



# Housing and Planning Act 1986

## 1986 CHAPTER 63

### PART I

#### HOUSING

##### *Miscellaneous*

#### **21 Effect of resolutions relating to housing action area or general improvement area.**

- (1) In Part VIII of the <sup>M1</sup>Housing Act 1985 (area improvement) before section 260, under the heading “Supplementary provisions” insert—

**“259A Effect of resolutions relating to housing action area or general improvement area.**

- (1) A resolution of a local housing authority passed after the commencement of this section—
- (a) declaring an area to be a housing action area, excluding land from a housing action area or declaring that an area shall cease to be a housing action area, or
  - (b) declaring an area to be a general improvement area, excluding land from a general improvement area or declaring that an area shall cease to be a general improvement area,
- has effect, subject to subsection (2), from the day on which the resolution is passed.
- (2) A resolution declaring an area to be a general improvement area may be expressed to have effect from a future date, not later than four weeks after the passing of the resolution, on which the whole or part of that area will cease to be, or be included in, a housing action area.

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*Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 21. (See end of Document for details)*

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### **259B Effect of certain resolutions passed before commencement of s. 259A.**

- (1) Where before the commencement of section 259A a local housing authority passed a resolution of any of the descriptions mentioned in the section expressed to have effect from a date after that on which it was passed—
  - (a) anything done before the commencement of this section in reliance on the view that the resolution was invalid shall have effect as if the resolution had not been passed, but
  - (b) otherwise, the resolution shall be taken for all purposes, both before and after the commencement of this section, to have been validly passed and to have had effect from the date on which it was expressed to have had effect ;
 subject to the following provisions.
- (2) A person shall not be proceeded against in respect of anything done or omitted before the commencement of this section which would not have been an offence if the resolution had not been passed.
- (3) Where the resolution declared a housing action area or general improvement area and, before the commencement of this section, the local housing authority passed a further resolution making the like declaration in relation to the whole or part of the area to which the first resolution then related—
  - (a) both resolutions are effective, notwithstanding that they relate in whole or in part to the same area ;
  - (b) the area covered by both resolutions is a housing action area or general improvement area by virtue of the joint effect of the two resolutions, and in the case of a housing action area shall continue to be such an area (subject to the provisions of this Part) until the end of the period of five years beginning with the date on which the second resolution was passed ;
  - (c) it is immaterial whether steps taken before the commencement of this section were taken in reliance on the first resolution or the second, but steps taken in reliance on the first shall not be proceeded with to the extent that they have been superseded by, or are inconsistent with, steps taken in reliance on the second ; and
  - (d) the areas declared by the two resolutions may be treated as one for the purposes of section 245(3) or 259(3) (limit on aggregate expenditure qualifying for contributions by Secretary of State).
- (4) The provisions of subsection (3) do not affect the powers of the Secretary of State under section 241(2)(a) and (b) (power to overrule declaration of housing action area or exclude land from area) and, so far as they relate to the duration of a housing action area, have effect subject to section 241(4) (effect of Secretary of State’s decision in such a case).”.
- (2) In consequence of the above amendment, Part VIII of the <sup>M2</sup>Housing Act 1985 is further amended as follows—
  - (a) in section 239(4) (duration of housing action area), omit “beginning with the date on which the resolution is passed” ;
  - (b) in section 240(1) (steps to be taken after declaration of housing action area) omit “passing a resolution” ;

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*Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 21. (See end of Document for details)*

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- (c) in section 242(2) (incorporation into housing action area of land comprised in general improvement area), for “the resolution is passed declaring such an area” substitute “the area is declared” ;
- (d) in section 250(1) (exclusion of land from, or termination of, housing action area), omit “on the date on which the resolution is passed” ;
- (e) in section 257 (duty to publish information) for “have declared” substitute “have passed a resolution declaring” and for “assistance available” substitute “assistance which is or will be available” ;
- (f) in section 258(1)(b) (resolution terminating general improvement area), for “an area to be no longer” substitute “that an area shall cease to be” ;
- (g) in section 258(2) (effect of resolution excluding land from or terminating general improvement area) for “the date on which the resolution takes effect” substitute “the date on which the exclusion or cessation takes effect” and for “the exclusion or cessation” substitute “the resolution” .

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**Marginal Citations****M1** 1985 c. 68**M2** 1985 c. 68.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing and Planning Act 1986, Section 21.