



# **Isle of Man**

*Ellan Vannin*

**AT 5 of 1955**

## **HOUSING ACT 1955**





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## HOUSING ACT 1955

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**Isle of Man**

*Ellan Vannin*

## HOUSING ACT 1955

<i>Received Royal Assent:</i>	31 May 1955
<i>Passed:</i>	21 June 1955
<i>Commenced:</i>	21 June 1955

**AN ACT** to consolidate and revise the Housing Acts, 1924 to 1928, and the Housing Act, 1936.

### GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Housing (Miscellaneous Provisions) Act 1976* Sch 5, by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to the Treasurer are to be construed in accordance with the *Treasury Act 1985* s 7.
3. References to any Division or Jurisdiction of the High Court are to be construed as references to the High Court in accordance with the *High Court Act 1991* Sch 4.
4. References to a Board of Tynwald are to be construed in accordance with the *Government Departments Act 1987* s 7.
5. References to a medical officer of health, see *Local Government Act 1985* s 1.
6. Neither the modifications made to Part IV of this Act by the *Housing (Miscellaneous Provisions) Act 1976* Sch 1 nor the modifications made to Parts I, II and III of this Act by the *Local Government (Miscellaneous Provisions) Act 1984* Sch 3, are shown or annotated in this version.

## PART I – PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES

### *Duty of Local Authority in regard to Inspection of Houses*

#### **1 Duty of Local Authority to inspect their district and keep records**

[E1936/5]

It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any

house therein is unfit for human habitation, and for that purpose it shall be the duty of the authority, and of every officer of the authority, to comply with such regulations and to keep such records as the Department of Environment, Food and Agriculture may prescribe.<sup>1</sup>

## 2 and 3 [Repealed]<sup>2</sup>

### *Repair, Demolition and Closing of Insanitary Premises*

## 4 Power of local authority to require repair of insanitary house

[E1936/9; M1936/18]

- (1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.
- (2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.
- (3) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.
- (4) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression “rack-rent” means rent which is not less than two-thirds of the full net annual value of the house.

### 4A House in disrepair

- (1) Where a local authority are satisfied —
  - (a) that a house is in such a state of disrepair that, although not unfit for human habitation, substantial repairs are necessary to bring it

up to a reasonable standard, having regard to its age, character and locality; or

- (b) on a representation made by an occupier, that a house is in such a state of disrepair that, although not unfit for human habitation, its condition is such as to interfere materially with the personal comfort of the occupier,

they may serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than 21 days, as is specified in the notice, to execute the works specified in the notice, not being works of internal decorative repair.

- (2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee or otherwise.

- (3) In this section, in relation to a house —

“occupier” means any person (other than an owner-occupier) who occupies or is entitled to occupy the house or any part of it as a dwelling;

“owner-occupier” means a person who is entitled to occupy the house by virtue of an interest in the house other than a tenancy granted for a term not exceeding 21 years.<sup>3</sup>

## 5 [Repealed]<sup>4</sup>

## 6 Power of local authority to order demolition of insanitary house

[E1936/11; M1936/20]

- (1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.
- (2) A person upon whom notice is served under the foregoing subsection shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer and shall, within such reasonable period as the

authority may allow, submit to them a list of the works which he offers to carry out.

- (3) The authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.
- (4) If no such undertaking as is mentioned in the last foregoing subsection is accepted by the authority, or if, in a case where they have accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve a copy of the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection.

## **7 Power to make a closing order as to part of a building**

[E1936/12; M1936/21]

- (1) A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is used or is suitable for use as a dwelling or in relation to any underground room which is for the purposes of this section to be deemed to be unfit for human habitation, as they are empowered to take in relation to a house, subject, however, to this qualification that, in circumstances in which, in the case of a house, they would have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority, but —
  - (a) the approval of the authority shall not be unreasonably withheld; and
  - (b) the authority shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.
- (2) A room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within nine feet of the

room, shall for the purposes of this section be deemed to be unfit for human habitation, if either —

- (a) the average height of the room from floor to ceiling is not at least seven feet; or
- (b) the room does not comply with such regulations as the local authority with the consent of the Department of Environment, Food and Agriculture may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation.<sup>5</sup>

Provided that, if the local authority, after being required to do so by the Department of Environment, Food and Agriculture, fail to make regulations, or such regulations as Department of Environment, Food and Agriculture approves, the Department of Environment, Food and Agriculture may itself make regulations which shall have effect as if they had been made by the local authority with the consent of the Department of Environment, Food and Agriculture.<sup>6</sup>

## 8 Procedure where demolition order made

[E1936/13; M1936/22]

- (1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority shall enter and demolish the house and sell the materials thereof.
- (2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the house or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.
- (3) Any surplus in the hands of the authority shall be paid by them to the owner of the house, or if there is more than one owner, shall be paid as those owners may agree. If there is more than one owner and the owners do not agree as to the division of the surplus, the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the house, and shall pay the same into court, and the court shall determine the division of the surplus.
- (4) A judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a house, shall have regard to their respective interests in the house, their respective obligations and

liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

## 9 Penalty for using premises in contravention of closing order or of an undertaking

[E1936/14; M1936/22(2)]

- (1) Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the order or undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding £5,000.
- (2) This subsection applies where an offence under subsection (1) is committed by a body corporate (“A”) and it is proved that the offence —
  - (a) was committed with the consent or connivance of a connected person; or
  - (b) was attributable to neglect on the part of a connected person.<sup>7</sup>
- (3) The connected person, as well as A, shall be guilty of the offence.<sup>8</sup>
- (4) If a connected person is convicted of an offence under this Act by virtue of this section, that person shall be liable to the same penalty as the body.<sup>9</sup>
- (5) In this section —

“associate” means, in relation to any person —

- (a) the spouse, civil partner, son, step-son, daughter or step-daughter of that person;
- (b) a body corporate in respect of which that person is a connected person;
- (c) a person who is an employee or partner of that person;
- (d) if that person is a body corporate —
  - (i) any director of that body;
  - (ii) any subsidiary of that body;
  - (iii) any holding company of that body;
  - (iv) any subsidiary of that holding company;
  - (v) any director or employee of any such holding company or subsidiary;

“connected person” means —

- (a) an officer of A;
- (b) a controller of A;

- (c) if the affairs of A are managed by its members, a member of A;
- (d) in relation to a limited liability company constituted under the *Limited Liability Companies Act 1996*, a member, the company's manager, or registered agent;

“controller” means —

- (a) a director of a body corporate of which A is either a holding company or a subsidiary;
- (b) a person who either alone or with any associate is entitled to exercise or control the exercise of 15% or more of the voting power at any general meeting of A or of another body corporate of which it is a holding company or a subsidiary;

“manager” includes a person who, under the immediate authority of a director, exercises managerial functions in respect of the business of A;

“officer” includes —

- (a) a director, manager or secretary;
- (b) a person purporting to act as a director, manager or secretary;
- (c) any person occupying the position of director by whatever name called;
- (d) any person in accordance with whose directions or instructions one or more of the directors are accustomed to act unless the director or directors are accustomed so to act by reason only that they do so on advice given by that person in a professional capacity.<sup>10</sup>

## 10 Closing orders in respect of certain buildings

[1953/10]

- (1) In any case where a local authority would be required, apart from this section, to make a demolition order under section six of this Act in respect of a house, the authority may, if they consider it inexpedient to make such an order having regard to the effect of the demolition of that house upon any other house or building, in lieu of making such an order make a closing order prohibiting the use of the house for any purpose other than a purpose approved by the local authority.
- (2) A local authority by whom a closing order is made under this section shall serve a copy of the order upon every person upon whom they would be required to serve it if it were a demolition order made under the said section six.
- (3) Where a closing order has been made by a local authority under this section in respect of a house, the authority may at any time revoke that order and make a demolition order under the said section six without further compliance with the provisions of subsections (1) to (3) of that section.

- (4) The following provisions of this Act, that is to say —
- (a) so much of subsection (1) of section seven as directs that the approval of the local authority shall not be unreasonably withheld and provides for the determination of a closing order;
  - (b) section nine (which imposes a penalty for using premises in contravention of a closing order);
  - (c) section eleven (which relates to appeals to the court against notices, demands and orders);
  - (d) section fourteen (which enables local authorities to pay allowances to persons displaced from premises to which closing orders apply);
  - (e) section fifteen (which contains provisions for the protection of owners of houses); and
  - (f) section seventy-one (which provides for the recovery of possession of premises subject to closing orders),
- shall have effect in relation to a closing order made under this section and to a house to which such an order applies as they have effect in relation to a closing order under the said section seven and to a part of a building to which such an order applies.
- (5) Section seventy-five of this Act (which empowers the court to determine or vary a lease of premises in respect of which a demolition order has become operative) shall have effect in relation to a closing order under this section which has become operative and to a house to which such an order applies as it has effect in relation to a demolition order which has become operative and to a house to which such an order applies.

## 11 Appeals

- (1) Any person aggrieved by —
- (a) demolition order or closing order under this Part, or
  - (b) the refusal to determine a closing order, or
  - (c) the withholding of approval of the use for any purpose of premises the subject of a closing order,
- may appeal to a court of summary jurisdiction against the order or decision.
- (2) No appeal under subsection (1)(a) or (b) shall lie at the instance of a person in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed 3 years.
- (3) On an appeal under this section the court may accept from the appellant any such undertaking as might have been accepted by the local authority, except that an undertaking within section 6(3) may not be accepted unless the appellant has complied with section 6(2).



- (4) An undertaking accepted under subsection (3) shall have the like effect as if it had been given to and accepted by the local authority.
- (5) Where the High Bailiff under section 58 of the *Local Government Act 1985* allows an appeal against a notice under this Part requiring the execution of works to a house, he shall, if requested by the local authority to do so, include in his decision a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.<sup>11</sup>

## 12 Power of local authority to acquire and repair certain houses

[E1936/16; M1936/24]

- (1) Where a person has appealed against a notice under this Part of this Act requiring the execution of works to a house, and the judge or court in allowing the appeal has found that the house can not be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or, subject to subsection (2), compulsorily, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.<sup>12</sup>
- (2) If a person being an owner or mortgagee of a house the subject of a notice under this Part undertakes to carry out, to the satisfaction of the Department of Environment, Food and Agriculture and within such period as the Department of Environment, Food and Agriculture may fix, the works specified in the notice, the local authority may not purchase the house compulsorily unless he fails to fulfil that undertaking.<sup>13</sup>
- (3) [Repealed]<sup>14</sup>

## 13 Power of local authority to cleanse vermin from building to which demolition order applies

[E1936/17]

- (1) If it appears to the local authority that a house, to which a demolition order made under this Part of this Act applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which it becomes operative in relation to the house, serve notice in writing on the owner or owners of the house that the authority intend to cleanse it before it is demolished.
- (2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the house and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the

authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the house has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

- (3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section eight of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

### *General*

#### **14 Power of local authority to make allowances to certain persons displaced**

[E1936/18]

A local authority may pay to any person displaced from a house, to which a demolition order made under this Part of this Act, or a closing order, applies, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

#### **15 Provisions for protection of owners of houses**

[E1936/19]

- (1) If an owner of any house, who is not the person in receipt of the rents and profits thereof, gives notice to the local authority of his interest in the house, the authority shall give to him notice of any proceedings taken by them in pursuance of this Part of this Act in relation to the house.
- (2) Nothing in this Part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority

under this Part of this Act; and if any owner is obliged to take possession of a house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance which has occurred before he so took possession.

## **16 Application of certain provisions of Part I to temporary shelters**

[E1936/23]

In sections four to thirteen of this Act references to a house include a reference to a hut, tent, caravan or other temporary or moveable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those sections.

## **PART II – CLEARANCE AND RE-DEVELOPMENT**

### *Clearance Areas*

## **17 Power to declare an area to be a clearance area**

[E1936/25; M1936/3]

- (1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district —
  - (a) that the houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and
  - (b) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area;

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Part of this Act:

Provided that, before passing any such resolution, the authority shall satisfy themselves —

- (i) that, in so far as suitable accommodation available for the persons who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure

the provision of such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and

- (ii) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.
- (2) A local authority shall forthwith transmit to the Department and the Department of Environment, Food and Agriculture a copy of any resolution passed by them under this section, together with a statement of the number of persons who on a day specified in the statement were occupying the buildings comprised in the clearance area.<sup>15</sup>
  - (3) So soon as may be after a local authority have declared any area to be a clearance area, they shall, in accordance with the appropriate provisions hereafter in this Act contained, proceed to secure the clearance of the area by purchasing the land comprised in the area and themselves undertaking, or otherwise securing, the demolition of the buildings thereon.

## 18 **[Repealed]**<sup>16</sup>

## 19 **Purchase by local authority of land surrounded by, or adjoining, a clearance area**

[E1936/27; M1936/5]

Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

## 20 **Provisions with respect to property belonging to a local authority within, surrounded by or adjoining, a clearance area**

[E1936/28; M1936/6]

A local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under the last foregoing section had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area.

## 21 Purchase of land in a clearance area

[E1936/29; M1936/14]

- (1) Where a local authority have determined to purchase under this Part of this Act land comprised in, or surrounded by or adjoining, a clearance area, they may purchase that land by agreement, or compulsorily.<sup>17</sup>
- (2) [Repealed]<sup>18</sup>
- (3) A resolution of a local authority declaring an area to be a clearance area shall cease to apply to land comprised in, or surrounded by, or adjoining such clearance area in the following cases —
  - (i) where the local authority shall not have purchased such land by agreement or sought confirmation and approval of a compulsory purchase order in respect thereof within the period specified in subsection two of this section;
  - (ii) where an application to Tynwald for authority to acquire land compulsorily is refused.<sup>19</sup>
- (4) No land to which the provisions of subsection (3) of this section shall apply shall, without the prior consent of the Department and the Department of Environment, Food and Agriculture, be included in any subsequent resolution of a local authority pursuant to section seventeen of this Act within ten years from the date on which such local authority shall have previously passed such a resolution relating to such land. The provisions of this Part of the Act shall apply to land included in any such subsequent resolution of a local authority notwithstanding that consent of both of the Departments in terms of this subsection has been obtained.<sup>20</sup>

## 22 Treatment of a clearance area

[E1936/30; M1936/7]

- (1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and, subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations, shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say —
  - (a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Department and the Department of Environment, Food and Agriculture, appropriate the land for any purpose for which they are authorised to acquire land; or<sup>21</sup>

- (b) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit:

Provided that, in lieu of selling the land, the authority may, where the owner of other land (being land which the authority have power to acquire) is willing to take the land in exchange for that other land, exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the authority as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder.

- (2) Land sold, exchanged or leased under this section shall be sold, exchanged or leased at the best price, for the best consideration, or for the best rent, that can reasonably be obtained having regard to any restriction or condition imposed.
- (3) For the purposes of this section “sale” includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and “sell” has a corresponding meaning.

## **23 [Repealed]<sup>22</sup>**

## **24 Provision as to expenses of persons opposing orders**

[E1936/43]

The Department may make such order as they think fit in favour of any owner of any land the subject of an application to Tynwald for authority to acquire the same compulsorily for the purposes of this Part, for the allowance of reasonable expenses properly incurred by the owner in opposing the application, and any expenses so allowed shall be paid to him by the local authority.<sup>23</sup>

## **25 Obligations of local authority with respect to re-housing**

[E1936/45; M1936/13]

A local authority who have passed a resolution declaring any area to be a clearance area shall, before taking any action under that resolution which will necessitate the displacement of any persons, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Department may consider to be reasonably necessary.<sup>24</sup>

## **26 Extinguishment of ways, easements, etc, over land purchased under Part II**

[E1936//46; M1936/17]

- (1) A local authority may, with the approval of the Department by order extinguish any public right of way over any land purchased by them

under this Part of this Act, but an order made by an authority under this subsection shall be published in the manner prescribed by the Department, and if any objection thereto is made to the Department before the expiration of six weeks from the publication thereof, the Department shall not approve the order until they have caused a public local inquiry to be held into the matter.<sup>25</sup>

- (2) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing subsection for the authority to make and the Department to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Department in approving the order may direct.<sup>26</sup>
- (3) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with Part III of the *Acquisition of Land Act 1984*.

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.<sup>27</sup>

## **27 Provisions as to apparatus of statutory undertakers in land dealt with by local authority under the Housing Acts**

[E1936/49]

- (1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under this Part of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by the foregoing provisions of this Part of this Act, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.
- (2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the

undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice and the undertakers may within that period by notice in writing served on the authority —

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
  - (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;  
and —
    - (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
    - (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.
- (3) A local authority shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.
- (4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.
- (5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on



the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers:

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

- (6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall —
- (a) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined in accordance with Part III of the *Acquisition of Land Act 1984*;<sup>28</sup>
  - (b) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Department.<sup>29</sup>
- (7) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

### PART III – ABATEMENT OF OVERCROWDING

#### 28 Definition of overcrowding

[E1936/58]

- (1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either —
- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or
  - (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the Fourth Schedule to this Act.
- (2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit.

## 29 Offences in relation to overcrowding

[E1936/59]

- (1) Subject to the provisions of this Part of this Act, if after the commencement of this Act, the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500.
- (2) The occupier of a dwelling-house which is occupied on the day of the commencement of this Act shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the day of the commencement of this Act and thereafter continuously live there, or children born after that day of any of those persons, unless —
  - (a) suitable alternative accommodation is offered to the occupier after the day of the commencement of this Act and he fails to accept it; or
  - (b) suitable alternative accommodation is so offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.
- (3) Where after the commencement of this Act a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless —
  - (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
  - (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.
- (4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the

circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

- (5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded —
- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or
- (b) if, when letting the house after the commencement of this Act, the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house;

and not otherwise.

### **30 Information and certificates with respect to the permitted number**

[E1936/62]

- (1) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house.
- (2) The Department of Environment, Food and Agriculture may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the Fourth Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.<sup>30</sup>
- (3) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

### **31 Information as to rights and duties as respects overcrowding**

[E1936/63]

The Department of Environment, Food and Agriculture shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.<sup>31</sup>

**32 Duty of landlord to inform local authority of overcrowding**

[E1936/64]

Where after the commencement of this Act it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding £2,500:

Provided that this section shall not apply to overcrowding which existed on the day of the commencement of this Act, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

**33 [Repealed]<sup>32</sup>****34 Enforcement of Part III**

[E1936/66]

- (1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority:

Provided that such a prosecution may be instituted against the local authority themselves by the Department of Environment, Food and Agriculture with the consent of the Attorney-General<sup>33</sup>

- (2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may apply by summons to the court, and thereupon the court shall order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

- (3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them

within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding £1,000.

### 35 Definitions for purposes of Part III

[E1936/68]

In this Part of this Act, and in the Fourth Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively: —

“**dwelling-house**” means any premises used as a separate dwelling or of a type suitable for such use;

“**landlord**” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and “**agent**” means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

“**room**” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“**suitable alternative accommodation**” means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say —

- (a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;
- (b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means; and
- (c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation.

### 36 This Part not to apply to hotels, boarding or lodging houses during the summer months

During the period from the first day of May to the thirtieth day of September in each year (both days inclusive) this Part of this Act shall not apply to a dwelling-house when used as a hotel, boarding or lodging house where guests are received and lodged or boarded for reward.

**36A Exemption for certain flats**

- (1) This Part shall not apply to a flat —
  - (a) which is registered in accordance with regulations under paragraph 1 of Schedule 1 to the *Housing (Amendment) Act 1990*, and<sup>34</sup>
  - (b) in respect of which such regulations for the time being fix the number of persons who may occupy the flat.
- (2) In this section “flat” has the same meaning as in the said Act of 1990.<sup>35 36</sup>

**PART IV – PROVISION OF HOUSING ACCOMMODATION***General Powers and Duties of Local Authorities***37 Duty of local authorities periodically to review housing conditions in their areas and to frame proposals**

[E1936/71; M1924/3]

It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under section one of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Department, to prepare and submit to the Department proposals for the provision of new houses, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.<sup>37</sup>

**38 Mode of provision of accommodation**

[E1936/72]

- (1) A local authority may provide housing accommodation —
  - (a) by the erection of houses on any land acquired or appropriated by them;
  - (b) by the conversion of any buildings into houses;
  - (c) by acquiring houses;
  - (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

- (2) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house erected after the commencement of this Act, whether with or without financial assistance from the Government, to secure —
- (a) that a fair wages clause complying with the requirements of any resolution of Tynwald for the time being in force with respect to contracts of government departments or Boards of Tynwald, is inserted in all contracts for the erection of the house; and
  - (b) except in so far as the Department may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.<sup>38</sup>
- (3) The local authority may alter, enlarge, repair or improve any house so erected, converted, or acquired, and may fit out, furnish and supply any such house with any requisite fittings and conveniences.
- (4) For the purpose of this Part of this Act, “**provision of housing accommodation**” includes the provision of separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one quarter of an acre.

### 39 Power of local authority to acquire land for provision of accommodation

[E1936/73]

A local authority shall have power under this Part of this Act —

- (a) to acquire any land, including any houses or other buildings thereon, as a site for the erection of houses;
- (b) to acquire —
  - (i) houses;
  - (ii) houses and buildings other than houses, being buildings which are or may be made suitable as houses, together with any lands occupied with houses or such buildings or any estate or interest in houses or such buildings or land;
- (c) to acquire land for the purpose of —
  - (i) the lease or sale of the land, under the powers conferred by this Act, with a view to the erection thereon of houses or shops by persons other than the local authority;
  - (ii) the lease or sale under the powers conferred by this Act of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for, or incidental to, the development of the land as a building estate, including the provision, maintenance, and improvement of houses and

gardens, factories, workshops, places of worship, places of recreation, and other works or buildings.

#### **40 Mode of acquisition of land for provision of accommodation**

[E1936/74; M1924/6]

- (1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement or compulsorily.<sup>39</sup>
- (2) A local authority may, with the consent of and subject to any conditions imposed by the Department, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes:  
  
Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless the Department certifies that it is likely to be required for those purposes within 10 years of the date of the application to Tynwald for authority to acquire such land compulsorily.<sup>40</sup>
- (3) [Repealed]<sup>41</sup>
- (4) In this section, “land” means any property mentioned in section 39 of this Act.<sup>42</sup>

#### **41 Restrictions as to compulsory acquisition of land for purposes of Part IV**

[E1936/75]

Nothing in this Act shall authorise the compulsory acquisition for the purposes of this Part of this Act of any land which is the property of any local authority, or which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, or which at the date of the compulsory purchase order forms part of any park, garden or pleasure ground, or is otherwise required for the amenity or convenience of any house.

#### **42 Appropriation of land for provision of accommodation**

[E1936/76]

A local authority may, with the consent of the Department, appropriate, for the purposes of this Part of this Act, any houses or land which may be for the time being vested in them, or at their disposal.<sup>43</sup>

#### **43 Powers of dealing with land acquired or appropriated for provision of accommodation**

[E1936/79; M1924/7]

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the authority may —



- (a) lay out and construct public streets or roads and open spaces on the land;
  - (b) with the consent of the Department, sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect thereon in accordance with plans approved by the local authority and maintain such number of houses of such types as may be specified by the authority and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings;<sup>44</sup>
  - (c) with the consent of the Department, sell the land or part thereof, or exchange the land or part thereof, for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange;<sup>45</sup>
- (2) Where a local authority under this section sell or lease land, they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.
- (3) Subject to subsection (3A) of this section, land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.<sup>46</sup>
- (3A) Notwithstanding the provisions of subsection (3) of this section, a local authority may, with the prior approval of the Department, sell or lease land or houses for housing purposes at a price or, as the case may be, a rent less than the best price or, as the case may be, the best rent that can be reasonably obtained, having regard to any condition imposed in respect of the sale or leasing of the land or houses.<sup>47</sup>
- (4) Where a local authority acquire a building which may be made suitable as a house, or an estate or interest in such a building, they shall forthwith proceed to secure that the building is so made suitable either by themselves executing any necessary works, or by leasing it or selling it to some person subject to conditions for securing that he will so make it suitable.<sup>48</sup>
- (5) For the purposes of this section, “sale” includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and “sell” has a corresponding meaning.

#### **44 Supplementary powers in connection with provision of accommodation**

[E1936/80]

- (1) The powers of a local authority under this Part of this Act to provide housing accommodation, shall include a power to provide and maintain with the consent of the Department and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Department will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.<sup>49</sup>
- (2) The Department in giving their consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.<sup>50</sup>

#### **45 Execution of works in connection with housing operations by local authority outside its own area**

[E1936/81]

- (1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Department, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into agreements with the local authority of the district in which the operations are being carried out as to the terms and conditions on which any such works are to be executed.<sup>51</sup>
- (2) If housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall vest in the Department unless the Department is satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Department.<sup>52</sup>
- (2A) [Repealed]<sup>53</sup>
- (3) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the local authority in which the houses are situate is required under any Act or byelaw, such a certificate shall not be necessary in respect of any of the houses which were constructed in accordance with plans and specifications approved by the Department.<sup>54</sup>

#### **46 Adjustment of differences between local authorities as to carrying out proposals**

[E1936/82]

Where the Department approves the proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Department, whose decision shall be final and binding upon the authorities.<sup>55</sup>

#### *Management, etc, of Local Authority's Houses*

#### **47 Management of local authority's houses**

[E1936/83]

- (1) The general management, regulation, and control of houses provided by a local authority under this Part of this Act shall be vested in and exercised by the authority, and the authority may make such reasonable charges for the tenancy or occupation of the houses as they may determine with the approval of the Department.<sup>56</sup>
- (1A) Subsection (1) is subject to section 47A and to Schedule 3 to the *Housing (Miscellaneous Provisions) Act 1976* (selection of tenants for public sector housing).<sup>57</sup>
- (2) Any house provided by a local authority under this Part of this Act shall be open to inspection by the authority, or an officer authorised by the authority, at all reasonable times.<sup>58</sup>

#### **47A Housing revenue account and estimates**

- (1) Each local authority providing or intending to provide housing accommodation shall operate a housing revenue account in a form approved by the Department.
- (2) An authority shall only charge to the housing revenue account items of expenditure of a description approved by the Department.
- (3) An authority may only borrow money for the purposes of capital expenditure on housing accommodation with the consent of, and on terms approved by, the Treasury.
- (4) An authority providing or intending to provide housing accommodation shall have its annual revenue and capital expenditure estimates under this Part approved by the Department.<sup>59</sup>

**48 Byelaws for regulation of local authority's houses**

[E1936/84]

- (1) The Department or a local authority may make byelaws for the management, use and regulation of houses provided by them.<sup>60</sup>
- (2) Any such byelaws may impose a penalty for every offence not exceeding £1,000, and any fine for the breach of such bye-laws shall be carried to the credit of the District Fund.<sup>61</sup>
- (3) Any such byelaws shall be subject to the approval of Tynwald.

**49 Conditions to be observed in management of local authority's houses**

[E1936/85]

- (1) [Repealed]<sup>62</sup>
- (2) The authority may, subject to the approval of the Department, grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.<sup>63</sup>
- (3) The authority shall from time to time review rents and (subject to the approval of the Department) make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.<sup>64</sup>
- (4) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority.

*Miscellaneous***50 Power of Boards to provide houses for their employees**

[E1936/97]

Any Board of Tynwald shall have power with the approval of Tynwald to provide houses for persons employed or paid by a Board, and for that purpose may be authorised to acquire or appropriate land in like manner as a local authority may be authorised to acquire or appropriate land for the purposes of this Part of this Act.

**51 Power of corporate bodies to sell or let land for housing purposes**

[E1936/100]

Any body corporate holding land may (notwithstanding any Act of Tynwald or charter or any rule of law or equity to the contrary), sell, exchange or lease the land for the purpose of the erection of houses.

51A [Repealed]<sup>65</sup>

## PART V – FINANCIAL PROVISIONS

### *Government Contributions*

#### **52 Government contributions towards provision of accommodation**

- (1) The Treasury shall, out of moneys provided by Tynwald make, or undertake to make, such contributions to local authorities for the purposes of this Act as the Department shall subject to the approval of Tynwald, determine.<sup>66</sup>
- (2) Contributions shall be either by way of a grant in aid or by annual contributions of such amounts for such periods and subject to such conditions as may be determined by the Department and approved by Tynwald.<sup>67</sup>

#### **53 Power to surcharge authority of town or village district who fail to exercise powers**

If a local authority of a town district or a village district fail or have failed to exercise their powers under this Act, or any Act, repealed by this Act, and the Department have by order rendered exercisable by themselves any of the powers of the local authority under this Act, or in consequence of such failure the Department have provided houses in such town district or village district, the following provisions of this section shall have effect (that is to say): —

- (a) any expenses incurred by the Department in the exercising of the said powers shall be paid by the Treasury out of moneys provided by Tynwald;<sup>68</sup>
- (b) such local authority shall each year for a period to be prescribed by the Department, out of the district fund of the local authority, pay to the Treasury one eighth of the estimated annual loss likely to be incurred by the Department in carrying out the scheme, calculated upon a basis to be prescribed by the Department and approved by Tynwald, as if such local authority had carried out the scheme and borrowed the money on a basis comparable with borrowings by such local authority for permanent works; and such annual amounts shall be recoverable by the Treasury from such local authority as a debt due to the Crown.<sup>69</sup>

#### **54 Failure of local authority of parish district to exercise powers**

If a local authority of a parish district fail to exercise their powers under this Act, and the Department have by order rendered exercisable by themselves any

of the powers of the local authority, then any expenses incurred by the Department in the exercising of the said powers shall be paid by the Treasury out of moneys provided by Tynwald.<sup>70</sup>

### **55 Time and manner of payment of Government contributions**

Contributions to be made by the Treasury to a local authority under this enactment shall be payable at such times and in such manner as the Department may direct and subject to such conditions as to records, certificates, audit or otherwise as the Department may, with the approval of the Treasury, impose.<sup>71</sup>

### **56 Power to withhold certain Government contributions in event of default**

If at any time the Department (after consultation with the Treasury) is satisfied that a local authority has either —

- (a) failed to discharge any of the duties imposed on it by virtue of this Act; or
- (b) failed to observe any condition subject to which it is entitled to receive a Government contribution,

the Department may reduce the amount of any Government contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as it thinks just.<sup>72</sup>

#### *Expenses of Local Authorities*

### **57 Expenses of a local authority**

[E1936/116]

Subject to the provisions of this Act, any expenses incurred by a local authority under the provisions of this Act, shall be defrayed as expenses out of the district fund of the local authority.

#### *Borrowing*

### **58 Power of local authorities to borrow for purposes of Act**

[E1936/119]

- (1) Subject to the provisions of this Act a local authority may, with the approval of Tynwald, and subject to such terms and conditions as to repayment or otherwise as may be prescribed by Tynwald, borrow on mortgage for the purposes of this Act, and for the purposes of securing the repayment of a loan with interest thereon they may mortgage to the persons by or on behalf of whom the loan may be advanced the district fund or any of the property of the local authority as may be authorised by Tynwald.

Provided that the maximum period which may be sanctioned as the period for which money may be borrowed by such a local authority for the purposes of this Act shall notwithstanding the provisions of any Act of Tynwald be eighty years.

- (2) In respect of any borrowing by a local authority prior to the commencement of this Act which has been authorised or approved by Tynwald or the Department for purposes similar to any of the purposes of this Act the Department may on the application of the local authority extend the period within which the loan shall be repaid to such period not exceeding eighty years from the date of the borrowing as Tynwald may sanction, but subject and without prejudice to the right of any person who has invested in any such loan or any assignee of any such person to the repayment of the account of such investment upon the date provided in the deed for such repayment.<sup>73</sup>

## **59 Borrowing in connection with operations carried out by local authority outside its own area**

[E1936/121]

Where housing operations under Part IV of this Act are being carried out by a local authority outside their own area that authority shall, subject to the approval of the Department, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the operations, or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection with any works necessary for the purposes of the operations, or incidental to the carrying out thereof, which under this Act they are authorised to execute.<sup>74</sup>

### *Capital Moneys*

## **60 Application of purchase money**

[E1936/127]

The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act, and any other capital moneys received by a local authority in respect of any transaction under section twenty-two or section forty-three of this Act shall be applied, with the sanction of the Department, either in the repayment of debt or for any other purpose for which capital money may properly be applied:

Provided that capital moneys received in respect of any transaction under the last mentioned section may be applied by the authority in or towards the purchase of other land for the purposes of Part IV of this Act.<sup>75</sup>

## PART VI – SALE OF HOUSES BY DEPARTMENT AND LOCAL AUTHORITIES<sup>76</sup>

### 61 Regulations

- (1) The Department may, from time to time, make regulations in regard to the sale by the Department and by local authorities of houses vested in them and such Regulations may permit the Department or any local authority to provide for the purchase price being paid by instalments or for a payment of part thereof being secured by a mortgage of the premises.<sup>77</sup>
- (2) Any Regulations made by the Department under this section shall be laid before Tynwald as soon as may be after they have been made and shall not come into force until approved by resolution of Tynwald.<sup>78</sup>
- (3) [Repealed]<sup>79</sup>

### 62 Sale of houses by Department

- (1) The Department may, at any time, and from time to time sell all or any one or more of the houses for the time being vested in the Department.<sup>80</sup>
- (2) Any such sale shall be by private treaty.
- (3) Any such sale shall be subject to —
  - (a) the terms and conditions prescribed by the Regulations made by the Department under section 61 of this Act; and<sup>81</sup>
  - (b) such terms and conditions as the Department shall think fit. Provided that such terms and conditions shall not be inconsistent with any of the terms and conditions prescribed by the said Regulations.<sup>82</sup>

### 63 Sale of houses by local authorities

- (1) A local authority may, at any time and from time to time, with the approval of the Department, sell all or any one or more of the houses for the time being vested in the local authority.<sup>83</sup>
- (2) Any such sale shall be by private treaty.
- (3) Any such sale shall be subject to —
  - (a) the terms and conditions prescribed by the Regulations made by the Department under section 61 of this Act; and<sup>84</sup>
  - (b) such terms and conditions as the local authority, with the approval of the Department, shall think fit.<sup>85</sup>

Provided that such terms and conditions shall not be inconsistent with any of the terms and conditions prescribed by the said Regulations.<sup>86</sup>



## PART VII – GENERAL

### *Re-Housing*

#### *Provisions as to Acquisition, etc of Land*

#### **64 Protection for amenities of locality, etc**

[E1936/142]

- (1) A local authority in preparing any proposals for provision of houses, or in taking any action under this Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Department.<sup>87</sup>
- (1A) [Repealed]<sup>88</sup>
- (2) Nothing in this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archaeological interest.

#### **65 Power of entry on land acquired**

[E1936/145]

- (1) [Repealed]<sup>89</sup>
- (2) Where a local authority have agreed to purchase land for the purposes of the provisions of Part II or Part IV of this Act, or have determined to appropriate land for any of those purposes, subject to the interest of the person in possession thereof, and that interest is not greater than that of the tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Department, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land.<sup>90</sup>
- (3) The length of notice required to be given under the foregoing provisions of this section shall be —
  - (a) in the case of land purchased or appropriated for the purposes of Part II of this Act, not less than twenty-eight days; and

- (b) in the case of land purchased or appropriated for the purposes of Part IV of this Act, not less than fourteen days.

**66 Power of local authorities to enforce covenants against owner for the time being of land**

[E1936/148]

Where —

- (a) a local authority have sold or exchanged land acquired by them under this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the local authority concerning the land; or
- (b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of this Act;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

**67 Donations for housing purposes**

[E1936/150]

A local authority may accept a donation of land, money or other property for any of the purposes of this Act.

**68 Buildings situated in districts of more than one local authority**

[E1936/152]

- (1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.
- (2) Whilst such an agreement as aforesaid is in force, this Act shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

**69 Official representations**

[E1936/154]

- (1) Every representation made by a medical office[r] of health in pursuance of this Act shall be in writing.

- (2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area, and if any justice of the peace acting for the district, or any four or more local government electors of the district, complain to the medical officer of health in writing that any house is unfit for human habitation, or that any area should be dealt with as a clearance area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with as a clearance area, but the absence of any such complaint shall not excuse him from inspecting any house or area and making a representation thereon to the local authority.
- (3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

*Recovery of Possession, Entry, etc*

**70 Recovery of possession of buildings subject to demolition or clearance order**

[E1936/155; M1936/25]

- (1) Where a demolition order or a clearance order has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make application to the court by summons and thereupon the court shall order vacant possession of the building, or of the part thereof, to be given to the applicant within such period not being less than two weeks nor more than four weeks as the court may determine.
- (2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.
- (3) Any person who, knowing that a demolition order or a clearance order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter

into such occupation after that date, shall be liable on summary conviction to a fine not exceeding £5,000.

**71 [Repealed]<sup>91</sup>**

**72 Power of entry for inspection, etc**

[E1936/157]

Any person authorised in writing by a local authority or a relevant Department stating the particular purpose or purposes for which the entry is authorised may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings —

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under this Act; and
- (b) for the purpose of survey and examination, in the case of a house in respect of which a notice requiring the execution of works has been served, or a demolition order or closing order, or a clearance order, has been made; or
- (c) for the purpose of survey and examination where it appears to the authority or the relevant Department that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the house, premises, or building;<sup>92</sup>
- (d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part III of this Act the number of persons permitted to use the house for sleeping.<sup>93</sup>

**73 Penalty for obstructing execution of Act**

[1936/158]

If any person obstructs the Isle of Man medical officer of health, the medical officer of health, or any officer of the local authority or of the relevant Department, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding £500.<sup>94</sup>

**74 Penalty for preventing execution of repairs, etc**

[E1936/159]

If any person, after receiving notice of the intended action —

- (a) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect

with respect to those premises any of the provisions of Part I of this Act; or

- (b) being the owner or occupier of any premises, prevents any medical officer of health, or any officers, agents, servants or workmen of that officer or of the local authority, from so doing; or
- (c) being an inmate of any premises, prevents the owner thereof, or any other person upon whom any obligations with respect to the premises are imposed by byelaws under this Act, from complying with such obligations;

a court of summary jurisdiction may order him to permit to be done on the premises all things requisite for carrying into effect those provisions or for the fulfilment of those obligations with respect to the premises, and if he fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding £1,000.

#### *Powers of the Court for Housing Purposes*

### **75 Power of court to determine lease where premises demolished**

[E1936/160]

- (1) Where any premises in respect of which a demolition order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the court within the jurisdiction of which the premises are situate for an order under this section.
- (2) Upon any such application as aforesaid, the judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.
- (3) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions "lessor", "lessee", and "sub-lessee" shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

**76 Power of court to authorise owner to execute works on default of another owner**

[E1936/161]

- (1) If it appears to the court, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served, or a demolition order or a clearance order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith, to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.
- (2) Before an order is made under this section, notice of the application shall be given to the local authority.

**77 Power of court to authorise execution of works on unfit premises or for improvement**

[E1936/162]

- (1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses —
  - (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced; or
  - (b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

- (2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.

*Notices, Orders, etc***78 Authentication of orders, notices, etc**

[1936/164]

- (1) An order in writing made by a local authority under this Act shall be authenticated by the signature of their clerk or his lawful deputy.<sup>95</sup>
- (2) A notice, demand, or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy.

**79 Authentication of certificates**

[E1936/165]

Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

**80 to 82 [Repealed]<sup>96</sup>****83 Power of Department in the event of default of local authority**

[E1936/171; M1936/26]

- (1) In any case where —
  - (a) a complaint is made to the Department by any justice of the peace acting for, or by any four or more local government electors of, a local government district, that the local authority have failed to exercise their powers under this Act in any case where these powers ought to have been exercised; or<sup>97</sup>
  - (b) the Department are of opinion that an investigation should be made as to whether any local authority have failed as aforesaid;<sup>98</sup>

the Department may cause a public local inquiry to be held and, if after the inquiry has been held they are satisfied that there has been such a failure on the part of the local authority, they may make an order declaring the authority to be in default and directing them to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.<sup>99</sup>

- (2) If a local authority with respect to whom an order has been made under the foregoing subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Department, in lieu of enforcing the order, may, if they think fit, make an order rendering exercisable by themselves such of the powers of the local authority under this Act as may be specified in their order.<sup>100</sup>

**84 Provisions as to exercise by Department of powers of a local authority**

[E1936/173]

- (1) The following provisions of this section shall have effect in any case where under the foregoing provisions of this Part of this Act the Department have by order rendered exercisable by themselves any powers of a local authority.<sup>101</sup>
- (2) Any expenses incurred by the Department in exercising the said powers shall be paid in the first instance out of moneys provided by Tynwald, but the amount of those expenses as certified by the Department shall on demand be paid by the local authority to the Department and shall be recoverable as a debt due to the Crown.<sup>102</sup>
- (3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Department, be a purpose for which a local authority may borrow money.<sup>103</sup>
- (4) The Department may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by them in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.<sup>104</sup>

**85 Power to vary and revoke certain orders relating to defaults**

[E1936/174]

In any case where under this Act an order has been made by the Department rendering any powers or duties of a local authority exercisable by the Department, the Department may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked the Department, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the Department, in exercising the powers or duties to which the order so revoked related.<sup>105</sup>

*General Powers<sup>106</sup>***86 Power of relevant Department to prescribe forms and to dispense with advertisements and notices**

[E1936/176]

- (1) A relevant Department may by regulations prescribe anything which by this Act is to be prescribed by that Department and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act and which relates to the function of that relevant Department under this Act.<sup>107</sup>



- (2) The relevant Department may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if they are satisfied that there is reasonable cause for dispensing with the publication or service.<sup>108</sup>
- (3) Any such dispensation may be given either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the relevant Department think fit, due care being taken by them to prevent the interests of any persons being prejudiced by the dispensation.<sup>109</sup>

### **87 Regulations to be laid before and approved by Tynwald**

[E1936/177]

Regulations under this Act shall, so soon as may be after they are made, be laid before Tynwald, and shall not come into force until approved by a resolution of Tynwald.<sup>110</sup>

### **88 Inquiries and Orders**

[1936/178]

- (1) For the purpose of the execution of their powers and duties under this Act a relevant Department may cause such inquiries to be held as they may think fit.<sup>111</sup>
- (2) [Repealed]<sup>112</sup>

### **89 Power of Department to obtain a report on any crowded area**

[E1936/179]

If it appears to the Department that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Department may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they may direct, and the local authority shall comply with the requirement of the Department, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Department may determine.<sup>113</sup>

90 [Repealed]<sup>114</sup>

## PART VIII - SUPPLEMENTAL

91 **Powers of Act to be cumulative**

[E1936/187]

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Tynwald, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

92 **Interpretation**

[E1936/188]

(1) In this Act, unless the context otherwise requires —

“**Acquisition of Land Acts**” [Repealed]<sup>115</sup>

“**apparatus**” means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps.

“**Board**” [Repealed]<sup>116</sup>

“**Board of Tynwald**” means —

- (a) a Department;<sup>117</sup>
- (b) the Manx Utilities Authority;<sup>118</sup>
- (c) the Manx Museum and National Trust;
- (d) [Repealed]<sup>119</sup>
- (e) any other authority constituted by or under an Act of Tynwald which is declared to be a Board of Tynwald for the purposes of this Act by an order made by the Governor and approved by Tynwald.<sup>120</sup>

“**building byelaws**” [Repealed]<sup>121</sup>

“**court**” means the Civil Division of the High Court of Justice exercising summary jurisdiction.<sup>122</sup>

“**the Department**” means the Department of Infrastructure.<sup>123</sup>

“**flats**” and “**block of flats**” [Repealed]<sup>124</sup>

“**Government contribution**” means a contribution which the Treasurer is required or authorised to make to a local authority out of moneys provided by Tynwald under this Act.

“**house**” includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

“**land**” includes any right over land.

“**loan charges**” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund.

“**local authority**” means —

- (a) within the Borough of Douglas the Mayor, Aldermen and Burgesses of the Borough of Douglas;
- (b) elsewhere within this Isle the Commissioners of any local government district.

“**Local Government Acts**” means the Local Government Acts, 1916 to 1975.<sup>125</sup>

“**official representation**” means in the case of any local authority a representation made to that authority by the medical officer or sanitary inspector thereof or by the Isle of Man Medical Officer of Health.

“**owner**” in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years.

“**relevant Department**” means the Department or the Department of Environment, Food and Agriculture (as the case requires).<sup>126</sup>

“**Rent Restrictions Acts**” means the Rent Restrictions Acts, 1948 to 1954.

“**sanitary defect**”, in relation to a house means that—

- (a) it is structurally unstable;
- (b) its condition is prejudicial to the health, safety or welfare of the occupants;
- (c) it has inadequate provision for lighting, heating and ventilation;
- (d) it does not have an adequate piped supply of wholesome water;
- (e) it does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (f) it does not have a suitably located water-closet for the exclusive use of the occupants;
- (g) it does not have, for the exclusive use of the occupants—

- (i) a suitably located fixed bath or shower; and
  - (ii) a suitably located wash-hand basin;
- each of which is provided with a satisfactory supply of hot and cold water;
- (h) it does not have an effective system for the draining of foul, waste and surface water; or
  - (i) it has inadequate paving or drainage to courts, yards, or passages, and in consequence is not reasonably suitable for occupation;<sup>127</sup>

“**Statutory undertakers**” means any persons authorised by any enactment or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, harbour, tramway, gas, electricity, water, public sewerage or other public undertaking.<sup>128</sup>

“**street**” includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not.

- (2) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expression “**house**” includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling.
- (3) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district dealing with the construction and drainage of new buildings and the laying out and construction of new streets.

### 93 Savings

[E1936/189]

- (1) Nothing in this Act shall affect any order, byelaw, regulation or plan made, charge effected, undertaking, notice, approval, certificate, direction or determination given, or other thing done, under any enactment repealed by this Act but any such order, byelaw, regulation, plan, charge, undertaking, notice, approval, certificate, direction, determination or thing shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given or done under this Act, have effect as if made, effected, given or done under the corresponding provision of this Act.
- (2) In this Act the expression “**under this Act**”, whether in relation to any land, houses or other property acquired, to any contribution, to any housing or other operations, or in relation to any other matter or thing made, given, effected or done, or right acquired, or obligation incurred, and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall be construed as including a

reference to any Act repealed by this Act, or to the corresponding provision of any Act so repealed.

- (3) Byelaws made by a local authority in pursuance of an obligation imposed upon them by paragraph (iii) of subsection (1) of section ten of the *Housing Act, 1936*, and confirmed before the commencement of this Act, shall, to the extent to which they would have had effect if made and confirmed under section two of this Act after the commencement of this Act, have effect, as respects land in the clearance area affected, as if they had been so made and confirmed and not otherwise.
- (4) Any power conferred by this Act to make any order, byelaw or regulation, shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the order, byelaw or regulation.
- (5) Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

**94 [Repealed]<sup>129</sup>**

**95 Short title and construction**

[E1936/191]

This Act may be cited as the Housing Act, 1955.

**96 Commencement**

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.



**FIRST SCHEDULE**<sup>130</sup>**SECOND SCHEDULE**<sup>131</sup>**THIRD SCHEDULE**<sup>132</sup>**FOURTH SCHEDULE**

Sections 28, 30, 35 [E. 1936/5th Schedule]

*Number of Persons permitted to use a House for Sleeping.*

For the purpose of Part III of this Act, the expression “**the permitted number of persons**” means, in relation to any dwelling-house, either —

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists; or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area;

whichever is the less:

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

**ANNEX**

TABLE I

Where a house consists of —

(a)	One room	2
(b)	Two rooms	3
(c)	Three rooms	5
(d)	Four rooms	7 1/2
(e)	Five rooms or more	10 with an additional 2 in respect of each room in excess of five.

TABLE II

Where the floor area of a room is —

(a)	110 sq. ft. or more	2
(b)	90 sq. ft. or more, but less than 110 sq. ft.	1 1/2
(c)	70 sq. ft. or more, but less than 90 sq. ft.	1
(d)	50 sq. ft. or more, but less than 70 sq. ft.	1/2
(e)	Under 50 sq. ft.	Nil.

**FIFTH SCHEDULE**<sup>133</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> S 1 amended by SD155/10 Sch 3.

<sup>2</sup> Ss 2 and 3 repealed by Housing (Miscellaneous Provisions) Act 1976 Sch 6.

<sup>3</sup> S 4A inserted by Housing (Amendment) Act 1990 s 3.

<sup>4</sup> S 5 repealed by Housing (Amendment) Act 1990 Sch 3.

<sup>5</sup> Para (b) amended by GC192/86.

<sup>6</sup> Subs (2) amended by SD155/10 Sch 3 and by Interpretation Act 1976 s 16A.

<sup>7</sup> Subs (2) inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.

<sup>8</sup> Subs (3) inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.

<sup>9</sup> Subs (4) inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.

<sup>10</sup> Subs (5) inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.

<sup>11</sup> S 11 substituted by Housing (Amendment) Act 1990 Sch 2.

<sup>12</sup> Subs (1) amended by Acquisition of Land Act 1984 Sch 4.

<sup>13</sup> Subs (2) substituted by Acquisition of Land Act 1984 Sch 4 and amended by SD155/10 Sch 3.

<sup>14</sup> Subs (3) repealed by Acquisition of Land (Amendment) Act 2000 Sch.

<sup>15</sup> Subs (2) amended by GC192/86, by SD155/10 Schs 3, 5 and 11 and by SD2015/0109.

<sup>16</sup> S 18 repealed by Housing Act 1959 s 2.

<sup>17</sup> Subs (1) amended by Acquisition of Land Act 1984 Sch 4.

<sup>18</sup> Subs (2) repealed by Acquisition of Land Act 1984 Sch 5.

<sup>19</sup> Subs (3) added by Housing Act 1959 s 3. Para (ii) substituted by Acquisition of Land Act 1984 Sch 4.

<sup>20</sup> Subs (4) added by Housing Act 1959 s 3 and amended by GC192/86, by SD155/10 Schs 3, 5 and 11 and by SD2015/0109.

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- <sup>21</sup> Para (a) amended by GC192/86, by SD155/10 Schs 3, 5 and 11 and by SD2015/0109.
- <sup>22</sup> S 23 repealed by Acquisition of Land (Amendment) Act 2000 Sch.
- <sup>23</sup> S 24 substituted by Acquisition of Land Act 1984 Sch 4 and amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>24</sup> S 25 amended by GC192/86, by SD155/10 Schs 5 and 11 and by SD2015/0109.
- <sup>25</sup> Subs (1) amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>26</sup> Subs (2) amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>27</sup> Subs (3) amended by Acquisition of Land Act 1984 Sch 4.
- <sup>28</sup> Para (a) amended by Acquisition of Land Act 1984 Sch 4.
- <sup>29</sup> Para (b) amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>30</sup> Subs (2) amended by SD155/10 Sch 3.
- <sup>31</sup> S 31 amended by SD155/10 Sch 3.
- <sup>32</sup> S 33 repealed by Statute Law Revision Act 1986 Sch 2.
- <sup>33</sup> Subs (1) amended by SD155/10 Sch 3.
- <sup>34</sup> Para (a) amended by Housing (Amendment) Act 1990 Sch 2.
- <sup>35</sup> Subs (2) amended by Housing (Amendment) Act 1990 Sch 2.
- <sup>36</sup> S 36A inserted by Statute Law Revision Act 1986 Sch 1.
- <sup>37</sup> S 37 amended by GC192/86.
- <sup>38</sup> Para (b) amended by GC192/86.
- <sup>39</sup> Subs (1) amended by Acquisition of Land Act 1984 Sch 4.
- <sup>40</sup> Subs (2) amended by Acquisition of Land Act 1984 Sch 4 and by GC192/86.
- <sup>41</sup> Subs (3) repealed by Acquisition of Land (Amendment) Act 2000 Sch.
- <sup>42</sup> Subs (4) added by Housing (Miscellaneous Provisions) Act 1976 Sch 6.
- <sup>43</sup> S 42 amended by GC192/86.
- <sup>44</sup> Para (b) amended by GC192/86.
- <sup>45</sup> Para (c) amended by GC192/86.
- <sup>46</sup> Subs (3) amended by Housing (Miscellaneous Provisions) Act 1976 Sch 6.
- <sup>47</sup> Subs (3A) inserted by Housing (Miscellaneous Provisions) Act 1976 Sch 6 and amended by GC192/86.
- <sup>48</sup> Subs (4) amended by GC192/86.
- <sup>49</sup> Subs (1) amended by GC192/86.
- <sup>50</sup> Subs (2) amended by GC192/86.
- <sup>51</sup> Subs (1) amended by GC192/86.
- <sup>52</sup> Subs (2) substituted by SD2015/0109.
- <sup>53</sup> Subs (2A) repealed by SD155/10 Sch 5.
- <sup>54</sup> Subs (3) amended by GC192/86, by SD155/10 Sch 11 and by SD2015/0109.
- <sup>55</sup> S 46 amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>56</sup> Subs (1) amended by GC192/86.
- <sup>57</sup> Subs (1A) inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- <sup>58</sup> Subs (2) substituted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- <sup>59</sup> S 47A inserted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- <sup>60</sup> Subs (1) amended by GC192/86.

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- <sup>61</sup> Subs (2) amended by Housing (Amendment) Act 1990 Sch 3.
- <sup>62</sup> Subs (1) repealed by Housing (Miscellaneous Provisions) Act 1976 Sch 7.
- <sup>63</sup> Subs (2) amended by GC192/86.
- <sup>64</sup> Subs (3) amended by GC192/86.
- <sup>65</sup> S 51A repealed by SD2015/0109.
- <sup>66</sup> Subs (1) amended by Treasury Act 1985 Sch 2, by GC192/86, by SD155/10 Sch 11 and by SD2015/0109.
- <sup>67</sup> Subs (2) amended by Governor's General Functions (Transfer) Act 1980 Sch 1, by GC192/86, by SD155/10 Sch 11 and by SD2015/0109.
- <sup>68</sup> Para (a) amended by Treasury Act 1985 Sch 2 and by GC192/86.
- <sup>69</sup> S 53 amended by GC192/82. Para (b) amended by Governor's General Functions (Transfer) Act 1980 Sch 1, by Treasury Act 1985 Sch 2 and by GC192/86.
- <sup>70</sup> S 54 amended by Treasury Act 1985 Sch 2 and by GC192/86.
- <sup>71</sup> S 55 substituted by SD2017/0153..
- <sup>72</sup> S 56 substituted by SD2017/0153.
- <sup>73</sup> Subs (2) amended by GC192/86.
- <sup>74</sup> S 59 amended by Treasury Act 1985 Sch 2 and by GC192/86.
- <sup>75</sup> S 60 amended by GC192/86.
- <sup>76</sup> Part VI heading amended by SD155/10 Sch 3 and by SD2014/08.
- <sup>77</sup> Subs (1) amended by GC192/86.
- <sup>78</sup> Subs (2) amended by GC192/86.
- <sup>79</sup> Subs (3) repealed by SD2015/0109.
- <sup>80</sup> Subs (1) amended by Governor's General Functions (Transfer) Act 1980 Sch 2 and by GC192/86.
- <sup>81</sup> Para (a) amended by Governor's General Functions (Transfer) Act 1980 Sch 1 and by GC192/86.
- <sup>82</sup> Para (b) amended by Governor's General Functions (Transfer) Act 1980 Sch 2 and by GC192/86.
- <sup>83</sup> Subs (1) amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>84</sup> Para (a) amended by Governor's General Function (Transfer) Act 1980 Sch 1 and by GC192/86.
- <sup>85</sup> Para (b) amended by SD155/10 Sch 5 and by SD2015/0109.
- <sup>86</sup> Subs (1) amended by GC192/86.
- <sup>87</sup> Subs (1) amended by GC192/86.
- <sup>88</sup> Subs (1A) repealed by SD2015/0109.
- <sup>89</sup> Subs (1) repealed by Acquisition of Land Act 1984 Sch 5.
- <sup>90</sup> Subs (2) amended by GC192/86.
- <sup>91</sup> S 71 repealed by Housing (Amendment) Act 1990 Sch 3.
- <sup>92</sup> Para (c) amended by GC192/86 and by SD155/10 Schs 3, 5, 6 and 11.
- <sup>93</sup> S 72 amended by GC192/86 and by SD155/10 Schs 3, 5, 6 and 11.
- <sup>94</sup> S 73 amended by GC192/86 and by SD155/10 Sch 11.
- <sup>95</sup> Subs (1) amended by Housing (Amendment) Act 1990 Sch 3.

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- <sup>96</sup> Ss 80 to 82 repealed by Housing (Amendment) Act 1990 Sch 3.
- <sup>97</sup> Para (a) amended by GC192/86.
- <sup>98</sup> Para (b) amended by GC192/86.
- <sup>99</sup> Subs (1) amended by GC192/86.
- <sup>100</sup> Subs (2) amended by GC192/86.
- <sup>101</sup> Subs (1) amended by GC192/86.
- <sup>102</sup> Subs (2) amended by GC192/86.
- <sup>103</sup> Subs (3) amended by GC192/86.
- <sup>104</sup> Subs (4) amended by GC192/86.
- <sup>105</sup> S 85 amended by GC192/86.
- <sup>106</sup> Heading amended by SD155/10 Sch 11.
- <sup>107</sup> Subs (1) substituted by SD155/10 Sch 11.
- <sup>108</sup> Subs (2) amended by GC192/86 and by SD155/10 Schs 3, 5, 6 and 11.
- <sup>109</sup> S 86 amended by SD155/10 Schs 3, 5 and 11. Subs (3) amended by GC192/86 and by SD155/10 Schs 3, 5, 6 and 11.
- <sup>110</sup> S 87 amended by GC192/86 and by SD155/10 Sch 11.
- <sup>111</sup> Subs (1) amended by GC192/86 and by SD155/10 Schs 5, 6 and 11.
- <sup>112</sup> Subs (2) repealed by Local Government Act 1985 Sch 6.
- <sup>113</sup> S 89 amended by GC192/86, by SD155/10 Sch 11 and by SD2015/0109.
- <sup>114</sup> S 90 repealed by Local Government and Housing Act 1970 s 3.
- <sup>115</sup> Definition of “Acquisition of Land Acts” repealed by Acquisition of Land Act 1984 Sch 5.
- <sup>116</sup> Definition of “Board” repealed by GC192/86.
- <sup>117</sup> Para (a) substituted by Statute Law Revision Act 1992 Sch 1.
- <sup>118</sup> Para (b) substituted by SD2014/06.
- <sup>119</sup> Para (d) repealed by SD2014/06.
- <sup>120</sup> Definition of “Board of Tynwald” substituted by Miscellaneous Provisions Act 1986 s 4.
- <sup>121</sup> Definition of “building byelaws” repealed by SD155/10 Sch 11.
- <sup>122</sup> Definition of “court” amended by SD352/09.
- <sup>123</sup> Definition of “the Department” substituted by SD2015/0109.
- <sup>124</sup> Definitions of “flat” and “block of flats” repealed by Housing (Miscellaneous Provisions) Act 1976 Sch 6.
- <sup>125</sup> Definition of “Local Government Acts” amended by Housing (Miscellaneous Provisions) Act 1976 Sch 6.
- <sup>126</sup> Definition of “relevant Department” substituted by SD2015/0109.
- <sup>127</sup> Definition of “sanitary defect” substituted by Housing (Miscellaneous Provisions) Act 2011 Sch 3.
- <sup>128</sup> Definition of “Statutory undertakers” amended by Flood Risk Management Act 2013 s 83.
- <sup>129</sup> S 94 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>130</sup> Sch 1 repealed by Acquisition of Land Act 1984 Sch 5.

<sup>131</sup> Sch 2 repealed by Housing Act 1959 s 2.

<sup>132</sup> Sch 3 repealed by Acquisition of Land (Amendment) Act 2000 Sch.

<sup>133</sup> Sch 5 repealed by Statute Law Revision Act 1983 Sch 2.