



# Housing Act 1957

## 1957 CHAPTER 56

### PART II

#### PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES

##### *Supplemental*

#### **37 Date of operation of notices, demands and orders subject to appeal**

- (1) Any notice, demand or order against which an appeal might be brought to a county court under this Part of this Act shall, if no such appeal is brought, become operative on the expiration of twenty-one days from the date of the service of the notice, demand or order, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by a county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.
- (2) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, on the expiration of the period within which such an appeal might have been brought.

#### **38 Provisions as to appeals under Part II**

- (1) The rules made under section ninety-nine of the County Courts Act, 1934, for regulating the procedure and practice as respects appeals to the county court under this Part of this Act shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that inspection is desirable.

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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- (2) No appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings originating in an appeal to the county court under this Part of this Act.

### **39 Interpretation of Part II**

- (1) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.
- (2) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression " rack-rent" means rent which is not less than two-thirds of the full net annual value of the house.

### **40 Saving for certain restrictions in Part III**

The powers of a local authority exercisable under this Part of this Act shall be subject to the provisions of Part III of this Act with respect to redevelopment and reconditioning by owners of premises.

### **41 Local authority for Part II in London**

As respects the administrative county of London, other than the City of London, the local authority for the purposes of this Part of this Act shall, save as otherwise expressly provided, be the council of the metropolitan borough.