



Housing Act 1957

1957 CHAPTER 56

PART III

CLEARANCE AND RE-DEVELOPMENT

Demolition of obstructive buildings

72 Power of local authority to order demolition of obstructive building

- (1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority; and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.
- (2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.
- (3) Any person aggrieved by a demolition order made under this section may, within twenty-one days after the date of the service of the order, appeal to the county court within the jurisdiction of which the premises to which the order relates are situated and no proceedings shall be taken by the local authority to enforce any such order in relation to which an appeal is brought before the appeal has been finally determined, so, however, that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

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On an appeal under this subsection the judge may make such order either confirming or quashing or varying the order as he thinks fit, and sections thirty-seven and thirty-eight of this Act shall apply to any such appeal.

- (4) In this section the expression " obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.
- (5) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling, showroom, or office, or which is the property of a local authority.

73 Recovery of possession of building subject to demolition order under Part III

- (1) Where a demolition order under the foregoing provisions of this Part of this Act has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice—
 - (a) stating the effect of the order,
 - (b) specifying the date by which the order requires the building to be vacated, and
 - (c) requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later.
- (2) If at any time after the date on which the 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 a building may make complaint to a magistrates' court and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.
- (3) Any person who, knowing that a demolition order under this Part of this Act has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.
- (4) Nothing in the Rent Acts shall be deemed to affect the provisions of this section relating to the obtaining possession of a building.

74 Effect of order for demolition of obstructive building

- (1) If, before the expiration of the period within which a building in respect of which a demolition order is made under this Part of this Act is thereby required to be vacated, any owner or owners, whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase subject to observance of the rules specified in Part III of the Third Schedule to this Act, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

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- (2) If no such offer as is mentioned in the foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.
- (3) The provisions of subsections (2) to (5) of section twenty-three of this Act shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the premises demolished under the said section twenty-three.
- (4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules set out in Part III of the Third Schedule to this Act except that paragraphs (2) to (6) of section two of the said Act of 1919 shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.
- (5) Subsection (1) of section thirty-three of this Act shall have effect for the purpose of enabling the owner of a house to obtain notice of any proceedings for the making of a demolition order under this Part of this Act with respect to the house.
- (6) Nothing in the provisions of this Part of this Act relating to demolition orders shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which such an order is made; and if any owner is obliged to take possession of a house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

75 Local authority for demolition of obstructive buildings in London

As respects the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the three last foregoing sections.