



# Housing Act 1985

## 1985 CHAPTER 68

### PART IX

#### SLUM CLEARANCE

##### *Provisions for protection or assistance of owners*

#### **307 Saving for rights arising from breach of covenant, &c.**

- (1) Nothing in the provisions of this Part [<sup>F1</sup>relating to the demolition or purchase of unfit premises prejudices] or interferes with the rights or remedies of an owner for breach of any covenant or contract entered into by a lessee in reference to premises in respect of which an order is made by the local housing authority under those provisions.
- (2) If an owner is obliged to take possession of premises in order to comply with such an order, the taking possession does not affect his right to avail himself of any such breach which occurred before he so took possession.

#### **Textual Amendments**

- F1** Words in s. 307(1) 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. 22](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(b\)](#) (with [Sch.](#))

#### **308 Approval of owner's proposals for redevelopment.**

- (1) A person proposing to undertake the re-development of land may submit particulars of his proposals to the local housing authority for approval under this section.
- (2) The authority shall consider the proposals and if they appear to the authority to be satisfactory, the authority shall give notice to that effect to the person by whom they were submitted, specifying times within which the several parts of the re-development are to be carried out.

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- (3) Where the authority have so given notice of their satisfaction with proposals, no action shall be taken in relation to the land under any of the powers conferred by the provisions of this Part [<sup>F2</sup>or Chapter 2 of Part 1 of the Housing Act 2004] relating to—
- (a) the demolition [<sup>F3</sup>or purchase of premises or the prohibition of uses of premises] , or
  - (b) clearance areas.
- if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority.
- (4) This section does not apply to premises—
- (a) in respect of which a demolition order has become operative, or
  - (b) comprised in a compulsory purchase order under section 290 (acquisition of land for clearance) which has been confirmed by the Secretary of State;
- and has effect subject to section 311 in a case where proposals are submitted under this section with respect to premises in a clearance area.

#### Textual Amendments

- F2** Words s. 308(3) inserted (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. 23\(a\)](#) (with [Sch.](#)); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))
- F3** Words in s. 308(3) 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. 23\(b\)](#); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with [Sch.](#))

### 309 Recovery of possession of premises for purposes of approved re-development.

- (1) Where the local housing authority have given notice of their satisfaction with proposals submitted to them under section 308 and are satisfied—
- (a) that it is necessary for the purpose of enabling re-development to be carried out in accordance with the proposals that a dwelling-house let on or subject to a protected tenancy or statutory tenancy (within the meaning of the <sup>M1</sup>Rent Act 1977) [<sup>F4</sup>or let on or subject to an assured tenancy or assured agricultural occupancy] should be vacated, and
  - (b) that alternative accommodation complying with the requirements of this section is available for the tenant or will be available for him at a future date,
- they may issue to the landlord a certificate, which shall be conclusive evidence for the purposes of section 98(1)(a) of the Rent Act 1977 [<sup>F4</sup>or section 7 of the Housing Act 1988] (grounds for possession), that suitable alternative accommodation is available for the tenant or will be available for him by that future date.
- (2) The requirements with which the alternative accommodation must comply are—
- (a) that it must be a [<sup>F5</sup>dwelling-house] in which the tenant and his family can live without causing it to be overcrowded within the meaning of Part X;
  - (b) that it must be certified by the local housing authority to be suitable to the needs of the tenant and his family as respects security of tenure, proximity to place of work and otherwise, and to be suitable in relation to his means; and
  - (c) that if the [<sup>F5</sup>dwelling-house] belongs to the local housing authority it must be certified by them to be suitable to the needs of the tenant and his family

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as regards accommodation, for this purpose treating a [F5dwelling-house] containing two bedrooms as providing accommodation for four persons, a [F5dwelling-house] containing three bedrooms as providing accommodation for five persons and a [F5dwelling-house] containing four bedrooms as providing accommodation for seven persons.

#### Textual Amendments

- F4** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), [Sch. 17 Pt. I para. 48](#)
- F5** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 165(1)(b), [Sch. 9 Pt. II para. 35](#)

#### Marginal Citations

- M1** [1977 c. 42](#).

### 310 Certificate of fitness resulting from owner's improvements or alterations.

F6 .....

#### Textual Amendments

- F6** S. 310 repealed (6.4.2006 for E. and 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 266, 270(4)(5), [Sch. 15 para. 24](#), [Sch. 16](#); S.I. 2006/1060, [art. 2\(1\)\(d\)\(e\)\(v\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(c\)\(v\)](#) (with Sch.)

### 311 Consideration of proposals under s. 308 or s. 310 with respect to premises in clearance area.

- (1) Where proposals as respects premises in a clearance area are submitted to the local housing authority under section 308 (owner's re-development) <sup>F7</sup> . . . , the authority may, instead of proceeding under that section, transmit the proposals to the Secretary of State.
- (2) The Secretary of State shall deal with the proposals in connection with the consideration by him of the compulsory purchase order relating to the premises as if the proposals had been objections to the order made on the date on which they were submitted to the authority.
- (3) If in confirming the order the Secretary of State excludes the premises from the clearance area, the authority shall then proceed in relation to the proposals under section 308 <sup>F8</sup> . . . .

#### Textual Amendments

- F7** Words in s. 311(1) 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.)
- F8** Words in s. 311(3) 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.)

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**312—** ..... **F9**  
**314.**

**Textual Amendments**

**F9** Ss. 312–314 repealed and superseded by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), ss. [165\(3\)](#), [194\(4\)](#), [Sch. 12, Pt. II](#) (by S.I. 1990/191, [art. 5](#) the repeal came into force 1.3.1990 but without effect in relation to any financial year beginning before 1.4.1990)

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