



Housing Act 1969

1969 CHAPTER 33

PART IV

HOUSES IN MULTIPLE OCCUPATION

63 Control order followed by compulsory purchase order

- (1) The following provisions of this section shall have effect where a local authority have made a control order (that is to say an order under section 73 of the Housing Act 1964) with respect to a house and within twenty-eight days of the making of the order the authority make a compulsory purchase order for the acquisition of the house under Part V of the Act of 1957.
- (2) The local authority need not prepare a scheme under section 79 of the Housing Act 1964 or serve a copy of such a scheme in pursuance of that section until they are notified by the Minister of his decision to confirm or not to confirm the compulsory purchase order; and the time within which copies of the scheme are to be served under that section shall be—
 - (a) if the Minister's decision is not to confirm the compulsory purchase order, eight weeks from the date on which the Minister's decision is notified to the authority;
 - (b) if the Minister's decision is to confirm the compulsory purchase order, eight weeks from the time at which the compulsory purchase order becomes operative.
- (3) Where the compulsory purchase order is confirmed by the Minister and the local authority—
 - (a) enter into a contract to purchase the house, or
 - (b) in pursuance of a notice served under section 11 of the Compulsory Purchase Act 1965, either enter and take possession of the house or serve a notice under section 98 of the Act of 1957 authorising a person in occupation of the house or part of the house to continue in occupation,

the control order shall cease to have effect on the date when the contract is made or the notice under section 11 is served.

Status: This is the original version (as it was originally enacted).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

- (4) Where a control order ceases to have effect by virtue of subsection (3) of this section the local authority shall, subject to the following provisions of this section, be liable to pay to the dispossessed proprietor the balances which, since the coming into force of the control order, from time to time accrued to the local authority out of the net amount of the rent and other payments received by them while the control order was in force from persons occupying the house, after deducting—
- (a) compensation payable by the local authority under section 78 and section 81 of the Housing Act 1964 ; and
 - (b) all expenditure, other than capital expenditure, incurred by the local authority in respect of the house while the control order was in force, together with the appropriate establishment charges.
- (5) For the purpose of enabling the local authority to recover, under the following provisions of this section, capital expenditure incurred in carrying out works in the house in the period before the control order ceases to have effect, the local authority may, by a notice served on the dispossessed proprietor, specify those works as being works which, if the control order had not been in force, the local authority could have required some person to carry out under Part II of the Housing Act 1961, or under any other enactment relating to housing or public health, and which could not be postponed because they were urgently required for the sake of the safety, welfare or health of persons living in the house or other persons.
- (6) Where a notice under the preceding subsection is served on the proprietor he may within twenty-one days of the service of the notice or such longer period as the local authority may in writing allow appeal to the county court; and on any such appeal the court may confirm, quash or vary the notice.
- (7) Any expenditure reasonably incurred by the local authority in carrying out the works specified in a notice under subsection (5) of this section (or specified in such a notice as varied by the court) may be deducted by the local authority from the balances which they are, under subsection (4) of this section, liable to pay to the dispossessed proprietor; and so far as that expenditure exceeds those balances it may, if the house is purchased compulsorily, be deducted from the amount payable as compensation, and accordingly any interest payable on that amount shall be calculated after allowing for the deduction.
- (8) A local authority shall give notice to the dispossessed proprietor of the balances which they propose to pay to him under subsection (4) of this section and he may, within twenty-one days of the service of the notice or such longer period as the local authority may in writing allow, appeal to the county court; and on any such appeal the county court, if of opinion that those balances are unduly low for any reason within the control of the local authority, having regard to the desirability of observing the standards of management contained in regulations made under section 13 of the Housing Act 1961, and to the other standards which the local authority ought to observe as to the number of persons living in the house and the rents which they ought to charge, the court shall direct that, for the purposes of the local authority's liability to the dispossessed proprietor under this section, the balances under subsection (4) thereof shall be deemed to be such greater sums as the court may direct, but those sums shall not exceed the amount which, in the opinion of the court, the dispossessed proprietor may have lost by the making of the control order.

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

- (9) If different persons are dispossessed proprietors in relation to different parts of the house, sums payable under this section by the local authority shall be apportioned between them in the manner provided by section 78(6) of the Housing Act 1964.
- (10) Any notice served on any person under subsection (5) or subsection (8) of this section shall inform him of his right of appeal under this section.
- (11) Section 91 of the Housing Act 1964 (interpretation and construction of Part IV) shall apply as if this section were contained in Part IV of that Act.