

**Changes to legislation:** *Housing Act 2004, Cross Heading: Housing Act 1985 (c. 68) is up to date with all changes known to be in force on or before 10 August 2023. 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

### [<sup>F1</sup>SCHEDULE 15

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Textual Amendments

- F1** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 335](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 76)

#### *Housing Act 1985 (c. 68)*

- 10 The Housing Act 1985 has effect subject to the following amendments.

##### Commencement Information

- I1** Sch. 15 para. 10 wholly in force at 16.6.2006; Sch. 15 para. 10 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 10 in force for E. at 6.4.2006 by [S.I. 2006/1060, art. 2\(1\)\(d\)](#) (with Sch.); Sch. 15 para. 10 in force for W. at 16.6.2006 by [S.I. 2006/1535, art 2\(b\)](#) (with Sch.)

- 11 In section 8(2) (periodical review of housing needs) for “section 605” substitute “section 3 of the Housing Act 2004”.

##### Commencement Information

- I2** Sch. 15 para. 11 wholly in force at 16.6.2006; Sch. 15 para. 11 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 11 in force for E. at 6.4.2006 by [S.I. 2006/1060, art. 2\(1\)\(d\)](#) (with Sch.); Sch. 15 para. 11 in force for W. at 16.6.2006 by [S.I. 2006/1535, art 2\(b\)](#) (with Sch.)

- 12 For section 252(c) (definition of “house in multiple occupation” for purposes of Part 8) substitute—

“(c) “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include any part of such a house which is occupied as a separate dwelling by persons who form a single household.”

##### Commencement Information

- I3** Sch. 15 para. 12 wholly in force at 16.6.2006; Sch. 15 para. 12 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 12 in force for E. at 6.4.2006 by [S.I. 2006/1060, art. 2\(1\)\(d\)](#) (with Sch.); Sch. 15 para. 12 in force for W. at 16.6.2006 by [S.I. 2006/1535, art 2\(b\)](#) (with Sch.)

- 13 For section 268 (service of notice of demolition and closing orders) substitute—

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### “Service of copies of demolition order

- (1) A local housing authority who have made a demolition order must serve a copy of the order on every person who, to their knowledge, is—
  - (a) an owner or occupier of the whole or part of the premises to which the order relates,
  - (b) authorised to permit persons to occupy the whole or part of those premises, or
  - (c) a mortgagee of the whole or part of the premises.
- (2) The copies required to be served under subsection (1) shall be served within the period of seven days beginning with the day on which the order is made.
- (3) A copy of the order is to be regarded as having been served on every occupier in accordance with subsections (1) and (2) if a copy of the order is fixed to some conspicuous part of the premises within the period of seven days mentioned in subsection (2).
- (4) A demolition order against which no appeal is brought under section 269 becomes operative at the end of the period of 28 days beginning with the day on which the order is made and is final and conclusive as to matters which could be raised on an appeal.
- (5) Section 246 of the Housing Act 2004 (service of notices)—
  - (a) applies in relation to copies required to be served under this section (instead of section 617 below), and
  - (b) so applies as it applies in relation to documents required to be served under any provision of Parts 1 to 4 of that Act.”

#### Commencement Information

**I4** Sch. 15 para. 13 wholly in force at 16.6.2006; Sch. 15 para. 13 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 13 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 13 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 14 In section 269(1) (right of appeal against demolition or closing order) for the words from “demolition or closing order” to “the order,” substitute “ demolition order may, within the period of 28 days beginning with the day on which the order is made, ”.

#### Commencement Information

**I5** Sch. 15 para. 14 wholly in force at 16.6.2006; Sch. 15 para. 14 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 14 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 14 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 15 After section 269 insert—

### “Appeals suggesting certain other courses of action

- (1) One ground of appeal under section 269 in relation to a demolition order made under section 265 is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.

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- (2) The courses of action are—
- (a) serving an improvement notice under section 11 or 12 of the Housing Act 2004;
  - (b) making a prohibition order under section 20 or 21 of that Act;
  - (c) serving a hazard awareness notice under section 28 or 29 of that Act; or
  - (d) declaring the area in which the premises concerned are situated to be a clearance area in accordance with section 289 of this Act.
- (3) Subsection (4) applies where—
- (a) a residential property tribunal is hearing an appeal under section 269 in relation to a demolition order made under section 265; and
  - (b) the grounds on which the appeal is brought are or include the ground that a course of action mentioned in subsection (2) is the best course of action in relation to each hazard concerned.
- (4) The tribunal shall have regard to any guidance given to the local housing authority under section 9 of the Housing Act 2004.
- (5) Subsection (6) applies where—
- (a) an appeal under section 269 is allowed against a demolition order made under section 265; and
  - (b) the reason or one of the reasons for allowing the appeal is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.
- (6) The tribunal shall, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.
- (7) Subsection (1) of this section is without prejudice to the generality of section 269.”

#### Commencement Information

- I6** Sch. 15 para. 15 wholly in force at 16.6.2006; Sch. 15 para. 15 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 15 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 15 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 16 In section 274 (demolition orders: power to permit reconstruction of condemned house) for subsections (2) to (5) substitute—

“(2) If the authority are satisfied that the result of the works will be—

- (a) in the case of a demolition order made under section 265(1) or (2), that the hazard concerned ceases to be a category 1 hazard, or
- (b) in the case of a demolition order made under section 265(3) or (4), that a prescribed state of affairs exists,

they may, in order that the person submitting the proposals may have an opportunity of carrying out the works, extend for such period as they may specify the time within which the owner of the premises is required under section 271 to demolish them.

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- (3) In subsection (2) “prescribed state of affairs” means such state of affairs as may be specified or described in an order made by the Secretary of State.
- (4) An order under subsection (3)—
- (a) may make different provision for different cases or descriptions of case (including different provision for different areas);
  - (b) may contain such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate; and
  - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) That time may be further extended by the authority, once or more often as the case may require, if—
- (a) the works have begun and appear to the authority to be making satisfactory progress, or
  - (b) though they have not begun, the authority think there has been no unreasonable delay.
- (6) Where the authority determine to extend, or further extend, the time within which the owner of any premises is required under section 271 to demolish them, notice of the determination shall be served by the authority on every person having an interest in the premises or part of the premises, whether as freeholder, mortgagee or otherwise.
- (7) If the works are completed to the satisfaction of the authority they shall revoke the demolition order (but without prejudice to any subsequent proceedings under this Part or Part 1 of the Housing Act 2004).”

**Commencement Information**

**I7** Sch. 15 para. 16 wholly in force at 16.6.2006; Sch. 15 para. 16 in force for certain purposes at Royal Assent see s. 270(2)(b); Sch. 15 para. 16 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 16 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

17 After section 274 insert—

**“Effect of certain enforcement action under the Housing Act 2004**

A demolition order which has been made in respect of any premises shall cease to have effect if a management order under Chapter 1 or 2 of Part 4 of the Housing Act 2004 comes into force in relation to the premises.”

**Commencement Information**

**I8** Sch. 15 para. 17 wholly in force at 16.6.2006; Sch. 15 para. 17 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 17 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 17 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

18 For section 275 (demolition orders: substitution of closing orders) substitute—

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**“Demolition orders: substitution of prohibition order to permit use otherwise than for human habitation**

- (1) If—
- (a) an owner of any premises in respect of which a demolition order has become operative, or
  - (b) any other person who has an interest in the premises,
- submits proposals to the local housing authority for the use of the premises for a purpose other than human habitation, the authority may, if they think fit, determine the demolition order and make a prohibition order under section 20 or 21 of the Housing Act 2004 in respect of the hazard concerned.
- (2) The authority shall serve notice that the demolition order has been determined, and a copy of the prohibition order, on every person on whom they are required by Part 1 of Schedule 2 to the Housing Act 2004 to serve a copy of the prohibition order.”

**Commencement Information**

**I9** Sch. 15 para. 18 wholly in force at 16.6.2006; Sch. 15 para. 18 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 18 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 18 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 19 (1) Section 289 (declaration of clearance area) is amended as follows.
- (2) In subsection (2F)(b) for “are unfit for human habitation” substitute “ contain category 1 or category 2 hazards ”.
- (3) In subsection (3)—
- (a) in sub-paragraph (i), for the words from “unfit” to “health” substitute “ dangerous or harmful to health or safety ”; and
  - (b) in sub-paragraph (ii), for “injurious to health” substitute “ harmful to health or safety ”.

**Commencement Information**

**I10** Sch. 15 para. 19 wholly in force at 16.6.2006; Sch. 15 para. 19 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 19 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 19 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 20 For section 300 (purchase of houses liable to be demolished or closed) substitute—

**“Purchase of houses liable to be demolished or to be subject to a prohibition order**

- (1) Where—
- (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a demolition order under section 265(1) or (2) of this Act in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and

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- (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,  
 they may purchase it instead.
- (2) Where—
  - (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a relevant prohibition order in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and
  - (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,  
 they may purchase it instead.
- (3) In subsection (2) “relevant prohibition order” means a prohibition order under section 20 of the Housing Act 2004 which imposes in relation to the whole of the dwelling, house in multiple occupation or building a prohibition on its use for all purposes other than any purpose approved by the authority.
- (4) Where an authority have determined to purchase any premises under subsection (1)—
  - (a) they shall serve a notice of their determination on the persons on whom they would have been required by section 268(1) to serve a copy of a demolition order, and
  - (b) sections 268(4) and 269(1), (2), (3) and (6) (operative date and right of appeal) apply to such a notice as they apply to a demolition order.
- (5) Where an authority have determined to purchase any premises under subsection (2)—
  - (a) they shall serve a notice of their determination on the persons on whom they would have been required by Part 1 of Schedule 2 to the Housing Act 2004 (service of prohibition orders) to serve a copy of the relevant prohibition order; and
  - (b) section 24 of that Act and Parts 1 and 3 of that Schedule (operative date, right of appeal etc.) apply to such a notice as they apply to a prohibition order which is not suspended or to appeals against such an order (as the case may be).
- (6) At any time after the notice has become operative the authority may purchase the dwelling, house in multiple occupation or building by agreement or be authorised by the Secretary of State to purchase it compulsorily.
- (7) This section does not apply where section 304(1) applies (listed building or building protected pending listing).”

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#### Commencement Information

**I11** Sch. 15 para. 20 wholly in force at 16.6.2006; Sch. 15 para. 20 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 20 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 20 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

21 For section 304 (closing orders in relation to listed buildings) substitute—

#### “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 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.”

#### Commencement Information

**I12** Sch. 15 para. 21 wholly in force at 16.6.2006; Sch. 15 para. 21 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 21 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 21 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

22 In section 307(1) (saving for rights arising from breach of covenant etc.) for the words from “relating to” to “prejudices” substitute “ relating to the demolition or purchase of unfit premises prejudices ”.

#### Commencement Information

**I13** Sch. 15 para. 22 wholly in force at 16.6.2006; Sch. 15 para. 22 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 22 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 22 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

23 In section 308(3) (approval of owner’s proposals for re-development)—

- (a) after “Part” insert “ or Chapter 2 of Part 1 of the Housing Act 2004 ”; and
- (b) for “, closing or purchase of unfit premises” substitute “ or purchase of premises or the prohibition of uses of premises ”.

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**Commencement Information**

**I14** Sch. 15 para. 23 wholly in force at 16.6.2006; Sch. 15 para. 23 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 23 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 23 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 24 Omit section 310 (certificate of fitness for human habitation resulting from owner’s improvements or alterations).

**Commencement Information**

**I15** Sch. 15 para. 24 wholly in force at 16.6.2006; Sch. 15 para. 24 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 24 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 24 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 25 In section 318(1)(a) (power of court to authorise execution of works on unfit premises or for improvement)—
- (a) for “dwelling-houses” substitute “ dwellings ”; and
  - (b) for “injurious to health or unfit for human habitation” substitute “ harmful to health or safety ”.

**Commencement Information**

**I16** Sch. 15 para. 25 wholly in force at 16.6.2006; Sch. 15 para. 25 not in force at Royal Assent see s. 270(2) (3); Sch. 15 para. 25 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 25 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 26 For section 322 substitute—

**“Minor definitions**

- (1) In this Part the following expressions have the same meaning as in Part 1 of the Housing Act 2004 (see sections 1(5) to (7) and 2(1) of that Act)—

- “building containing one or more flats”,
- “category 1 hazard”,
- “category 2 hazard”,
- “common parts”, in relation to a building containing one or more flats,
- “dwelling”,
- “flat”,
- “hazard”.

- (2) In this Part—

- “health” includes mental health;
- “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act);
- “owner”, in relation to premises—



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- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in premises, whether in possession or reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years;
- “premises” in relation to a demolition order, means the dwelling, house in multiple occupation or building in respect of which the order is made.

- (3) This Part applies to unoccupied HMO accommodation (as defined by section 1(5) of the Housing Act 2004) as it applies to a house in multiple occupation, and references to a house in multiple occupation in this Part are to be read accordingly.”

#### Commencement Information

**I17** Sch. 15 para. 26 wholly in force at 16.6.2006; Sch. 15 para. 26 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 26 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 26 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

- 27 In section 323 (index of defined expressions: Part 9) insert at the appropriate places—

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“building containing one or more flats section 322”

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“category 1 hazard section 322”

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“category 2 hazard section 322”

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“common parts section 322”

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“dwelling section 322”

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“hazard section 322”

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“health section 322”

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“residential property tribunal section 229 of the Housing Act 2004”.

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**Commencement Information**

**I18** Sch. 15 para. 27 wholly in force at 16.6.2006; Sch. 15 para. 27 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 27 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 27 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

28 In section 439 (requirements as to fitness of premises before advancing money for certain purposes), omit subsections (1) and (2).

**Commencement Information**

**I19** Sch. 15 para. 28 wholly in force at 16.6.2006; Sch. 15 para. 28 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 28 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 28 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

29 In section 582 (compulsory purchase orders: restriction on recovery of possession of houses in multiple occupation) for subsection (8) substitute—

“(8) In this section “house in multiple occupation” has the meaning given by sections 254 to 259 of the Housing Act 2004 for the purposes of that Act (other than Part 1).”

**Commencement Information**

**I20** Sch. 15 para. 29 wholly in force at 16.6.2006; Sch. 15 para. 29 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 29 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 29 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

30 For section 584A (compensation payable in case of closing and demolition orders) substitute—

**“Compensation payable in case of prohibition and demolition orders**

- (1) Subject to subsection (3), where a relevant prohibition order becomes operative in respect of any premises or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner’s interest in the premises as a result of the coming into operation of the relevant prohibition order or, as the case may be, the making of the demolition order; and that amount—
  - (a) shall be determined as at the date of the coming into operation or making of the order in question; and
  - (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.
- (3) In any case where—
  - (a) a relevant prohibition order has been made in respect of any premises, and

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(b) that order is revoked and a demolition order is made in its place, the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the relevant prohibition order.

(4) For the purposes of this section—

“compulsory purchase value”, in relation to an owner’s interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961;

“premises”, in relation to a demolition order, has the meaning given by section 322;

“premises”, in relation to a prohibition order, means premises which are specified premises in relation to the order within the meaning of Part 1 of the Housing Act 2004;

“relevant prohibition order” means a prohibition order under section 20 or 21 of the Housing Act 2004 which imposes in relation to the whole of any premises a prohibition on their use for all purposes other than any purpose approved by the authority.”

#### Commencement Information

**I21** Sch. 15 para. 30 wholly in force at 16.6.2006; Sch. 15 para. 30 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 30 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 30 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

31 For section 584B (repayment on revocation of demolition or closing order) substitute—

#### “Repayment on revocation of demolition or prohibition order

(1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition order or relevant prohibition order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the relevant prohibition order is revoked under section 25(1) or (2) of the Housing Act 2004,

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

(2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
- (b) by virtue of section 25(3) of the Housing Act 2004, the order is revoked as respects part of the premises and not varied, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had at the time the payment was made, an

**Changes to legislation:** *Housing Act 2004, Cross Heading: Housing Act 1985 (c. 68) is up to date with all changes known to be in force on or before 10 August 2023. 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*

- owner’s interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),
- then, if at the time of the revocation of the relevant prohibition order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).
- (3) In any case where—
- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
  - (b) by virtue of section 25(4) of the Housing Act 2004, the order is varied,
- then, if at the time of the variation of the order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).
- (4) The amount referred to in subsection (2) or (3) is whichever is the less of—
- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the revocation or variation of the relevant prohibition order; and
  - (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;
- and the amount referred to in paragraph (a) shall be determined as at the date of the revocation or variation of the relevant prohibition order.
- (5) For the purpose of assessing the amount referred to in subsection (4)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (6) Any dispute as to the amount referred to in subsection (4)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1) (a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.
- (7) In this section “premises” and “relevant prohibition order” have the same meaning as in section 584A.”]

#### Commencement Information

**I22** Sch. 15 para. 31 wholly in force at 16.6.2006; Sch. 15 para. 31 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 31 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); Sch. 15 para. 31 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art 2\(b\)](#) (with [Sch.](#))

**Changes to legislation:**

Housing Act 2004, Cross Heading: Housing Act 1985 (c. 68) is up to date with all changes known to be in force on or before 10 August 2023. 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.

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**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. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)