

1979 No. 1214 (C. 32)

HOUSING, ENGLAND AND WALES

The Housing Act 1974 (Commencement No. 6)
Order 1979*Made - - - - 27th September 1979*

The Secretary of State, in exercise of the powers conferred upon him by section 131 of the Housing Act 1974(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Housing Act 1974 (Commencement No. 6) Order 1979.
2. The provisions of the Housing Act 1974 specified in Schedule 1 to this order shall come into operation on 9th October 1979.
3. The savings contained in Schedule 2 to this order shall have effect in relation to Parts II and III of Schedule 1 below.

SCHEDULE 1

PART I

Section 130(4) and Schedule 15 as they relate to the repeals specified in the Table below.

TABLE
REPEALS

| Chapter | Short Title | Extent of Repeal |
|---------------------------|-----------------------|--|
| 5 & 6 Eliz. II. c. 56. | The Housing Act 1957. | In section 43(1), the words from "in one or other" to "(b)". In section 50, the words from "(a)" to "vested in the authority". Sections 53 & 54. In section 67(1), the words "a clearance order, or in". In section 70(2), the words "clearance or" "clearance order or" and "as the case may be". |

(a) 1974 c. 44.

| Chapter | Short Title | Extent of Repeal |
|----------------------------|---------------------------------|--|
| 5 & 6 Eliz. II. c. 56. | The Housing Act 1957 (cont.) | In section 159, paragraph (b)(iv). In section 166(1), the words "any clearance order". In Schedule 4, in paragraph 1, the words "or a clearance order", and in paragraph 5 the words "or fifty-one" and "or a clearance order". Schedule 5. |
| 9 & 10 Eliz. II. c. 64. | The Public Health Act 1961. | In section 29(4)(b), the words "or clearance order", in both places where they occur. |
| 1969 c. 33. | The Housing Act 1969. | In section 29(2), the words "or a clearance order under Schedule 5 to that Act". |
| 1972 c. 47. | The Housing Finance Act 1972. | In section 11(7), the words "sections 53 and 54 (clearance orders made before 30 August 1954) and other than". |

PART II

Section 130(1) as it relates to paragraphs 3, 7, 11, 19 and 21 of Schedule 13.

Section 130(4) as it relates to the repeals specified in the Table below.

Schedule 13, paragraphs 3, 7, 11, 19 and 21.

Schedule 15 as it relates to the repeals specified in the Table below.

TABLE

REPEALS

| Chapter | Short Title | Extent of Repeal |
|---------------------------|-----------------------|--|
| 5 & 6 Eliz. II. c. 56. | The Housing Act 1957. | Sections 44 to 46. In section 60(1) (as originally enacted), the word "(a)" and the words from "or" to "order". In section 162(1), the words "or a clearance order". In section 163(1), the words "or a clearance order". In Schedule 2, in paragraph 4(1), paragraph (c) and the word "or" immediately preceding it, in paragraph 6(1) the words "(a)" and "or (b) a clearance order", and in paragraph 7(2) the words "clearance order". |

| Chapter | Short Title | Extent of Repeal |
|----------------------------|--|---|
| 9 & 10 Eliz. II. c. 65. | The Housing Act 1961. | Section 24. Schedule 3. |
| 1965 c. 81. | The Housing (Slum Clearance Compensation) Act 1965. | In section 1(1), the words "or clearance orders". |
| 1969 c. 33. | The Housing Act 1969. | In section 69 paragraph (c) and the word "or" immediately preceding it. In Schedule 5, in each of para- graphs 3(1) and 5(2), the words "clearance order". |

PART III

Section 130(4) and Schedule 15 as they relate to the repeal specified in the Table below.

TABLE

REPEALS

| Chapter | Short Title | Extent of Repeal |
|---------------------------|-----------------------|------------------|
| 5 & 6 Eliz. II. c. 56. | The Housing Act 1957. | Section 51. |

SCHEDULE 2

SAVINGS

1. Notwithstanding the repeal of the enactments specified in Part II of Schedule 1 above, the said enactments shall continue to have effect in relation to any order made by a local authority which has become operative under section 44 of the Housing Act 1957 (c. 56).

2. Notwithstanding the repeal of the enactment specified in Part III of Schedule 1 above, subsections (2) to (5) thereof shall continue to have effect in relation to any land in respect of which a local authority have made a resolution under subsection (1) before the coming into operation of this order.

3. Nothing in this order shall affect the application of section 60 of the Housing Act 1957 (payments in respect of well-maintained houses in clearance areas) in relation to a house which is the subject of a compulsory purchase order or a clearance order made on or after 31st August 1974.

27th September 1979.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on the 9th October 1979 certain minor and consequential amendments and repeals made by section 130 of the Housing Act 1974 ("the 1974 Act"), which relate to clearance orders made by a local authority under Part III of the Housing Act 1957. The power of a local authority to make further clearance orders was removed by section 108 of the 1974 Act.

The savings made in Schedule 2 to the Order preserve the powers available to a local authority under existing clearance orders.

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