

SCHEDULE 5

article 14

AMENDMENT OF PART 7 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989

1. Part 7 of the 1989 Act (renewal areas) is amended in accordance with paragraphs 2 to 7 below.

2.—(1) Section 89 (declaration of renewal area) is amended as follows.

(2) In subsection (1)—

(a) for “such a report as is”, substitute “a report containing particulars of the matters”; and

(b) at the end, insert “for the period specified in the declaration”.

(3) Omit subsection (2).

(4) For subsections (3) to (7), substitute the following subsections—

“(3) The matters referred to in subsection (1) above are—

(a) the living conditions in the area concerned;

(b) the ways in which those conditions may be improved (whether by the declaration of a renewal area or otherwise);

(c) the powers available to the authority (including powers available apart from this Act) if the area is declared to be a renewal area;

(d) the authority’s detailed proposals for the exercise of those powers during the period that the area will be a renewal area (if so declared);

(e) the cost of those proposals;

(f) the financial resources available, or likely to be available, to the authority (from whatever source) for implementing those proposals; and

(g) the representations (if any) made to the authority in relation to those proposals,

and the report shall contain a recommendation, with reasons, as to whether a renewal area should be declared and, if so, the period for which the area should be a renewal area.

(4) Subject to section 95 below, an area which is declared to be a renewal area shall be such an area—

(a) until the end of the period specified in the declaration, or

(b) if at any time during that period the local housing authority by resolution extend the period for which the area is to be a renewal area, until the end of the period specified in the resolution (unless further extended under this paragraph).

(5) In considering whether—

(a) to declare an area to be a renewal area, or

(b) to extend the period for which an area is to be a renewal area,

a local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State.

(6) Before exercising their power—

(a) to declare an area to be a renewal area, or

(b) to extend (or further extend) the period for which an area is to be a renewal area,

a local housing authority shall take the steps required by subsection (7) below.

(7) Those steps are such as appear to the authority best designed to secure—

(a) that the detailed proposals referred to in subsection (3)(d) above or, where the authority are considering the extension of the period for which an area is to be a

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renewal area, such of those proposals as remain to be implemented, are brought to the attention of persons residing or owning property in the area; and

(b) that those persons are informed of the name and address of the person to whom should be addressed inquiries and representations concerning those proposals.

(8) A resolution under subsection (1) or (4)(b) above has effect from the day on which it is passed and is a local land charge.”.

3. Section 90 shall cease to have effect.

4. For section 91 (steps to be taken after declaration of renewal area), substitute the following section—

“Renewal area: steps to be taken after declaration or extension

(1) As soon as may be after—

(a) declaring an area to be a renewal area; or

(b) extending (or further extending) the period for which an area is to be a renewal area,

a local housing authority shall take the steps required by subsection (2) below.

(2) Those steps are such as appear to the authority best designed to secure—

(a) that the resolution to which the declaration, or extension (or further extension) of the period, relates is brought to the attention of persons residing or owning property in the area; and

(b) that those persons are informed of the name and address of the person to whom should be addressed inquiries and representations concerning action to be taken with respect to the renewal area.”.

5. In section 92 (duty to publish information), omit subsection (2).

6.—(1) Section 95 (exclusion of land from, or termination of, renewal area) is amended as follows.

(2) In subsection (1), for “subsections (3) to (5)” substitute “subsection (5)”.

(3) For subsection (2), substitute the following subsection—

“(2) Before exercising any power under subsection (1) above, an authority shall take such steps as appear to the authority best designed to secure—

(a) that the proposed exclusion or cessation, as the case may be, is brought to the attention of persons residing or owning property in the area; and

(b) that those persons are informed of the name and address of the person to whom should be addressed representations concerning the proposed exclusion or cessation.”.

(4) Omit subsections (3) and (4).

(5) In subsection (5), omit “further”.

7. In section 99 (directions and guidance), omit “directions or”.

8. The reference to the 1989 Act in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999(1) is to be treated as a reference to that Act as amended by virtue of this Schedule.

(1) S.I.1999/672, to which there are amendments not relevant to this Order.

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