



# Housing Act 1985

## 1985 CHAPTER 68

### PART IX

#### SLUM CLEARANCE

##### *Listed buildings*

#### **303 Meaning of “listed building”.**

In this Part “listed building” means a building included in a list of buildings of special architectural or historic interest under [<sup>F1</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990].

#### **Textual Amendments**

**F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 71\(2\)](#)

#### **[<sup>F2</sup>304 Demolition order not to be made in respect of listed building .**

- (1) A local housing authority shall not make a demolition order under section 265 (power to make a demolition order) in respect of a listed building.
- (2) Where a dwelling, house in multiple occupation or building in respect of which a demolition order has been made becomes a listed building, the local housing authority shall determine the order (whether or not it has become operative).
- (3) The local housing authority shall serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a new demolition order in relation to the premises.
- (4) The Secretary of State may give notice in respect of a dwelling, house in multiple occupation or building to the local housing authority stating that its architectural or

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historic interest is sufficient to render it inexpedient that it should be demolished pending determination of the question whether it should be a listed building; and the provisions of this section apply to a dwelling, house in multiple occupation or building in respect of which such a notice is in force as they apply to a listed building.]

**Textual Amendments**

**F2** S. 304 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. 21](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

**305 Building becoming listed when subject to compulsory purchase for clearance.**

- (1) Where a building to which a compulsory purchase order under section 290 applies (acquisition of land for clearance) becomes a listed building at any time after the making of the order, the authority making the order may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Secretary of State (and only to him) [<sup>F3</sup>for his consent under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990] to the demolition of the building.
- (2) If the authority have not served notice to treat in respect of the building under section 5 of the <sup>M1</sup>Compulsory Purchase Act 1965, they shall not do so unless and until the Secretary of State gives that consent.
- (3) The following provisions of this section have effect where—
  - (a) an application for such consent is made and refused, or
  - (b) the period for making an application expires without the authority having made an application;
 and in those provisions “the relevant date” means the date of the refusal or, as the case may be, the expiry of that period.
- (4) If at the relevant date—
  - (a) the building has not vested in the authority, and
  - (b) no notice to treat has been served by the authority under section 5 of the <sup>M2</sup>Compulsory Purchase Act 1965 in respect of an interest in the building.
 the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised in a clearance area.
- (5) <sup>F4</sup>.....
- (6) Where subsection (4) does not apply, the authority shall cease to be subject to the duty imposed by section 291 (method of dealing with land acquired for clearance) to demolish the building, and—
  - (a) if the building or an interest in it is vested in the authority at the relevant date, it shall be treated in the case of a [<sup>F5</sup>residential building] as appropriated to the purposes of Part II of this Act (provision of housing accommodation) and in any other case as appropriated to the purposes of [<sup>F6</sup>Part IX of the Town and Country Planning Act 1990] (planning purposes);
  - (b) in relation to an interest in the building which has not at the relevant date vested in the authority, the compulsory purchase order has effect in the case of a [<sup>F5</sup>residential building] as if made and confirmed under Part II of this Act

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and in any other case as if made and confirmed under <sup>F6</sup>Part IX of the Town and Country Planning Act 1990].

- (7) No account shall be taken for the purposes of section 4 of the Compulsory Purchase Act 1965 (time limit for completing compulsory purchase) of any period during which an authority are prevented by this section from serving a notice to treat under section 5 of that Act.

<sup>F7</sup>(8) In this section “residential building” has the same meaning as in section 289. <sup>F8</sup>. . . ]

#### Textual Amendments

- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 71\(3\)\(a\)](#)
- F4** S. 305(5) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)
- F5** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 33\(2\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 71\(3\)\(b\)](#)
- F7** S. 305(8) inserted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 33\(3\)](#)
- F8** Words in s. 305(8) repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 266, 270(4)(5), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)

#### Marginal Citations

- M1** 1965 c. 56.  
**M2** 1965 c. 56.

### 306 Building becoming listed when acquired by agreement for clearance.

- (1) Where section 291 (method of dealing with land acquired for clearance) applies to a building purchased by the local housing authority by agreement and the building becomes a listed building, the authority may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Secretary of State (and only to him) <sup>F9</sup>for his consent under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990] to the demolition of the building.
- (2) Where such an application is made and is refused, or the period for making such an application expires without the authority making an application—
- the authority shall cease to be subject to the duty imposed by section 291 to demolish the building, and
  - the building shall be treated in the case of a <sup>F10</sup>residential building (within the meaning of section 289)] as appropriated to the purposes of Part II of this Act (provision of housing accommodation) and in any other case as appropriated to the purposes of <sup>F11</sup>Part IX of the Town and Country Planning Act 1990] (planning purposes).

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#### Textual Amendments

- F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 71\(4\)\(a\)](#)
- F10** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 34](#)
- F11** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, Sch. 2 para. 71(4)(b)

**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\(3\)\(d\)](#)