
Changes to legislation: Housing Act 1985, SCHEDULE 5A is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 5A

Section 138A

INITIAL DEMOLITION NOTICES

Textual Amendments

F1 Sch. 5A inserted (18.1.2004) by [Housing Act 2004 \(c. 34\)](#), ss. 183(3), 270(3)(a), [Sch. 9](#)

Initial demolition notices

- 1 (1) For the purposes of this Schedule an “ initial demolition notice ”is a notice served on a secure tenant—
- (a) stating that the landlord intends to demolish the dwelling-house or (as the case may be) the building containing it (“the relevant premises”),
 - (b) setting out the reasons why the landlord intends to demolish the relevant premises,
 - (c) specifying the period within which he intends to demolish those premises, and
 - (d) stating that, while the notice remains in force, he will not be under any obligation to make such a grant as is mentioned in section 138(1) in respect of any claim made by the tenant to exercise the right to buy in respect of the dwelling-house.
- (2) An initial demolition notice must also state—
- (a) that the notice does not prevent—
 - (i) the making by the tenant of any such claim, or
 - (ii) the taking of steps under this Part in connection with any such claim up to the point where section 138(1) would otherwise operate in relation to the claim, or
 - (iii) the operation of that provision in most circumstances where the notice ceases to be in force, but
 - (b) that, if the landlord subsequently serves a final demolition notice in respect of the dwelling-house, the right to buy will not arise in respect of it while that notice is in force and any existing claim will cease to be effective.
- (3) If, at the time when an initial demolition notice is served, there is an existing claim to exercise the right to buy in respect of the dwelling-house, the notice shall—
- (a) state that section 138C confers a right to compensation in respect of certain expenditure, and
 - (b) give details of that right to compensation and of how it may be exercised.
- (4) The period specified in accordance with sub-paragraph (1)(c) must not—
- (a) allow the landlord more than what is, in the circumstances, a reasonable period to carry out the proposed demolition of the relevant premises (whether

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- on their own or as part of a scheme involving the demolition of other premises); or
- (b) in any case expire more than [^{F2}seven] years after the date of service of the notice on the tenant.

Textual Amendments

F2 Word in Sch. 5A para. 1(4)(b) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), [Sch. 13 para. 7](#) (with [Sch. 13 para. 14](#))

Period of validity of initial demolition notice

- 2 (1) For the purposes of this Schedule an initial demolition notice—
- (a) comes into force in respect of the dwelling-house concerned on the date of service of the notice on the tenant, and
 - (b) ceases to be so in force at the end of the period specified in accordance with paragraph 1(1)(c),
- but this is subject to compliance with the conditions mentioned in sub-paragraph (2) (in a case to which they apply) and to [^{F3}paragraphs 3 and 3A] .
- (2) The conditions in sub-paragraphs (6) and (7) of paragraph 13 of Schedule 5 (publicity for final demolition notices) shall apply in relation to an initial demolition notice as they apply in relation to a final demolition notice.
- (3) The notice mentioned in paragraph 13(7) (as it applies in accordance with sub-paragraph (2) above) must contain the following information—
- (a) sufficient information to enable identification of the premises that the landlord intends to demolish,
 - (b) the reasons why the landlord intends to demolish those premises,
 - (c) the period within which the landlord intends to demolish those premises,
 - (d) the date when any initial demolition notice or notices relating to those premises will cease to be in force, unless revoked or otherwise terminated under or by virtue of paragraph 3 below,
 - (e) that, during the period of validity of any such notice or notices, the landlord will not be under any obligation to make such a grant as is mentioned in section 138(1) in respect of any claim to exercise the right to buy in respect of any dwelling-house contained in those premises,
 - (f) that there may be a right to compensation under section 138C in respect of certain expenditure incurred in respect of any existing claim.

Textual Amendments

F3 Words in Sch. 5A para. 2(1) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), [Sch. 13 para. 8](#) (with [Sch. 13 para. 14](#))

Revocation or termination of initial demolition notices

- 3 (1) Paragraph 15(4) to [^{F4}(7A)] of Schedule 5 (revocation notices) shall apply in relation to an initial demolition notice as they apply in relation to a final demolition notice.

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- (2) If a compulsory purchase order has been made for the purpose of enabling the landlord to demolish the dwelling-house in respect of which he has served an initial demolition notice (whether or not it would enable him to demolish any other premises as well) and—
- (a) a relevant decision within sub-paragraph (3)(a) becomes effective while the notice is in force, or
 - (b) a relevant decision within sub-paragraph (3)(b) becomes final while the notice is in force,
- the notice ceases to be in force as from the date when the decision becomes effective or final.
- (3) A “relevant decision” is—
- (a) a decision under Part 2 of the Acquisition of Land Act 1981 to confirm the order with modifications, or not to confirm the whole or part of the order, or
 - (b) a decision of the High Court to quash the whole or part of the order under section 24 of that Act,
- where the effect of the decision is that the landlord will not be able, by virtue of that order, to carry out the demolition of the dwelling-house.
- (4) A relevant decision within sub-paragraph (3)(a) becomes effective—
- (a) at the end of the period of 16 weeks beginning with the date of the decision, if no application for judicial review is made in respect of the decision within that period, or
 - (b) if such an application is so made, at the time when—
 - (i) a decision on the application which upholds the relevant decision becomes final, or
 - (ii) the application is abandoned or otherwise ceases to have effect.
- (5) A relevant decision within sub-paragraph (3)(b), or a decision within sub-paragraph (4)(b), becomes final—
- (a) if not appealed against, at the end of the period for bringing an appeal, or
 - (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.
- (6) An appeal is disposed of—
- (a) if it is determined and the period for bringing any further appeal has ended, or
 - (b) if it is abandoned or otherwise ceases to have effect.
- (7) Where an initial demolition notice ceases to be in force under sub-paragraph (2), the landlord must, as soon as is reasonably practicable, serve a notice on the tenant which informs him—
- (a) that the notice has ceased to be in force as from the date in question, and
 - (b) of the reason why it has ceased to be in force.
- (8) If, while an initial demolition notice is in force in respect of a dwelling-house, a final demolition notice comes into force under paragraph 13 of Schedule 5 in respect of that dwelling-house, the initial demolition notice ceases to be in force as from the date when the final demolition notice comes into force.
- (9) In such a case the final demolition notice must state that it is replacing the initial demolition notice.

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Textual Amendments

- F4** Word in Sch. 5A para. 3(1) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), [Sch. 13 para. 9](#) (with [Sch. 13 para. 14](#))

[^{F5}Transfer of initial demolition notices

Textual Amendments

- F5** Sch. 5A para. 3A and preceding cross-heading inserted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), [Sch. 13 para. 10](#) (with [Sch. 13 para. 14](#))

- 3A (1) This paragraph applies if—
- (a) an initial demolition notice is in force in respect of a dwelling-house, and
 - (b) the landlord transfers his interest as landlord to another person.
- (2) The initial demolition notice (“the original notice”) continues in force but this is subject to—
- (a) paragraphs 2 and 3, and
 - (b) the following provisions of this paragraph.
- (3) Sub-paragraph (4) applies if the transferee—
- (a) intends to demolish the dwelling-house, but
 - (b) has not—
 - (i) served a continuation notice, and
 - (ii) complied with the conditions in sub-paragraphs (8) and (10), within the period of 2 months beginning with the date of transfer.
- (4) The transferee must proceed under paragraph 15(4) of Schedule 5 as applied by paragraph 3(1) above as if the transferee has decided not to demolish the dwelling-house (and paragraph 15(5) to (7) of that Schedule as so applied applies on the same basis).
- (5) A continuation notice is a notice—
- (a) stating that the transferee—
 - (i) has acquired the interest concerned, and
 - (ii) intends to demolish the dwelling-house or (as the case may be) the building containing it (“the relevant premises”),
 - (b) setting out the reasons why the transferee intends to demolish the relevant premises,
 - (c) stating that the original notice is to continue in force, and
 - (d) explaining the continued effect of the original notice.
- (6) A continuation notice may not vary the period specified in the original notice in accordance with paragraph 1(1)(c).
- (7) Sub-paragraph (8) applies if—
- (a) the dwelling-house is contained in a building which contains one or more other dwelling-houses, and
 - (b) the transferee intends to demolish the whole of the building.

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- (8) The transferee must serve a continuation notice on the occupier of each of the dwelling-houses contained in the building (whether addressed to him by name or just as “the occupier”).
- (9) An accidental omission to serve a continuation notice on one or more occupiers does not prevent the condition in sub-paragraph (8) from being satisfied.
- (10) Paragraph 13(7) of Schedule 5 applies in relation to the transferee's intention to demolish so as to impose a condition on the transferee for a notice to appear within the period of 2 months beginning with the date of transfer; and paragraph 2(3) above applies for this purpose.
- (11) Sub-paragraphs (7) to (10) above apply instead of paragraph 2(2) and (3) in relation to an initial demolition notice so far as continued in force under this paragraph.]

Restriction on serving further demolition notices

- 4 (1) This paragraph applies where an initial demolition notice (“ the relevant notice ”) has (for any reason) ceased to be in force in respect of a dwelling-house without it being demolished.
- (2) No further initial demolition notice may be served in respect of the dwelling-house [F⁶, by the landlord who served the relevant notice or any landlord who served a continuation notice in respect of the relevant notice,] during the period of 5 years following the time when the relevant notice ceases to be in force, unless—
 - (a) [F⁷the further notice] is served with the consent of the Secretary of State, and
 - (b) it states that it is so served.
- (3) Subject to sub-paragraph (4), no final demolition notice may be served in respect of the dwelling-house [F⁸, by the landlord who served the relevant notice or any landlord who served a continuation notice in respect of the relevant notice,] during the period of 5 years following the time when the relevant notice ceases to be in force, unless—
 - (a) [F⁹the final demolition notice] is served with the consent of the Secretary of State, and
 - (b) it states that it is so served.
- (4) Sub-paragraph (3) does not apply to a final demolition notice which is served at a time when an initial demolition notice served in accordance with sub-paragraph (2) is in force.
- (5) The Secretary of State’s consent under sub-paragraph (2) or (3) may be given subject to compliance with such conditions as he may specify.

Textual Amendments

- F6** Words in Sch. 5A para. 4(2) inserted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 11(2)(a)** (with Sch. 13 para. 14)
- F7** Words in Sch. 5A para. 4(2)(a) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 11(2)(b)** (with Sch. 13 para. 14)
- F8** Words in Sch. 5A para. 4(3) inserted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 11(3)(a)** (with Sch. 13 para. 14)

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- F9** Words in Sch. 5A para. 4(3)(a) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 11(3)(b)** (with Sch. 13 para. 14)

Service of notices

- 5 Paragraph 16 of [^{F10}Schedule 5](service of notices) applies in relation to notices under this Schedule as it applies in relation to notices under paragraph 13 [^{F11}, 15 or 15A] of that Schedule.

Textual Amendments

- F10** Words in Sch. 5A para. 5 substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. **310(3)**, 325(2)
- F11** Words in Sch. 5A para. 5 substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 12** (with Sch. 13 para. 14)

Interpretation

- 6 (1) In this Schedule [^{F12}(other than paragraph 3A)] any reference to the landlord, in the context of a reference to the demolition or intended demolition of any premises, includes a reference to a superior landlord.
- (2) In this Schedule—
- “ final demolition notice ” means a final demolition notice served under paragraph 13 of Schedule 5;
 - “ premises ” means premises of any description;
 - “ scheme ” includes arrangements of any description.]

Textual Amendments

- F12** Words in Sch. 5A para. 6(1) inserted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 305, 325(2), **Sch. 13 para. 13** (with Sch. 13 para. 14)

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Changes and effects yet to be applied to :

- Sch. 5A para. 3(3)(a) word omitted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(i\)](#)
- Sch. 5A para. 3(2) words inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(a\)](#)
- Sch. 5A para. 3(4) words inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(c\)](#)
- Sch. 5A para. 3(7) words inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(e\)](#)
- 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\(3\)\(d\)](#)