land so acquired all or any of the following activities—
 - (a) the provision of housing accommodation (by the construction, conversion or improvement of buildings, or otherwise);
 - (b) the carrying out of works for the improvement or repair of housing accommodation (including works to the exterior, or on land within the curtilage, of buildings containing housing accommodation);
 - (c) the management of housing accommodation;
 - (d) the provision of furniture, fittings or services in or in relation to housing accommodation.
- (4) If after—

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- (a) the authority have entered into a contract for the acquisition of land under subsection (2), or
- (b) a compulsory purchase order authorising the acquisition of land under that subsection has been confirmed,

the housing action area concerned ceases to be such an area or the land is excluded from the area, the provisions of that subsection continue to apply as if the land continued to be in a housing action area.

244 Environmental works.

- (1) For the purpose of improving the amenities in a housing action area, the local housing authority may—
 - (a) carry out environmental works on land belonging to them, and
 - (b) give assistance towards the carrying out of environmental works by others.
- (2) Assistance under subsection (1)(b) may be given to any person having an interest in the land in question and may consist of all or any of the following—
 - (a) a grant in respect of expenditure which appears to the authority to have been properly incurred in carrying out the works;
 - (b) the provision of materials for the carrying out of the works;
 - (c) the execution of the works, by agreement with the person concerned, either at his expense or at the authority’s expense or partly at his expense and partly at the authority’s expense.

^{F6}(3)

^{F7}(3A)

- (4) Where the assistance takes the form of a grant, it may be paid—
 - (a) after completion of the works, or
 - (b) in part by instalments as the works progress and the balance after completion of the works;

but where part is paid by instalments the aggregate amount of the instalments paid at any time whilst the works are in progress shall not exceed one-half of the cost of the works executed up to that time.

- (5) In this section “environmental works” means any works other than works to the interior of housing accommodation.

Textual Amendments

F6 S. 244(3) repealed (18.7.2003) by S.I. 2002/1860, arts. 1(3), 12, 15, Sch. 4 para. 2(3), **Sch. 6** (with arts. 11(2), 15(2))

F7 S. 244(3A) repealed (17.12.1996) by 1996 c. 53, ss. 103, 147, Sch. 1 para. 7(2), **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3**

245 Contributions by Secretary of State.

- (1) The Secretary of State may pay contributions to a local housing authority towards such expenditure incurred by them under section 244 (environmental works) as he may determine.

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- [^{F8}(2) In the case of any expenditure, the contribution—
- (a) shall be equal to one-half of the amount of the expenditure; and
 - (b) shall be payable in one sum or by two or more instalments, according as the Secretary of State may determine.]
- (3) The aggregate of the expenditure towards which such contributions may be made with respect to a housing action area shall not exceed the sum arrived at by multiplying—
- (a) [^{F9}£600], by
 - (b) the number of dwellings, houses in multiple occupation and hostels stated by the local housing authority under section 240(4)(b) to be in the areaX;
- but two adjoining housing action areas may for this purpose be treated as one.
- (4) The Secretary of State may, with the consent of the Treasury—
- (a) by order substitute in subsections (2) and (3) another fraction for one-half and another amount for £400
 - (b) direct that those subsections shall have effect, in the case of a housing action area specified in the direction or of a description so specified, with the substitution of a higher fraction or a greater amount than that for the time being specified in the subsection.
- (5) An order under subsection (4)(a)—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Textual Amendments

- F8** S. 245(2) substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 98(5)
- F9** “£600” substituted by [S.I. 1988/1258](#), art. 2

246 Duty to publish information.

Where a local housing authority have declared an area to be a housing action area, they shall bring to the attention of persons residing or owning property in the area—

- (a) the action they propose to take in relation to the housing action area, and
- (b) the assistance available for the improvement of the housing accommodation in the area,

by publishing from time to time, in such manner as appears to them appropriate, such information as is in their opinion best designed to further the purpose for which the area was declared a housing action area.

247 Changes of ownership or occupation of land to be notified to local housing authority.

- (1) This section—
- (a) applies to land in a housing action area which consists of or includes housing accommodation, and

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- (b) comes into operation in relation to a housing action area at the end of the period of four weeks beginning with the date on which the housing action area is declared.
- (2) Where notice to quit is served in respect of land to which this section applies on a tenant who occupies as a dwelling the whole or part of the land, the landlord by whom, or on whose behalf, the notice was served shall, within the period of seven days beginning with the date on which the notice was served, notify the local housing authority that the notice has been served.
- (3) Where a tenancy of land to which this section applies is about to expire by effluxion of time, the person who is the landlord under the tenancy shall, not less than four weeks before the tenancy does so expire, notify the local housing authority that the tenancy is about to expire.
- (4) A person who carries out a disposal of land to which this section applies, other than a disposal excepted by subsection (5), shall notify the local housing authority, not less than four weeks or more than six months before the date of the disposal, that the disposal is about to take place.
- (5) Subsection (4) does not apply to—
- (a) a disposal by a person who, throughout the period of six months ending on the date of the disposal has been continuously in exclusive occupation (with or without members of his household) of the land to which the disposal relates;
 - (b) a disposal to which the local housing authority are a party;
 - (c) the grant of a protected tenancy or protected occupancy or the entering into of a restricted contract;
 - [^{F10}(ca) the grant of an assured tenancy or assured agricultural occupancy, or of a tenancy which is not such a tenancy or occupancy by reason only of paragraph 10 of Schedule 1 to the Housing Act 1988 (resident landlords) or of that paragraph and the fact that the accommodation which is let is not let as a separate dwelling]
 - [^{F11}(cb) the grant of an occupation contract, or of a tenancy or licence which is not an occupation contract by reason only of the shared accommodation exception in paragraph 6 of Part 2 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) applying and the notice condition in paragraph 3(3) of Part 2 of that Schedule not being met;]
 - (d) the grant or assignment of a lease (of land or an interest in land) for a term which expires within the period of five years and three months beginning on the date of the grant of the lease, where neither the lease nor any other instrument or contract confers on the lessor or the lessee an option (however expressed) to renew or extend the term so that the new or extended term would continue beyond the end of that period;
 - (e) the grant of an estate or interest by way of security for a loan;
 - (f) a conveyance of an estate or interest which gives effect to a contract to convey that estate or interest which was duly notified to the local housing authority in accordance with subsection (4).
- (6) When the local housing authority receive notification from a person under this section with respect to any land they shall—
- (a) send him, as soon as practicable, written acknowledgement of the receipt of the notification, stating the date on which it was received, and

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- (b) inform him, within the period of four weeks beginning with that date, of what action, if any, they propose to take with respect to that land as a result of the notification.

[^{F12}(7) In this section, “occupation contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 7 of that Act).]

Textual Amendments

- F10** S. 247(5)(ca) inserted by Housing Act 1988 (c. 50, SIF 61), s. 140(1), **Sch. 17 Pt. I para. 45**
- F11** S. 247(5)(cb) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **11(19)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F12** S. 247(7) inserted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments) Regulations 2022 (S.I. 2022/1166), regs. 1(1), **11(19)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)

248 Form and contents of notification under s. 247.

- (1) A notification under section 247 shall be in writing and contain the information required by this section.
- (2) Every notification shall contain—
- (a) the name and address of the person by whom it is given,
 - (b) the address of, and any further information necessary to identify, the land to which it relates, and
 - (c) the estate or interest in that land which the person by whom it is given has at the time it is given.
- (3) The reference in subsection (2)(a) to a person’s address is to his place of abode or place of business or, in the case of a company, to its registered office.
- (4) To the extent that it is capable of being given by reference to a plan accompanying the notification, the information required by subsection (2)(b) may be so given.
- (5) A notification required by section 247(2) or (3) (notice to quit or impending expiry of tenancy) shall specify—
- (a) whether the tenancy concerned is periodic or for a term certain,
 - (b) the length of the period or term, and
 - (c) the date on which the tenancy will come to an end (by virtue of the service of the notice to quit or by effluxion of time);
- and in the case of a notification required by section 247(2) the landlord may also, if he considers it appropriate, give his reason for serving notice to quit.
- (6) A notification required by section 247(4) (disposal of land) shall specify—
- (a) whether at the time the notification is given the person giving it intends to retain an estate or interest in the land, and
 - (b) if he does, the nature of that estate or interest and the land in which he intends that it should subsist.

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249 Penalty for failure to notify, &c.

- (1) A person who—
 - (a) fails without reasonable excuse to comply with an obligation imposed on him by section 247(2) or (3), or
 - (b) without reasonable excuse carries out a disposal of land without having complied with the obligation imposed on him by section 247(4), or
 - (c) in purporting to comply with an obligation imposed on him by section 247 knowingly or recklessly furnishes a notification which is false in a material particular, or
 - (d) knowingly or recklessly omits from any such notification any information required to be contained in it by virtue of any provision of section 248,commits a summary offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.
- (2) The commission by a person of an offence under subsection (1) does not affect—
 - (a) in the case of a notification required by section 247(2) or (3) (notice to quit or expiry of tenancy), the date on which the tenancy expires;
 - (b) in the case of a notification required by section 247(4) (disposal of land), the validity of the disposal.

250 Exclusion of land from, or termination of, housing action area.

- (1) The local housing authority may by resolution—
 - (a) exclude land from a housing action area, or
 - (b) declare that an area shall cease to be a housing action area . . . ^{F13};and as soon as may be after passing such a resolution the authority shall take the following steps.
- (2) They shall send a copy of the resolution to the Secretary of State.
- (3) They shall publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
 - (a) in the case of a resolution excluding land from a housing action area, identifying the housing action area concerned and the land excluded from it.
 - (b) in the case of a resolution declaring that an area is no longer to be a housing action area, naming a place at which a copy of the resolution may be inspected at all reasonable times.
- (4) They shall take such further steps as may appear to the authority best designed to secure that the resolution is brought to the attention of persons residing or owning property in the housing action area.

Textual Amendments

F13 Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(2)(d)

251 Extension of duration of housing action area.

- (1) The local housing authority may by resolution extend the duration of a housing action area by a period of two years, and may do so more than once.

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- (2) Written notification of the passing of the resolution must be given by the authority to the Secretary of State at least three months before the date on which the housing action area would otherwise cease to exist.
- (3) On receipt of a notification under subsection (2) the Secretary of State shall send a written acknowledgement to the authority.
- (4) If it appears to the Secretary of State appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent the acknowledgement, notify the authority—
 - (a) that the duration of the housing action area is not to be extended in accordance with their resolution, or
 - (b) that he requires more time to consider their extension of the duration of the housing action area.
- (5) Where the Secretary of State notifies an authority that he requires more time, he shall on completion of his consideration of the matter notify the authority—
 - (a) that the duration of the housing action area is not to be extended in accordance with their resolution,
 - (b) where the extension has already begun to run, that the area is to cease to be a housing action [^{F14}area] on such date as may be specified in the notification, or
 - (c) that he proposes to take no further action with respect to their resolution.
- (6) As soon as may be after passing a resolution or receiving a notification from the Secretary of State under this Section (other than a notification that he proposes to take no further action), the local housing authority shall—
 - (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution or, as the case may be stating the effect of the notification, naming a place where a copy of the resolution or notification may be inspected at all reasonable times, and
 - (b) take such further steps as appear to the authority best designed to secure that the resolution or notification is brought to the attention of persons residing or owning property in the housing action areas concerned.

Textual Amendments

F14 Words inserted (*retrospectively* 1.4.86) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 24(1), [Sch. 5 Pt. 1 para. 10\(3\)\(9\)](#)

252 Meaning of “housing accommodation” and related expressions.

In the provisions of this Part relating to housing action areas—

- (a) “housing accommodation” means dwellings, houses in multiple occupation and hostels;
- (b) “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part; and
- ^{F15}(c) “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for

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the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include any part of such a house which is occupied as a separate dwelling by persons who form a single household.]

Textual Amendments

F15 S. 252(c) substituted (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5), [Sch. 15 para. 12](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with [Sch.](#)); S.I. 2006/1535, {art. 2 (b)} (with [Sch.](#))

General improvement areas

253 Declaration of general improvement area.

- (1) Where a report with respect to a predominantly residential area within their district is submitted to the local housing authority by a person appearing to the authority to be suitably qualified (who may be an officer of the authority), and it appears to the authority, upon consideration of the report and of any other information in their possession—
 - (a) that living conditions in the area can most appropriately be improved by the improvement of the amenities of the area or of dwellings in the area, or both, and
 - (b) that such an improvement may be effected or assisted by the exercise of their powers under the provisions of this Part relating to general improvement areas, the authority may cause the area to be defined on a map and by resolution declare it to be a general improvement area.
- (2) A general improvement area may not be defined so as to include, but may be defined so as to surround, land which is comprised in a housing action area.
- (3) A general improvement area may not (unless the land has been cleared of buildings) be so defined as to include, but may be so defined as to surround—
 - (a) land comprised in a clearance area,
 - (b) land purchased by the local housing authority under section 290(2) (land surrounded by or adjoining clearance area), or
 - (c) land included in a clearance area under section 293(1) (local housing authority's own property);

and where the Secretary of State on confirming a compulsory purchase order under Schedule 22 (acquisition of land for clearance) modifies the order by excluding from a clearance area land adjoining a general improvement area, the land shall, unless the Secretary of State otherwise directs, be taken to be included in the general improvement area.

254 Steps to be taken after declaration.

- (1) As soon as may be after passing a resolution declaring an area to be a general improvement area the local housing authority shall take the following steps.
- (2) They shall publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
 - (a) identifying the area, and

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- (b) naming the place where a copy of the resolution, of the map on which the area is defined and of the report mentioned in section 253(1) may be inspected at all reasonable times.
- (3) They shall take such further steps as appear to them best designed to secure—
 - (a) that the resolution is brought to the attention of persons residing or owning property in the area, and
 - (b) that those persons are informed of the name and address of the person to whom enquiries and representations should be addressed concerning action to be taken in the exercise of the authority’s powers under the provisions of this Part relating to general improvement areas.
- (4) They shall send to the Secretary of State a copy of the resolution, of the report and of the map and a statement of the number of dwellings in the area.

255 General powers of local housing authority.

- (1) Where a local housing authority have declared an area to be a general improvement area, they may, for the purpose of effecting or assisting the improvement of the amenities of the area, or of the dwellings in the area, or both—
 - (a) carry out works on land owned by them and assist (by grants, loans or otherwise) in the carrying out of works on land not owned by them,
 - (b) acquire any land by agreement, and
 - (c) let or otherwise dispose of land for the time being owned by them;

and may be authorised by the Secretary of State to acquire compulsorily land within the general improvement area or adjoining it.

- (2) The authority may not under this section—
 - (a) improve a dwelling which has not been acquired or provided by them in pursuance of this section,^{F16} . . .
 - ^{F16}(b)
 - ^{F17}(3)

Textual Amendments

F16 S. 255(2)(b) and the preceding word “or” repealed (18.7.2003) by S.I. 2002/1860, arts. 1(3), 12, 15, Sch. 4 para. 2(4), **Sch. 6** (with arts. 11(2), 15(2))

F17 S. 255(3) repealed (18.12.1996) by 1996 c. 53, ss. 103, 147, Sch. 1 para. 8(2), **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3**

256 Power to apply for orders extinguishing right to use vehicles on highway.

- (1) A local housing authority who have declared a general improvement area may exercise the powers of a local planning authority under [^{F18}sections 249 and 250 of the Town and Country Planning Act 1990] (extinguishment of right to use vehicles on certain highways) with respect to a highway in that area notwithstanding that they are not the local planning authority, but subject to the following provisions.
- (2) The local housing authority shall not make an application under [^{F19}subsection (2) or (6) of section 249] (application to Secretary of State to make or revoke order

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extinguishing right to use vehicles) except with the consent of the local planning authority.

- (3) If the local housing authority are not also the highway authority, any such application made by them shall in the first place be sent to the highway authority who shall transmit it to the Secretary of State.
- (4) Where an order under [F20 subsection (2) of section 249] (order extinguishing right to use vehicles) has been made on an application made by a local housing authority by virtue of this section—
 - (a) any compensation under [F20 subsection (1) of section 250] (compensation for loss of access to highway) is payable by them instead of by the local planning authority, and
 - (b) F21

Textual Amendments

- F18** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(1\)\(a\)](#)
- F19** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(1\)\(b\)](#)
- F20** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(1\)\(c\)](#)
- F21** [S. 256\(4\)\(b\)](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. 1](#)

257 Duty to publish information.

Where a local housing authority [F22 have passed a resolution declaring] an area to be a general improvement area, they shall bring to the attention of persons residing in the area or owning property in it—

- (a) the action they propose to take in the exercise of their powers under the provisions of this Part relating to general improvement areas, and
- (b) the [F22 assistance which is or will be available] for the improvement of the amenities of the area or of the dwellings in the area,

by publishing from time to time, in such manner as appears to them appropriate, such information as is in their opinion best designed to further the objects of those provisions.

Textual Amendments

- F22** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 21\(2\)\(e\)](#)

258 Exclusion of land from, or termination of, general improvement area.

- (1) The local housing authority may by resolution—
 - (a) exclude land from a general improvement area, or
 - (b) declare [F23 that an area shall cease to be] a general improvement area.
- (2) The resolution does not affect the continued operation of the provisions of this Part relating to general improvement areas, or any other provision so relating, in relation

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to works begun before [F24the date on which the exclusion or cessation takes effect]; but [F24the resolution] does apply with respect to works which have not been begun before that date, notwithstanding that expenditure in respect of the works has been approved before that date.

Textual Amendments

- F23** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 21\(2\)\(f\)](#)
F24 Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 21\(2\)\(g\)](#)

259 Contributions by Secretary of State.

(1) The Secretary of State may pay contributions to a local housing authority towards such expenditure incurred by them under the provisions of this Part relating to general improvement areas as he may determine.

[F25(2) In the case of any expenditure, the contribution—

- (a) shall be equal to one-half of the amount of the expenditure; and
- (b) shall be payable in one sum or by two or more instalments, according as the Secretary of State may determine.]

(3) The aggregate of the expenditure towards which such contributions may be made with respect to a general improvement area shall not exceed the sum arrived at by multiplying—

- (a) [F26£600], by
- (b) the number of dwellings stated by the local housing authority under section 254(4) to be in the areaX;

but two adjoining general improvement areas may for this purpose be treated as one.

(4) The Secretary of State may, with the consent of the Treasury—

- (a) by order substitute in subsections (2) and (3) another fraction for one-half and another amount for £400;
- (b) direct that those subsections shall have effect, in the case of a general improvement area specified in the direction or of a description so specified, with the substitution of a higher fraction or a greater amount than that for the time being specified in the subsection.

(5) An order under subsection (4)(a)—

- (a) may make different provision for different cases or descriptions of case, including different provision for different areas, and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

(6) For the purposes of this section—

- (a) the cost of acquiring an estate or interest in a case where periodical payments fall to be made in connection with the acquisition shall be taken to include such sum as the Secretary of State may determine to be the capital equivalent of those payments; and
- (b) the cost of works shall be taken to include the cost of the employment in connection with the works of an architect, engineer, surveyor, land-agent or other person in an advisory or supervisory capacity.

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- (7) In the case of contributions payable in respect of—
- (a) works to which the ^{M1}Housing Act 1971 applied (works in certain areas completed before 23rd June 1974), or
 - (b) expenditure on providing land treated as expenditure on such works by virtue of section 2(4) of that Act,
- subsection (2)(b) above has effect with the substitution of “75 per cent.” for “one-half”.

Textual Amendments

F25 S. 259(2) substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 98(6)

F26 “£600” substituted by [S.I. 1988/1258, art. 2](#)

Marginal Citations

M1 1971 c. 76.

[^{F27} Supplementary provisions

Textual Amendments

F27 Ss. 259A, 259B inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(1)

259A Effect of resolutions relating to housing action area or general improvement area.

- (1) A resolution of a local housing authority passed after the commencement of this section—
- (a) declaring an area to be a housing action area, excluding land from a housing action area or declaring that an area shall cease to be a housing action area, or
 - (b) declaring an area to be a general improvement area, excluding land from a general improvement area or declaring that an area shall cease to be a general improvement area,
- has effect, subject to subsection (2), from the day on which the resolution is passed.
- (2) A resolution declaring an area to be a general improvement area may be expressed to have effect from a future date, not later than four weeks after the passing of the resolution, on which the whole or part of that area will cease to be, or be included in, a housing action area.]

[^{F28} 259B Effect of certain resolutions passed before commencement of s. 259A.

- (1) Where before the commencement of section 259A a local housing authority passed a resolution of any of the descriptions mentioned in the section expressed to have effect from a date after that on which it was passed—
- (a) anything done before the commencement of this section in reliance on the view that the resolution was invalid shall have effect as if the resolution had not been passed, but
- (3) Where the resolution declared a housing action area or general improvement area and, before the commencement of this section, the local housing authority passed a further

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resolution making the like declaration in relation to the whole or part of the area to which the first resolution then related—

- (a) both resolutions are effective, notwithstanding that they relate in whole or in part to the same area;
 - (b) the area covered by both resolutions is a housing action area or general improvement area by virtue of the joint effect of the two resolutions, and in the case of a housing action area shall continue to be such an area (subject to the provisions of this Part) until the end of the period of five years beginning with the date on which the second resolution was passed;
 - (c) it is immaterial whether steps taken before the commencement of this section were taken in reliance on the first resolution or the second, but steps taken in reliance on the first shall not be proceeded with to the extent that they have been superseded by, or are inconsistent with, steps taken in reliance on the second; and
 - (d) the areas declared by the two resolutions may be treated as one for the purposes of section 245(3) or 259(3) (limit on aggregate expenditure qualifying for contributions by Secretary of State).
- (4) The provisions of subsection (3) do not affect the powers of the Secretary of State under section 241(2)(a) and (b) (power to overrule declaration of housing action area or exclude land from area) and, so far as they relate to the duration of a housing action area, have effect subject to section 241(4) (effect of Secretary of State’s decision in such a case).]

Textual Amendments

F28 Ss. 259A, 259B inserted by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), s. 21(1)

260 Powers of entry.

- (1) A person authorised by the local housing authority or the Secretary of State may at any reasonable time, on giving 24 hours’ notice of his intention to the occupier, and to the owner if the owner is known, enter premises—
 - (a) for the purposes of survey and examination where it appears to the authority or the Secretary of State that survey or examination is necessary in order to determine whether any powers under this Part should be exercised; or
 - (b) for the purpose of survey or valuation where the authority are authorised by this Part to purchase the premises compulsorily.
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose or purposes for which the entry is authorised.

261 Penalty for obstruction.

- (1) It is a summary offence to obstruct an officer of the local housing authority, or of the Secretary of State, or a person authorised to enter premises in pursuance of this Part, in the performance of anything which that officer, authority or person is by this Part required or authorised to do.
- (2) A person who commits such an offence is liable on conviction to a fine not exceeding level 2 on the standard scale.

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262 Minor definitions.

In this Part—

“disposal”, in relation to land, includes a conveyance of, or contract to convey, an estate or interest not previously in existence;

“owner”, in relation to premises—

- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years.

263 Index of defined expressions: Part VIII

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section):—

| | |
|---|-------------------------------|
| [^{F29} assured agricultural occupancy] | [^{F29} section 622] |
| [^{F29} assured tenancy] | [^{F29} section 622] |
| clearance area | section 289 |
| disposal (of land) | section 262 |
| district (of a local housing authority) | section 2(1) |
| dwelling (in provisions relating to housing action areas) | section 252 |
| general improvement area | section 253 |
| hostel | section 622 |
| house in multiple occupation | section 252 |
| housing accommodation | section 252 |
| housing action area | section 239 |
| lease, lessee and lessor | section 621 |
| local housing authority | section 1, 2(2) |
| owner (of premises) | section 262 |
| protected occupancy | section 622 |
| protected tenancy | section 622 |
| restricted contact | section 622 |
| standard scale (in reference to the maximum fine on summary conviction) | section 622 |
| tenancy and tenant | section 621 |

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Textual Amendments

F29 Entries inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 46**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)