

Enforcement Legislation used by Housing Section as of April 2006

Act	Examples of Powers Available
Building Act 1984	<p>Notice defective drainage section 59, Notice regarding connection of foul to surface water and improper ventilation of pipes section 60 Decision of Prosecution of offence improper disconnection of a drain section 62 Decision of Prosecution of offence improper construction or repair of water closet or drain section 63 Notices requiring provision of Water Closet section 64 Provision of temporary water closets section 67 Defective premises, service of notice, carrying out of works to remedy defective state and recovery of expenses section 76 Notices regarding drainage of courts, yards and passages section 84 Powers of Entry and Investigation section 95, Power of entry under warrant section 96 Power to carry out works upon request section 97 Powers to carry out works in default and recover money section 99</p>
Caravan Sites Act 1968	<p>Enforcement regarding offences set out in Act (regarding Harassment, Illegal Eviction and unauthorised encampments etc.) section 3. Prosecution under section 14.</p>
Caravan Sites and Control of Development Act 1960	<p>Prosecution of offences under section 1 (operation of an unlicensed site), Prosecution of offences under section 9(1) (breach of conditions). Application of conditions to and issuing of site licences sections 3 and 5. Powers of entry section 26. Carry out works required section 9 and recover money as a debt. Amendment of Conditions section 8 Transfer of site licence section 10</p>
Environmental Protection Act 1990	<p>Statutory Nuisance: All powers under sections 79, 80 and 81 including service of notices carrying out of works in default, recovery of associated costs and prosecution. Powers of entry section 80</p>
Health and Safety at Work Act 1974	<p>Principal Environmental Health Officer (Housing): Personally appointed to use relevant Statutory Provisions as defined in section 53 and Powers under sections 20, 21,22 and 25 of the Act, together with Powers to institute legal proceedings under section 38.</p>
Housing Act 1985	<p>demolition order section 265(1) or (2) declare a clearance area section 289 (2) make a determination under section 300(1) or (2), enabling the purchase of the property if the LHA considers the property is capable of providing adequate accommodation for temporary housing use. Powers of entry under sections 197 (fitness standard and disrepair assessment), 260 (area improvement), 319 (slum clearance), 337 and 340 (overcrowding), 395 (HMOs), 600 (compulsory purchase), (power of entry section 197 repealed by Housing Act 2004) (Notice to execute repairs to unfit property section 189, Notice to execute</p>

	repairs to a property section 190, not relevant from commencement of Housing Act 2004)
Housing Grants, Construction & Regeneration Act 1996	Chapters I,II,III,IV Powers and duties in relation to grants and home repair assistance.
Housing Act 2004	<p>All enforcement powers including: Inspection and enforcement of Housing Health and Safety Rating Scheme including: Improvement notice, section 12 Prohibition orders sections 21 and 44 Carrying out emergency remedial action section 40 Notice regarding emergency remedial action section 41 Recovery of expenses section 42 Hazard awareness notice section 29 Power to suspend improvement notices section 14 or revoke or vary a notice section 16 Power to suspend prohibition orders section 23 and revoke or vary prohibition orders section 25 Enforcement action in respect of improvement notices and recover related expenses. Section 31 Power to charge for enforcement action section 49 Power to recover charges section 50</p> <p>Application of all licensing provisions under Part 2, including setting of conditions, requirements of application, issuing, varying and revoking licences.</p> <p>Designation of an area for additional licensing section 56 Specify licensing requirements section 63 Grant or refuse a licence section 64 Variation of a licence section 69 Revocation of a licence section 70 Prosecution of offences regarding HMO licensing section 72</p> <p>Selective licence grant or refusal section 88 Variation of selective licence section 92 Revocation of selective licence section 93 Prosecution of offences selective licensing section 95</p> <p>Interim Management Order section 102 Special Interim Management Order section 103 Maintenance of a managed property and financial provisions, section 110 Variation of Interim Management orders section 111 Revocation of Interim Management orders section 112 Make and operate Final Management Orders, sections 113 and 115 Vary Final Management Orders section 121 Revoke Final Management Orders section 122 Supply of furniture to a managed property, section 127 Power to enter a managed property to carry out works, section 131 Apply for Interim and Final Empty Dwelling Management Orders, sections 133 and 136 Service of Overcrowding Notices, section 139</p>

	<p>Variation and revocation of overcrowding notices, section 144</p> <p>Notice requiring provision of information, section 235</p> <p>Prosecution of person for offence under section 236, failure to reply to s235 notice</p> <p>Prosecution for offence under section 238 of providing false or misleading information</p> <p>Powers of entry, sections 239 and 240</p> <p>Prosecution for obstructing officer with power of entry, section 241</p> <p>Declaration of a HMO, section 255</p> <p>Revocation of HMO declaration, section 256</p>
Land Drainage Act 1991	<p>Exercise of powers in default of Environment Agency regarding land drainage. Section 10</p> <p>maintenance, improvement or provision of new drainage works sections 14 and 15</p> <p>require works to keep a watercourse clear section 25</p> <p>Power to contribute to costs of drainage works section 60</p> <p>Powers of entry section 64</p>
Landlord and Tenant Act 1985	<p>Power granted under section 34 to prosecute for any offence under the Act section 34</p> <p>Offences: Provision of a rent book section 4</p> <p>Information in a rent book section 5</p> <p>Information to be supplied by companies section 6</p> <p>Duty to forward request to landlord section 6</p>
Local Government Act 1988	<p>Ability to provide financial assistance for privately let housing accommodation. Section 24 Council enabled rather than officer delegated power</p>
Local Government and Housing Act 1989	<p>Part 7 Renewal Areas</p>
Local Government (Miscellaneous Provisions) Act 1976	<p>Power to survey land for consideration of compulsory purchase section 15</p> <p>Requisition for Information section 16</p> <p>Provision of Sanitary Appliance section 20</p> <p>Restoration or continuation of utility Services section 33</p> <p>notices on private sewers to remove obstruction section 35</p> <p>section 35 carrying out of works</p> <p>section 35 recovery of costs</p>
Local Government Acts 1933 & 1972	<p>Provisions for local authorities to serve notices etc.</p>
Local Government (Miscellaneous Provisions) Act 1982	<p>Protection of buildings notice and works to secure a building section 29</p> <p>Power of Entry section 17</p>

Prevention of Damage by Pests Act 1949	<p>notices requiring works to destroy or keep land free from rats/mice section 4.</p> <p>Power to carry out works in default section 5</p> <p>Powers of entry section 22</p>
Protection from Eviction Act 1977	<p>Power to prosecute offences section 6</p> <p>Offences: harassment and unlawful eviction section 1</p> <p>Notice requiring information section 7</p>
Public Health Act 1936	<p>Power to investigate and test drainage section 48</p> <p>Notices for overflowing/leaking cesspools section 50</p> <p>Notice regarding defective water closet section 45</p> <p>Report and notice re filthy or verminous premises section 83 (as amended by section 35 of Public Health Act 1961)</p> <p>Report and notice re articles filthy or verminous section 84</p> <p>Cleansing of verminous person section 85</p> <p>Notice to repair of cleanse culvert section 264</p> <p>Licensing of camping sites section 269</p> <p>Power to execute works section 275</p> <p>Power of Entry and Notice of application for warrant section 287</p> <p>Power to execute works in default section 290</p> <p>Demand for recovery of expenses section 291</p>
Public Health Act 1961	<p>Issue of Notice to repair or remedy drains section 17</p> <p>Power to destroy build up of pigeons etc section 74</p>
Public Health (Control of Disease) Act 1984	<p>Removal of Infectious persons from common lodging houses to hospital section 41</p> <p>Closure of infected common lodging house section 42</p> <p>Provision of burial or cremation of persons when no other arrangements made section 46</p> <p>Removal of body for burial or mortuary section 48</p> <p>Powers of entry and investigation of Canal Boats section 50</p> <p>Powers of entry for provisions of act section 60</p>