

THE HOUSING ACT
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SCHEDULES

THE HOUSING ACT

Act
55 of 1968.

[1st February, 1969.]

PART I. *Preliminary*

1. This Act may be cited as the Housing Act. Short title.
2. In this Act unless the context otherwise requires— Interpreta-
tion.
 - “approved housing scheme”, “approved slum clearance scheme” and “approved improvement scheme” mean, respectively, a housing scheme, slum clearance scheme or improvement scheme, as the case may be, approved by the Minister pursuant to this Act;
 - “barracks” includes any housing accommodation provided at any estate, plantation, pen, factory, works, or any other place for the lodging of persons employed thereat;
 - “building” includes any house, out-house, barracks or any wall, fence or other erection being part of any premises wherein any house, out-house or barracks is or are contained;
 - “defined area” means the area defined in any plan defining a housing area, a slum clearance area or an improvement area;
 - “dwelling”, “dwelling-house”, or “house” means any premises used as a separate dwelling or of a type suitable for such use and includes any part of a building which is occupied or intended to be occupied as a separate dwelling, and also includes a flat;

"flat" means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided;

"housing area", "slum clearance area" and "improvement area" mean, respectively, an area declared by the Minister by order to be a housing area, a slum clearance area or an improvement area, as the case may be, as hereinafter prescribed;

"the Housing Fund" means the fund established under section 57:

"landlord" means the immediate landlord of an occupier and, 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, includes 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 authorized 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 authorized by him so to do;

"Local Authority" means—

- (a) in relation to the corporate area as defined in the Kingston and St. Andrew Corporation Act, the Council of the Kingston and St. Andrew Corporation; and
- (b) in relation to the parishes not within the corporate area, the Parish Councils of such parishes in their respective parishes;

"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;

“road” means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, bridle path, passage, or highway, whether a thoroughfare or not;

“sanitary defects” includes darkness, dampness, lack of air space or of ventilation, absence of adequate and readily accessible water supply or sanitary accommodation or conveniences, and inadequate paving or drainage of courts, yards or passages;

“scheme” includes a housing scheme, a slum clearance scheme, an improvement scheme, an emergency housing scheme, a scheme under Part VIII and a scheme varying or revoking an existing scheme;

“statutory undertaker” means any authority, company or person empowered by any enactment to execute or construct authorized works or to carry into effect the purposes of that enactment.

3.—(1) For the purposes of this Act the Minister responsible for housing (in this Act referred to as “the Minister”) shall be a corporation sole by the name of the Minister of Housing and by that name shall have perpetual succession with a capacity to acquire, hold and dispose of land and other property of whatever kind.

Minister of
Housing.

(2) The Minister shall have an official seal which shall be officially and judicially noticed and shall be authenticated by the signature of the Minister or any person authorized by him by general notice to act in that behalf.

(3) All land and other property of whatever kind vested in the Minister in pursuance of this Act shall be held by him for the purposes of this Act.

PART II. Preparation and approval of Schemes

Housing
schemes.

4.—(1) The Minister, after considering the housing conditions in any area and the needs of that area with respect to the provision of further housing accommodation, may cause an area to be defined on a plan and may by order declare the area so defined to be a housing area.

(2) Whenever the Minister declares any area to be a housing area he shall, within the period prescribed in subsection (2) of section 8, cause to be prepared proposals for the provision of further housing accommodation in that area (hereinafter in this Act referred to as "a housing scheme").

Slum
clearance
schemes.

5.—(1) If the Minister, after considering the housing conditions in any area, is satisfied—

- (a) that in general the houses in such 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, or by reason of overcrowding in the area, dangerous or injurious to the health of the inhabitants of the area; 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; and
- (c) that the clearance of the area can be secured in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—
 - (i) by ordering the demolition of the buildings in the area;

- (ii) by the acquisition of the land comprised in the area and securing the demolition of the buildings thereon,

the Minister may cause such area to be defined on a plan in such a manner as to exclude from the area any land or building which is not unfit for human habitation or dangerous or injurious to health, but including in such area buildings which, in the opinion of the Minister, are for any of the reasons specified in paragraph (a) unfit for human habitation or dangerous or injurious to health, and any surrounding or adjacent land which the Minister considers desirable to be acquired.

(2) The Minister may by order declare the area so defined to be a slum clearance area, and if he so declares the area he shall, within the period prescribed in subsection (2) of section 8, cause to be prepared a scheme for the exercise of the powers conferred by this Act (hereafter in this Act referred to as "a slum clearance scheme").

6.—(1) If the Minister, after considering the housing conditions in any area, is satisfied that in general the houses in that area are, by reason of disrepair or sanitary defects, unfit for human habitation, or by reason of their bad arrangement or the narrowness or bad arrangement of the streets, or by reason of overcrowding in the area, dangerous or injurious to the health of the inhabitants of the area, and that such conditions can be effectively remedied without the demolition of all the buildings in the area, by—

Improvement schemes.

- (a) ordering the demolition, reconstruction or repair, as the circumstances may require, of such dwelling-houses or buildings as are unfit for human habitation; or
- (b) the acquisition of the land and buildings thereon comprised in the area, and securing the demolition, reconstruction or repair, as the circumstances may

require, of such dwelling-houses or buildings as are unfit for human habitation; or

- (c) the acquisition of any land or buildings in the area which it is expedient to acquire for the reconstruction and development of the area; or
- (d) the acquisition of any land, the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and of any adjoining land, the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area,

the Minister may cause such area to be defined on a plan in such manner as to exclude from the area any land or buildings in respect of which, in his opinion, sanitary defects do not exist, or which he does not deem it expedient to be acquired for the remedying of overcrowding or badly arranged conditions but including in such area buildings which, in his opinion, are in a state of disrepair and any surrounding or adjoining land which he considers desirable to be acquired.

(2) The Minister may by order declare the area so defined to be an improvement area and if he so declares the area, he shall, within the period prescribed in subsection (2) of section 8, cause to be prepared a scheme for the exercise of the powers conferred by this Act (hereafter in this Act referred to as "an improvement scheme").

Schemes to be prepared with due regard to other schemes.

7. The Minister shall ensure that in the preparation of any scheme under section 4, 5 or 6 the provisions of any other scheme relating to the defined area or land in the neighbourhood thereof are taken into consideration.

Publication of notice and consideration of schemes.

8.—(1) Upon the making of an order declaring any area to be a housing area, a slum clearance area, or an improvement area, the Minister shall cause to be published in the

Gazette and in a local newspaper a notice stating the place where the plan defining such area may be inspected.

(2) Within nine months after the coming into force of an order declaring any area to be a housing area, a slum clearance area, or an improvement area, or within such further period as the circumstances may require, the Minister shall cause to be prepared a housing scheme, or slum clearance scheme, or improvement scheme, as the case may be, in respect of the area.

(3) Forthwith upon the preparation of a scheme and before approving it under this Part the Minister shall—

- (a) cause to be published in the *Gazette* and a local newspaper a notice stating that the scheme is about to be approved, naming a place where the plan and particulars of the scheme may be inspected, and specifying the time within which and the manner in which objections or representations may be made; and
- (b) cause a notice to the like effect to be served on every owner and on every other person who to the knowledge of the Minister has an estate or interest in the land in the defined area, except persons holding land on a monthly tenancy or tenancy for a less period:

Provided that failure to serve any such notice shall not in any manner invalidate such scheme; and

- (c) consider any objection or representations made to him in pursuance of any such notice, and if any person making such objection or representation so requires, afford to that person an opportunity to be heard.

Local
Authority
affected by
scheme to
be notified.

9.—(1) The Minister shall, before approving a scheme, cause to be furnished to the Local Authority within whose area the scheme is to be operative, and where the scheme is to be operative within the areas of two or more Local Authorities, to each Local Authority affected by the scheme, particulars of the scheme for their consideration and representations.

(2) The particulars to be furnished under subsection (1) shall include specifications and estimates, and particulars relating to roads, water supply, sewerage and lighting, if appropriate to the scheme.

(3) Any Local Authority affected by a scheme may, within the prescribed time and in the prescribed manner, submit to the Minister any objections or representations in respect of the scheme which they desire to make.

(4) The Minister before approving a scheme shall consider any objections or representations made to him in pursuance of this section and shall afford the Local Authority making such objections or representations an opportunity to be heard.

Scheme to
contain
plans and
particulars.

First
Schedule.

10. Every scheme prepared for the approval of the Minister under this Part shall contain a plan of the defined area and a statement giving such of the details prescribed in the First Schedule as are applicable, and generally appropriate particulars of such scheme indicating—

- (a) the manner in which it is intended that the defined area shall be laid out and the land therein used and, in particular, the land intended to be used for the provision of houses, for roads and for open spaces;
- (b) the approximate area of the land to be acquired;
- (c) the approximate number and the nature of the houses to be provided;

- (d) the average number of houses to be constructed per acre;
- (e) if the demolition of existing houses and the erection of new houses are proposed, the type of houses proposed to be erected;
- (f) if the total demolition of existing houses is not proposed, the nature of repairs, improvements and reconstruction intended to be made;
- (g) the time within which the scheme or any part thereof is to be carried into effect;
- (h) the estimated cost of the scheme and the receipts expected to be derived from sales, rents or any other source;
- (i) the approximate number of occupants intended to be accommodated;
- (j) the arrangements for alternative accommodation elsewhere of occupants;
- (k) such incidental, consequential and supplementary provisions (including provisions as to the subsequent variation of the scheme) as may appear to the Minister to be necessary or proper for the purpose of the scheme.

11. The Minister may approve any scheme prepared under this Part, or any part of such scheme, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom but not so as to add land thereto) but if the Minister considers the scheme inadequate he may refuse to approve the scheme and may cause to be prepared and submitted to him an adequate scheme within such time as he may fix, or he may approve the scheme or any part thereof subject to the condition that there be prepared and submitted to him a further scheme within such time as he may fix.

Approval of
schemes by
Minister.

Notice of
approval of
schemes.

12. Upon the approval of a scheme under this Part the Minister shall forthwith—

- (a) cause to be served on every owner of land in the defined area; and
- (b) cause to be served on every other person or Local Authority who submitted objections or representations to the Minister in respect of the scheme; and
- (c) cause to be published in the *Gazette* and a local newspaper,

a notice stating the date on which the scheme was approved and naming a place at which a copy of the plan of the defined area and particulars of the scheme (with modification, if any) as approved may be inspected.

Submission
of new
schemes.

13. Where after a scheme has been approved under this Part, it appears to the Minister that any land in the defined area should be improved or used otherwise than as indicated in the scheme, the Minister shall cause to be prepared (in accordance with the foregoing provisions of this Part) a new scheme in relation to that land and upon the approval of the new scheme the original scheme shall, to the extent that it is inconsistent therewith, be of no effect.

Power to
carry
scheme into
effect.

14. Where land has been acquired by virtue of the provisions of this Act for the purpose of any scheme then without prejudice to any of his other powers under this Act, the Minister may for the purposes of giving effect to such scheme—

- (a) lay out and construct public streets or roads and open spaces on the land;
- (b) erect dwelling-houses on the land and convert any building acquired thereon into dwelling-houses;
- (c) alter, enlarge, repair or improve any dwelling-house as acquired, converted or erected thereon and fit out, furnish and supply any such house with all requisite fittings and conveniences;

- (d) execute such other works (whether similar to the foregoing or not) as may be necessary for the perfecting of such scheme;
- (e) let, lease or sell any such dwelling-house subject to such covenants and conditions as he may think fit either in regard to the maintenance of the house or otherwise in regard to the use thereof, and upon such sale he may agree to the price being paid by instalments or to payment of part thereof being secured by a mortgage of the premises.

PART III. *Emergency Housing Schemes*

15. Where by reason of the occurrence or apprehended occurrence of any public calamity the Minister is satisfied that there is urgent need for the provision of housing accommodation either generally or in any particular area or areas, the Minister shall forthwith cause to be prepared proposals for the provision of such housing accommodation (hereafter in this Act referred to as "an emergency housing scheme").

Preparation of emergency housing schemes.

16. The Minister may approve any emergency housing scheme, or any part of such scheme, either without modifications or with such modifications as he thinks fit, or if he considers the scheme inadequate he may refuse to approve the scheme and may cause to be prepared and submitted to him an adequate scheme within such time as he may fix, or he may approve the scheme or any part thereof subject to the conditions that there be prepared and submitted to him a further scheme within such time as he may fix.

Approval of emergency housing schemes.

17.—(1) Where an emergency housing scheme or any part of such scheme has been approved, either with or without modification, the Minister shall cause to be published in the *Gazette* and in a local newspaper a notice

Notice of approval of emergency housing scheme and consequential powers.

stating the date on which such scheme was approved and naming a place where particulars of such scheme may be obtained.

(2) At any time after the publication of such notice the Minister may, subject to the provisions of such emergency housing scheme, exercise and perform such of the rights, powers and duties conferred or imposed by this Act on the Minister, including all rights, powers and duties in relation to a housing scheme or a slum clearance scheme or an improvement scheme, as are necessary for carrying into execution such emergency housing scheme.

PART IV. *Effect of and Obligations consequent upon approval of slum clearance scheme or improvement scheme*

Power to
order
demolition
of insanitary
buildings.

Second
Schedule.

18.—(1) Where as respects any area declared by the Minister to be a slum clearance area or an improvement area, which is included in an approved slum clearance scheme or an approved improvement scheme, the Minister is satisfied that any dwelling-house which is occupied, or is of a type suitable for occupation, is unfit for human habitation and is not capable at reasonable expense of being rendered so fit, he shall serve upon the person having control of the house, upon any other person who is the owner thereof, and, so far as it is reasonably practicable to ascertain such person, upon every mortgagee thereof, a notice in the form set out in the Second Schedule of the time (being 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 the person served with the notice may wish to submit will be considered, 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 a notice is served under subsection (1) shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days of the date of the service of the notice upon him, serve upon the Minister notice in writing of his intention to make an offer, and shall, within such reasonable period as the Minister may allow, submit to him a list of the works which the said person offers to carry out.

(3) The Minister may if, after consultation with any owner or mortgagee, he thinks fit to do so, accept an undertaking from the said person either that he will within a specified period carry out such works as will in the opinion of the Minister render the house fit for human habitation, or that it will not be used for human habitation until the Minister, on being satisfied that it has been rendered fit for that purpose, cancels the undertaking.

(4) If no such undertaking as is mentioned in subsection (3) is accepted by the Minister or if, in a case where he has 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 Minister shall forthwith make a demolition order in the form set out in the Third Schedule requiring that the house shall be demolished within six weeks after the expiration of the period specified in the order which shall not where the house is occupied be less than twenty-eight days from the date on which the order becomes operative, or, in any case, within such longer period as in the circumstances the Minister considers it reasonable to allow, and shall serve a copy of the order upon every person upon whom he would be required by subsection (1) to serve a notice issued by him under that subsection. Upon service of a copy of the order as herein prescribed the order shall become operative.

Third
Schedule

(5) When a demolition order under this section has become operative the owner or owners of the house to which it applies shall demolish the house within the time limited in that behalf by the order or within such further time as may be allowed by the Minister pursuant to subsection (4) and if the house is not demolished within such time the Minister may enter and demolish the house and sell the materials thereof.

(6) Any expenses incurred by the Minister under subsection (5), after giving credit for any amount realized by the sale of materials, may be recovered from the owner of the house in the Resident Magistrate's Court as a civil debt due to the Crown, or if there is more than one owner, from the owners thereof in such shares as the Resident Magistrate may determine to be just and equitable. Any owner who pays to the Minister the full amount of his claim may in like manner recover from any other owner such contribution, if any, as the Resident Magistrate may determine to be just and equitable.

(7) Any surplus in the hands of the Minister shall be paid by him to the owner of the house or, if there is more than one owner, shall be paid as such owners may agree. If there is more than one owner and the owners do not agree as to the division of the surplus, the Minister shall be deemed by virtue of this subsection to be a trustee of the surplus for the owners of the house and the provisions of the Trustee Act which relate to payment into court by trustees shall have effect accordingly.

(8) The Resident Magistrate 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 main-

tenance and repair under any covenant or agreement, whether express or implied, and all the other circumstances of the case.

19.—(1) When any demolition order has become operative no land to which the order applies shall be used for building purposes or otherwise developed except subject to such restrictions and conditions, if any, as the Minister may think fit to impose.

Use of land in respect of which demolition order has been made.

(2) Any person who commences or causes to be commenced or suffers to be commenced or continued any work in contravention of a restriction or condition imposed under this section shall be guilty of an offence and shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding ten dollars in respect of each day during which the work exists in such a form or state as contravenes the restriction or condition.

20.—(1) When, in relation to any area declared by the Minister to be an improvement area and included in an approved improvement scheme, the Minister is satisfied that any house in the area can be rendered fit for human habitation at reasonable expense, he shall, so soon as may be after the expiration of four weeks from publication of notice of the approval of the scheme as prescribed in section 12, make an order (in this Act referred to as "an improvement order") requiring the improvement of such house, and enforce compliance with such order.

Improvement order and enforcement of notice.

(2) After the making of an improvement order, the Minister shall forthwith serve on the owner, agent or other person having control of such house a notice in the form set out in the Fourth Schedule requiring the execution of all necessary works and provision of all sanitary accommodation and other conveniences within such reasonable time,

Fourth Schedule.

not being less than twenty-one days, as may be specified in the notice, and stating that, in the opinion of the Minister, such works will render the house fit for human habitation.

(3) In addition to serving a notice under subsection (2) on the owner, agent or other person having control of the house, the Minister shall serve a copy of the notice on any person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(4) In determining for the purposes of this Part whether a house can be rendered fit for human habitation at 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.

(5) For the purposes of this Part, 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.

Enforce-
ment of
notice
requiring
execution
of works.

21.—(1) If a notice under section 20 requiring the execution of works is not complied with, then, after the expiration of the time specified in the notice the Minister may do the work required to be done by the notice.

(2) Where the Minister is about to enter a house under the provisions of subsection (1) for the purpose of doing any work, he shall give to the person having control of the house and, if he thinks fit, to any other person being an owner of the house, notice in writing of his intention so to do, and if at any time after the expiration of seven days from the service upon such person of the notice, any

workman or contractor employed by him is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the Minister in the execution of this Act and shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding forty dollars, unless he proves to the satisfaction of the Resident Magistrate that there was urgent necessity to carry out the works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the Minister under this section, together with interest at such rate as the Minister may from time to time determine, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered in the Resident Magistrate's Court as a civil debt due to the Crown from the person having control of the house or, if such person receives the rent of the house as agent or trustee for some other person, then either from him or from such other person, or in part from him and as to the remainder from that other person :

Provided that, if the person having control of the house proves that he—

- (a) is receiving the rent merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that person sufficient money to discharge the whole demand of the Minister,

his liability shall be limited to the total amount of the money which he has, or, since the date of service aforesaid has had, in his hands.

(4) The Minister may order any such expenses to be payable by weekly or other instalments within a period

not exceeding twenty years, with interest at such rate as the Minister may from time to time determine in that behalf from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered in the Resident Magistrate's Court as a civil debt due to the Crown from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(5) The amount of any expenses and interest thereon due to the Minister under this section shall be a charge on the premises in respect of which the expenses were incurred, and the Minister shall for the purposes of enforcing that charge have all the powers and remedies conferred on a mortgagee under the provisions of the Conveyancing Act and otherwise as if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

(6) No action taken under this section or section 18 shall prejudice or affect any other powers of the Minister, or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

Owner of land and buildings may be permitted to carry out slum clearance scheme or improvement scheme.

22.—(1) Notwithstanding the service of a notice by or on behalf of the Minister in accordance with the provisions of section 12, the owner of any land or building specified in such notice may, with the permission of the Minister, undertake for himself the clearance and reconstruction of the land and buildings so specified, or the improvement thereof, subject to the provisions hereinafter contained.

(2) Any application for such permission shall be made by the owner, in writing, addressed to the Minister with full particulars accompanied by plans, within four weeks of the date of service of the notice by or on behalf

of the Minister. The Minister shall as soon as practicable thereafter consider the same and shall either refuse or grant the application.

(3) If the application is granted, the owner shall within four weeks of the date of his being notified of the granting of his application enter into a bond with one or more sureties, to be approved by the Minister, in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings or the improvement thereof, as the case may be, and such bond shall be conditioned that the owner shall pay such sum as aforesaid to the Minister upon failure to complete the clearance and reconstruction of such land and buildings or the improvement thereof, as the case may be, within a period to be specified in the bond and in accordance with the scheme:

Provided that, if the owner of any such land and buildings fails to complete the clearance and reconstruction thereof or the improvement thereof, as the case may be, in accordance with the scheme, to the satisfaction of the Minister, and within the period specified in the bond, subject to any variation or extensions approved by the surety or sureties, the land and buildings may, without prejudice to the enforcement of the bond, be acquired and cleared and reconstructed or improved in accordance with the provisions of this Act.

(4) Upon completion by the owner of the clearance and the reconstruction of such land or buildings or the improvement thereof, as the case may be, to the satisfaction of the Minister, the Minister shall at the expense of the owner publish a notice in a local newspaper stating that the land and buildings specified in the bond comply with the requirements of the scheme; and upon the publication of the notice the land and buildings specified in the bond shall be excluded from the operation of the scheme and

the Minister shall thereupon issue to the owner a certificate signed by him to the effect that the land and buildings have been so excluded.

(5) Any person who, after the service on him of a notice as specified in section 12, undertakes or causes to be undertaken any works of reconstruction or improvement on any land or buildings in a slum clearance or improvement area before permission of the Minister has been obtained, as prescribed in this section, shall be guilty of an offence against this Act, and shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding forty dollars, and the Resident Magistrate may, on the representation of the Minister, order such works or any part thereof to be demolished or altered so as to make it conform with the scheme.

Resident Magistrate may empower owner or mortgagee to execute works on default of another owner or mortgagee.

23.—(1) If it appears to a Resident Magistrate on the written application of any owner or mortgagee of a house in respect of which a notice requiring the execution of works has been served, or a demolition order has been made, that owing to the default of any other owner or mortgagee 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 Resident Magistrate may make an order empowering the applicant forthwith to enter 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 Resident Magistrate proper so to do, he may make a like order in favour of any other owner or mortgagee.

(2) Before an order is made under this section, notice of the application shall be given to the Minister and to any other owner or mortgagee who may be affected by the order.

(3) Proceedings under this section shall be determined by the Resident Magistrate in a summary manner, and any order made by him shall be final.

24. Any person aggrieved by—

- (a) a demand for the recovery of expenses incurred by the Minister in the execution of works specified in any such notice; or
- (b) an order made by the Minister with respect to any such expenses,

Application
to Resident
Magistrate.

may within twenty-one days after the service of the demand or order, as the case may be, make an application to the Resident Magistrate for the parish in which are situated the premises to which the demand or order relates, and such application shall be dealt with in accordance with section 52.

PART V. *Acquisition of Land*

25.—(1) Any land (including land with buildings thereon) which is under or by virtue of the provisions of this Act proposed to be acquired for the purposes of any housing scheme, slum clearance scheme, improvement scheme or emergency housing scheme approved under this Act or for purposes incidental to or connected with any such scheme, may, subject to the provisions of subsection (2), be acquired in accordance with the provisions of the Land Acquisition Act, and in relation to such acquisition the purposes aforesaid shall be deemed to be public purposes.

Acquisition
of land
required for
schemes.

(2) For the purpose of the acquisition of any land as aforesaid the Land Acquisition Act shall have effect subject to the modifications that for the reference in subsection (1) of section 16 of such Act to a vesting of the land in the Commissioner of Lands, there shall be substituted a reference to the vesting of the land in the Minister within the meaning of this Act.

Land which
may not be
compul-
sarily
acquired.

26. Nothing in this Act shall authorize the compulsory acquisition of any land which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking.

Power of
Minister
to make
allowances
to certain
persons
displaced.

27. The Minister may pay out of the Housing Fund to any person displaced from any dwelling-house or other building in a slum clearance area or an improvement area, as the case may be, which has been acquired by virtue of the provisions of this Act as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, such reasonable allowance as he thinks fit towards the expenses of such person in removing; and to any person carrying on any trade or business in any such dwelling-house or other building, he may also pay such reasonable allowance as he thinks fit towards the loss which, in his opinion, such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating such loss the Minister shall have regard to the period for which the premises occupied by the said person might reasonably have been expected to be available for the purpose of his trade or business, and the availability of other premises suitable for such purpose.

PART VI. *Completion of Schemes and Consequential Powers and Duties*

Minister to
carry out
schemes.

28.—(1) It shall be the duty of the Minister, who is hereby empowered so to do, to take steps for carrying into execution any scheme within such time as may be specified in such scheme or within such further time as the circumstances may reasonably require.

(2) The Minister may in like manner and for the purposes of the scheme lay out, pave, sewer, and complete all such roads upon the land acquired for the purposes of the scheme as he may think fit.

(3) Subject to subsections (4) and (5), where roads are laid out in accordance with the requirements of the scheme they shall be deemed to be public roads to which section 4 of the Parochial Roads Act applies and to be parochial roads within the meaning of that Act; and the exclusive care, management, control and superintendence of the said roads shall accordingly be vested in the appropriate Local Authority.

(4) The Minister shall notify the Local Authority in whom the exclusive care, management, control and superintendence of the roads are to be vested that the roads have been laid out in accordance with the requirements of the scheme and the Local Authority shall, if they are satisfied that the roads are laid out in accordance with the requirements of the scheme, pass a resolution to that effect a copy of which shall be forwarded to the Minister by the Local Authority and upon the passing of the resolution the provisions of subsection (3) shall apply to the said roads.

(5) Where in the opinion of the Minister a Local Authority has unreasonably refused or unduly delayed passing a resolution pursuant to subsection (4) in relation to the roads laid out under a scheme, the Minister may issue a declaration to the effect that the roads have been laid out in accordance with the requirements of the scheme and thereupon subsection (3) shall apply to such roads. The decision of the Minister under this subsection shall be final.

(6) The Minister may engage with any person to carry out the whole or any part of a scheme into effect, upon such terms as the Minister may consider expedient.

29. The Minister may, with the consent of the Local Authority, assign to the Local Authority named in a scheme duties and functions (including the execution of any public

Assignment
of duties of
Minister to
Local
Authorities.

work or the undertaking of any public service) in relation to the enforcement and carrying out of such scheme, and shall specify the time within which such duties and functions shall be undertaken and completed.

Recovery of possession of buildings within areas of approved schemes.

Fifth Schedule.

30.—(1) Where any land or building has been acquired by the Minister for the purpose of any scheme approved by him, the Minister may serve on the owner and on the occupier of such land or building or any part thereof within the area of such scheme a notice stating that the land or building has been acquired for the purpose of such scheme, and requiring him to quit the said land or the building on or before the expiration of six weeks from the service of the notice. If at any time after the date on which the notice requires the land or building to be vacated any person is in occupation of the land or building or any part thereof, the Minister may make complaint to the Resident Magistrate of the parish within which the land or building is situated and thereupon the Resident Magistrate shall by warrant, in the form set out in the Fifth Schedule, order vacant possession of the land or building or of any part thereof to be given to the complainant within such period not exceeding three calendar months.

(2) Any expenses incurred by the Minister under this section in obtaining possession of any land or building may be recovered from the said occupier of that land or building in the Resident Magistrate's Court as a civil debt due to the Crown.

(3) Any person who, with knowledge that a scheme in any area has been approved and applies to any land or building, enters into occupation of that land or building or any part thereof after the approval of such scheme in such area, or permits any person to enter into such occupation after such approval, shall be guilty of an offence, and

shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding twenty dollars and to a further penalty of four dollars for every day or part of a day on which the occupation continues after the conviction:

Provided that no person shall be affected under this subsection unless the notice required by subsection (1) has been served.

31.—(1) Where any premises in respect of which any order or scheme under this Act has become operative form the subject matter of a lease, either the lessor or the lessee may apply in writing to a Resident Magistrate for an order under this section.

Power of
Resident
Magistrate
to determine
lease where
premises
demolished.

(2) Upon any such application as aforesaid, the Resident Magistrate, 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 such order may be made 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 the Resident Magistrate 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, whether the same be registered or not and the expression "lessor", "lessee", and "sub-lessee" shall be construed accordingly and as including also a person deriving title under a lessor, lessee or sub-lessee.

Provisions
as to
apparatus of
statutory
undertakers
in land dealt
with by
Minister
under the
Act.

32.—(1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land acquired by virtue of the provisions of this Act, or on, under, or over a road running over, or through, or adjoining any such land, is necessary for the purpose of enabling the Minister to exercise any of the powers conferred upon him by this Act, the Minister 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) The Minister shall serve on the undertakers notice in writing of his 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 Minister—

- (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 if objection is so made to any works and not withdrawn, the Minister shall not execute the works unless he has caused an enquiry into the matter to be made.

(3) The Minister shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the Minister of any works under subsection (1) 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 necessary for the purposes of their undertaking by reason of the stopping up, diversion or alteration of the level or width of a road by the Minister under powers exercisable by virtue of this Act, they may, by notice in writing served on the Minister, require him (at the expense of the Minister) to remove or alter the apparatus, or to execute the works, and where any such requirement is so made and not withdrawn, the Minister shall give effect thereto unless he serves notice in writing on the undertakers of his objection to the requirement within twenty-eight days from the date of service of the notice upon him, and the requirement is determined by arbitration to be unreasonable.

(5) At least fourteen days before commencing any works which he is authorized or required under the preceding provisions of this section to execute, the Minister shall, except in case of emergency, serve on the undertakers notice in writing of his intention so to do, and the works shall be executed by the Minister under the superintendence (at the expense of the Minister) and to the reasonable satisfaction of the undertakers:

Provided that, if within fourteen 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 Minister, and the reasonable costs thereof shall be repaid to the undertakers by the Minister.

(6) Any difference arising between statutory undertakers and the Minister under subsection (5) and any matter which is by virtue of the preceding provisions of this section to be determined by arbitration shall be so determined in the manner provided by the Arbitration Act.

(7) In this section references to the alteration of apparatus include references to diversion and alteration of position or level.

Extinguish-
ment
of ways,
easements,
etc.

33.—(1) The Minister may by order extinguish any public right of way over any land acquired by virtue of the provisions of this Act, but the draft of an order intended to be made under this subsection shall prior to the making thereof be published in one or more newspapers of this Island at least once in every week for a period of six weeks, and if any objection is made thereto before the expiration of six weeks from the date of the first publication thereof, the Minister shall not make the order until he has caused a full enquiry into the matter to be made.

(2) Upon the acquisition by the Minister of any land for the purposes of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, wires or cables on, under or over such land (together with the property in such pipes, wires or cables) and all other rights or easements in or relating to such land shall, except so far as may be otherwise agreed by the Minister and the person entitled to the rights in question, vest in the Minister, and any person who suffers loss by the vesting of any such right or property as aforesaid shall be entitled to be paid by the Minister reasonable compensation. Any question arising as to the amount of such compensation shall be determined by arbitration in the manner provided in the Arbitration Act.

34.—(1) The Minister may, for any purpose arising in relation to the making, enforcement, or carrying out of a scheme, by notice in writing, require the owner or occupier of any land or building in the area to which such scheme relates or is intended to relate or any person receiving, whether for himself or for another, rent out of any such land or building, to state in writing to the Minister within a specified time not less than twenty-one days after being so required, particulars of the estate, interest or right by virtue of which he owns or occupies such land or building or receives such rent, as the case may be, and the name and address, and the estate, interest, or right (so far as they are known to him) of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

Power of Minister to require information as to ownership of premises.

(2) Every person who is required under this section to state in writing any matter or thing to the Minister, and who either fails so to state such matter or thing within the time appointed under this section or when so stating any such matter or thing makes any statement in writing which is to his knowledge false or misleading in a material particular, shall be guilty of an offence under this section, and shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding forty dollars.

35. The Minister or any person authorized in writing by him in that behalf may at all reasonable times enter any land, house, premises or buildings—

Power of entry for inspection, etc.

- (a) for the purpose of survey or valuation, in the case of land, houses, premises or buildings which are proposed to be acquired for the purposes of this Act; or

- (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 an improvement order, has been made; or
- (c) for the purpose of survey and examination, where it appears to the Minister that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the land, house, premises or buildings.

Penalty for obstructing execution of Act.

36. If any person obstructs the Minister or any person authorized in writing by him to enter houses, premises or buildings in pursuance of this Act in the performance of anything which the Minister or such person is by this Act required or authorized so to do, he shall be guilty of an offence, and shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding forty dollars.

Powers of dealing with lands and buildings.

37.—(1) When any land or buildings have been acquired by the Minister for the purposes of this Act, then, without prejudice to any of his other powers under this Act, the Minister may—

- (a) let or lease for any term of years, or upon any conditions, any land or buildings so vested in him and accept surrenders of any such leases as he may think fit;
- (b) sell the land or exchange it for land better adapted for such purposes, either with or without paying or receiving any money for equality of exchange.

(2) The sale or lease of any land or buildings vested in the Minister may be subject to such covenants and conditions as the Minister may impose either in regard to

the maintenance of the houses as dwelling-houses, or otherwise in regard to the use of the houses and the laying out and use of the land, and upon any such sale he may agree to the price being paid by instalments or to a payment of part thereof and the remainder being secured by a mortgage of the premises.

38. The Minister shall, in relation to the letting of houses, observe the requirements specified in the following provisions of this section—

Conditions
to be
observed
by the
Minister in
letting
houses.

- (a) the Minister shall secure that in the selection of tenants a reasonable preference is given to persons who are occupying insanitary or over-crowded houses, have large families or are living under unsatisfactory housing conditions, except so far as the demand for housing accommodation in any district on the part of such persons can be satisfied without such reservation;
- (b) in fixing rents, the Minister shall take into consideration the rents ordinarily payable in the locality, but may grant to any tenant such rebates from rent, subject to such terms or conditions, as he may think fit;
- (c) the Minister shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require;
- (d) the Minister shall make it a term of every letting that the tenant shall not assign, sublet or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the Minister, and shall not give such consent unless it is shown to his satisfaction that no payment other than a rent which is in his opinion

a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, subletting or other transaction.

Exemption
in respect
of certain
duties, etc.

39. Notwithstanding anything contained in any other enactment—

- (a) any instruments necessary for transferring or vesting any land and buildings to or in the Minister, or by the Minister to or in any person, or relating to any lease, mortgage or other charge or any release, in regard to which the Minister is a party, upon which, or in respect of which stamp duties, registration or recording fees are payable, shall be exempt from the payment of such stamp duties, registration or recording fees;
- (b) the Minister shall in relation to all property whatsoever held or dealt with by him for the purposes of this Act be exempt from payment of property tax, income tax, customs duty, tonnage tax and building and inspection fees.

PART VII. *Further Powers of Minister*

Power to
guarantee
loans for
erection of
dwelling-
houses.

40.—(1) Subject to the provisions of subsection (2), the Minister may, after consultation with the Minister responsible for Finance, guarantee or join in guaranteeing the payment of interest and capital on money borrowed by a person to purchase or to erect a dwelling-house for his own use, or to improve a dwelling-house owned and occupied by him in any area in which a scheme is in operation.

(2) The total sum guaranteed under subsection (1) shall not at any time exceed such sum as the House of Representatives may from time to time by resolution specify for the purposes of the said subsection.

41.—(1) The Minister may in any case where he considers that, having regard to the costs involved and the financial position of the applicant, it is reasonable to give such assistance—

Power of Minister to assist persons for the purpose of improving or increasing housing accommodation.

- (a) advance money for purchasing or constructing one or more houses, or for carrying out alterations or repairs to any house or houses; or
- (b) construct one or more houses.

(2) Every advance made or expenditure incurred under this section shall be upon such terms and conditions (including terms and conditions of repayment and recovery) as may be agreed with the applicant and, subject thereto—

- (a) shall carry interest at such rate as shall be fixed from time to time by general direction of the Minister on the amount of every such advance or expenditure, or on so much thereof as shall for the time being remain unpaid; and
- (b) shall be on such security as the Minister sees fit to accept.

42. The form of receipt contained in the Sixth Schedule, or any alteration thereof which may be made by the Minister, when signed by any person to whom an advance may be made on account of the loan therein mentioned or on whose behalf expenditure was incurred shall be deemed to be a mortgage of the lands, hereditaments, premises and buildings therein described, and shall confer on the Minister the following rights and powers—

Form of receipt for advances and effect thereof. Sixth Schedule.

- (a) in respect of all advances that may be made, or expenditure that may be incurred, not exceeding the total amount payable thereunder, whether the same be on account of principal or interest, and all expenses incurred by the Minister in respect of enforcing or realizing such mortgage, a charge on

the property specified in such receipt, until repayment in full of such principal, interest and expenses;

- (b) the same rights and powers as are conferred on mortgagees under the provisions of the Conveyancing Act when the mortgage is made by deed, and such rights and powers shall be exercisable without giving the notice required by section 23 of that Act;
- (c) the same rights and powers as are conferred on mortgagees under the provisions of the Registration of Titles Act by a mortgage registered under that Act, and such rights and powers shall be exercisable without giving the notice required by section 105 of that Act.

Covenants
implied in
form of
receipt.
Sixth
Schedule.

43. There shall be implied in every receipt in the form set out in the Sixth Schedule, or any alteration thereof by the Minister, the following covenants on the part of the borrower (save such of them as may be expressly excluded by the Minister) that is to say—

- (a) to expend the advance for the purposes specified in the receipt and not otherwise;
- (b) to repay the said advance or expenditure and all charges and interest thereon at the time or times and in the manner mentioned in the receipt, and to pay all expenses incurred by the Minister in enforcing or realizing the interest of the Minister;
- (c) to produce, at such times as may be required by any person authorized in writing by the Minister an account showing the expenditure of the moneys advanced vouched on oath or by affirmation, or in such other manner as may be required by the person so authorized;

- (d) to repair, and keep in repair, all buildings and improvements which shall have been, or shall be restored, altered or erected upon the land;
- (e) to suffer and permit any person authorized by the Minister in writing, at all times during the continuance of the security created by the receipt under this Act, to enter into and upon the land and buildings, with or without surveyors or other persons, to view and inspect the state of repair and condition of the land, buildings or improvements;
- (f) to insure, and so long as any money remains secured by the said receipt, to keep insured against loss or damage by fire, earthquake and hurricane and fire caused by earthquake or by hurricane, in the name of the Minister, his assigns or transferees, in an insurance company to be approved by the Minister, all buildings, fixtures, and erections which shall for the time being be erected on the said land, and which shall be of a nature or kind capable of being so insured, to the amount secured by the receipt or such less sum as the Minister may determine; and when so required to deposit with the Minister, his assigns or transferees the policy of such insurance and within seven days after each premium shall become payable, the receipt for the payment of such premium; and the moneys which shall be received on account of any such insurance shall at the option of the Minister, his assigns or transferees, be applied either in or towards satisfaction of the moneys secured by the receipt or for the carrying out of the purposes, under the superintendence of the Minister, specified in the receipt; and that on each breach or non-observance of this covenant the Minister, his

assigns or transferees, shall be at liberty to effect such insurance and continue the same for such period as they may think fit, and the costs and expenses paid on account thereof shall be payable on demand and be a charge on the land, and bear interest at the same rate as in the case of principal money overdue;

- (g) not to make any lease, or agreement for a lease, without the consent in writing of the Minister first had and obtained, and any such lease or agreement for a lease made or entered into by the borrower without such consent, shall be void to all intents and purposes whatsoever.

Minister
may accept
mortgage
other than
in form
of receipt.
Sixth
Schedule.

44. The Minister may from time to time accept a first mortgage or collateral security in any form of which he may approve other than in the form specified in the Sixth Schedule.

Record and
registration
of receipts
for
advances.
Sixth
Schedule.

45. All receipts in the form set out in the Sixth Schedule, or any alterations thereof which may be made by the Minister, shall be in duplicate and one copy thereof shall, within three months of execution, be lodged and kept in the Record Office, and indexed as a mortgage affecting the lands and buildings mentioned in such receipt, or, in the case of land under the operation of the Registration of Titles Act, one copy of such receipt shall be lodged with the Registrar of Titles, and he shall register the same as a mortgage under the said Act.

Document
in the form
of Seventh
Schedule
sufficient to
confer title
on any
purchaser.
Seventh
Schedule.

46. A document in the form specified in the Seventh Schedule, signed by the Minister, shall be sufficient to confer title on any purchaser and no such purchaser shall be concerned to see or enquire whether such sale is properly made or whether any notice necessary to be given has been given.

PART VIII. *Preparation, approval and completion of schemes prepared by housing associations*

47.—(1) A housing association may prepare and submit to the Minister a scheme for the laying out or sub-division of land and the construction of houses thereon.

Preparation and submission of scheme by housing association.

(2) Every scheme submitted under subsection (1) shall be accompanied by a plan of the area to which such scheme relates and a statement showing—

- (a) the manner in which it is intended that the area to which the scheme relates shall be laid out and the land therein used and, in particular, the land intended to be used for the provision respectively of houses, roads and open spaces for public and commercial purposes;
- (b) the approximate area of the land to which the scheme relates;
- (c) the approximate number and nature of the houses and other buildings to be provided;
- (d) the average number of houses to be constructed per acre;
- (e) such details as may be required by the Minister in regard to the type of houses to be constructed, the method of construction to be employed and the materials to be used;
- (f) particulars relating to water supply, drainage, sewage disposal and to such other matters of like nature as the Minister may require;
- (g) the prices at which it is proposed to sell the houses upon completion;
- (h) the financial arrangements made or proposed to be made in regard to the payment for houses by the purchasers thereof;

- (i) the time within which it is proposed to complete the scheme and, where it is proposed to undertake the scheme in stages, the time within which it is proposed to complete each stage.

(3) In this Part "housing association" means any person, company or society established for the purpose of, or amongst whose objects and powers are included those of, constructing or facilitating the construction of houses, and deemed and certified by the Minister to be a housing association.

Conditions
precedent to
submission
of scheme
for
approval.

48.—(1) The Minister shall not submit a scheme for approval under section 49 unless—

- (a) the scheme contains provisions empowering the Minister to extend the time within which the scheme is to be completed or to carry out the scheme at the cost of the housing association in the event of the failure or neglect of the housing association to do so and the Minister shall have power to act accordingly;
- (b) the housing association has furnished each Local Authority within whose area the scheme is to be operative, for the approval of such Local Authority, a layout plan of the area to which the scheme relates, and a statement which together give particulars in regard to the matters referred to in paragraphs (a), (b), (c), (d) and (f) of subsection (2) of section 47.

(2) Every Local Authority for whose approval a layout plan and statement have been furnished in accordance with the provisions of this section shall, as soon as may be, notify the housing association concerned of the grant or refusal of their approval and the housing association shall transmit such notification to the Minister.

(3) Where a layout plan and statement are furnished in accordance with this section the Local Authority may propose modifications of the plan or any matter contained in the statement and any modifications agreed on by the housing association and accepted by the Minister shall form part of the scheme to be submitted to the Senate and the House of Representatives as hereinafter provided.

(4) Where in the opinion of the Minister any Local Authority has unreasonably refused or unduly delayed approval of any layout plan and statement furnished to them in accordance with this section the Minister may at the request of the housing association approve such layout plan and statement with such modifications as have been accepted by the housing association and the Minister, and thereupon such layout plan and statement shall be deemed to be approved by the Local Authority.

49.—(1) Where the Minister considers that any scheme submitted under section 47 should be approved, he shall submit the scheme to the Senate and House of Representatives with a statement that the layout plan and statement furnished under paragraph (b) of subsection (1) of section 48 have been approved by the Local Authorities concerned or by the Minister, as the case may be.

Approval
and com-
pletion of
scheme.

(2) Where the Senate and House of Representatives approve any scheme submitted under subsection (1), the following provisions shall apply with regard to the carrying out of such scheme—

- (a) the housing association shall be exempt from any obligation imposed by any law in relation to—
 - (i) the laying out or sub-dividing of land for the purpose of building thereon or for the selling of the same in lots; or

HOUSING

- (ii) the construction of buildings;
- (b) arrangements may be made between the Minister and the housing association or any person nominated by the housing association for the guarantee by the Government, with the approval of the House of Representatives of the payment of interest and repayment of capital in respect of a portion of such sum of money as may be lent to persons for the purpose of purchasing houses constructed by the housing association;
- (c) any instruments necessary for transferring or vesting any land or buildings by the housing association to or in any person, upon which or in respect of which stamp duties, registration or recording fees are payable, shall be exempt from the payment of such stamp duties, registration or recording fees;
- (d) if the scheme provides for any instrument transferring or vesting any land or buildings to or in the Minister or by the Minister to or in the housing association or to or in any other person, paragraph (a) of section 39 shall apply to any such instrument;
- (e) the Minister shall have power from time to time to carry out or cause to be carried out such inspections as he may think fit to ascertain whether the scheme as approved under this section is being carried out, and the Minister may require the housing association to remedy any failure to conform with the scheme and the housing association shall comply with such requirement;
- (f) the provisions of subsections (3), (4) and (5) of section 28 shall apply to such scheme as they apply to schemes prepared under Part II, and references in subsections (2) and (4) of the said

section to the Minister shall be construed as references to the housing association;

- (g) the provisions of the scheme shall have effect as if they were enacted in this Act.

PART IX. *General*

50. For the purposes of co-operating with the Minister in the preparation of or the carrying into effect of a scheme, any public department or Local Authority may, subject to the approval of the appropriate Minister, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by such agreement, be laid out and used in conformity with the general objects of the scheme, and any agreement so made may contain such consequential, supplemental and ancillary provisions, including provisions of a financial character, as appear to be necessary or desirable, having regard to the contents or proposed contents of the scheme.

Power of public departments, etc., to make agreements in connection with schemes.

51. The Minister shall have power (subject to the concurrence of the authority for the time responsible for the maintenance of such public thoroughfare or highway), and is hereby authorized, to close any public thoroughfare or highway within the area of an approved scheme for the purpose of carrying out any necessary works in relation to such scheme.

Minister empowered to close public thoroughfares for the purposes of carrying out necessary works in relation to scheme.

52. Where any application is made under this Act to a Resident Magistrate, the Resident Magistrate may summon the parties to appear before him at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for the

Summary procedure.

Resident Magistrate to hear and determine the question at issue and the amount of any compensation, and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof.

Right of
appeal to
Court of
Appeal.

53. Except where otherwise provided, any person aggrieved by any decision of a Resident Magistrate may appeal to the Court of Appeal.

Regulations.

54. The Minister may make regulations relating to the following matters—

- (a) preventing and abating overcrowding;
- (b) the use of the dwellings let by the Minister with a view to the prevention of nuisances and sanitary defects;
- (c) the inspection of houses and land vested in the Minister;
- (d) the time, place and manner for the payment of any moneys payable under this Act;
- (e) prescribing the forms of mortgages, charges, leases and other instruments;
- (f) generally, for regulating the administration of schemes under this Act and for the purpose of carrying out the provisions of this Act.

Service of
notices.

55.—(1) Any notice or other document required to be served on the Minister for any of the purposes of this Act may be served upon him by leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to him at his office.

(2) Subject to subsection (1), any notice, order or other document required or authorized to be served under this Act may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it with some responsible person at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode:
Provided that such place of abode is within a postal delivery district; or
- (d) in the case of a body corporate by delivering it to the secretary or clerk of the body at their registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of any such person on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" (or as the case may be) of the premises (naming them) to which it relates, and by delivering it to some responsible person on the premises or, if there is no responsible person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

56. The Minister and all persons employed by or under him shall be exempt from personal liability for any act done in the execution or intended execution of this Act.

Exemption
from
personal
liability.

57. There shall be established a fund to be known as the Housing Fund which shall be available for the purposes of this Act and to which on the 1st February, 1969 shall be transferred all sums at the credit of or accruing to the Housing Fund established by the Housing Law, 1955.

Establish-
ment of
Housing
Fund.

Law 67
of 1955.
(Repealed).

**Sources of
Housing
Fund.**

58. The Housing Fund shall consist of—

- (a) sums transferred thereto pursuant to section 57;
- (b) sums appropriated thereto from the revenues and funds of the Island, including sums received by the Government from time to time as grants or contributions for the purpose of housing in the Island;
- (c) sums received by the Minister pursuant to any scheme under this Act (including sums arising from the sale or rental of lands or buildings);
- (d) sums accruing by way of interest on moneys of the Housing Fund deposited in accordance with section 59; and
- (e) such other sums as may from time to time accrue to the Housing Fund under this Act or otherwise.

**Custody of
Housing
Fund.**

59. The Housing Fund or any part thereof may be deposited with the Accountant-General or with any bank in which public moneys of the Island may lawfully be deposited.

**Housing
Estimates.**

60.—(1) The Minister shall in each financial year cause to be prepared estimates of the amounts accruing to and to be expended from the Housing Fund during the succeeding financial year (hereinafter in this Act called “the Housing Estimates”) and such estimates shall be submitted to the House of Representatives for approval, before or as soon as may be practicable after the commencement of the financial year to which they relate.

(2) If the Minister is satisfied after the Housing Estimates for any financial year have been approved by the House of Representatives that it is necessary or expedient to add to the amounts to be expended from the Housing Fund as shown in such Estimates, he may cause to be prepared and submit to the House of Representatives for

approval supplementary estimates of the additional amounts to be expended from the Housing Fund during that financial year (hereinafter in this Act called "the Supplementary Housing Estimates").

(3) Notwithstanding the provisions of subsection (2), the House of Representatives may by resolution authorize the Minister, generally or specifically, to sanction the application of the unexpended portion of any amount provided for a particular purpose in the Housing Estimates or in the Supplementary Housing Estimates (as the case may be) to any other purpose specified in such Estimates.

61. The Accountant-General shall, in each financial year on the warrant of the Minister, issue and apply out of the Housing Fund such sums, not exceeding the sums allocated in the Housing Estimates and the Supplementary Housing Estimates as approved by the House of Representatives for that financial year or sanctioned by the Minister in accordance with the provisions of subsection (3) of section 60, as may be required for the purposes expressed in the several heads of such estimates:

Application
of Housing
Fund.

Provided that any sum which has been appropriated to the Housing Fund from loan funds raised under any enactment shall not be applied for a purpose contrary to the provisions thereof.

PART X. *Transitional*

62. As from the 1st February, 1969, the following provisions shall have effect—

Transitional.

- (a) all land and other property of whatever kind (including things in action) vested in the Director of Housing immediately before the 1st February, 1969, shall vest in the Minister;

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- (b) the Minister shall have all the rights, privileges and advantages and all liabilities and obligations, to which the Director of Housing was immediately before the 1st February, 1969, entitled or, as the case may be, subject; and
- (c) references in any deed, contract, bond or security to the Director of Housing shall have effect to all intents and purposes as if they were references to the Minister.

FIRST SCHEDULE

(Section 10)

HOUSING, SLUM CLEARANCE AND IMPROVEMENT SCHEMES

To be accompanied by a plan showing the area proposed to be acquired in relation to adjoining or adjacent property and distinguishing by numbers the plots variously owned which it is proposed to acquire.

The general outlines of the scheme to be stated.

The following details to be given in respect of each plot—

PLOT I. DETAILS

- (a) Name and address of owner.
- (b) Brief description of buildings.
- (c) Superficial area of plot, also showing that covered by buildings.
- (d) Water supply.
- (e) Sanitary arrangements.
- (f) Number of occupants per room and total.
- (g) Rentals payable, in detail with total.
- (h) Value of buildings as per assessment roll.
- (i) Amount of rates payable and by whom.
- (j) Estimated amount of compensation payable.

SECOND SCHEDULE

(Section 18 (1))

THE HOUSING ACT

*Form of Notice under section 18(1) of the Housing Act*To ⁽¹⁾the person having control of the dwelling-house ⁽²⁾and to ⁽¹⁾

the

Owners of the said house and to ⁽¹⁾

Mortgagees of the said

house :

Whereas the Minister of Housing (hereinafter referred to as "the Minister") is satisfied that the abovementioned dwelling-house, which is occupied or is of a type suitable for occupation, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit:

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Take notice that the condition of the abovementioned house and any offer with respect to the carrying out of works or the future user of the house will be considered by the Minister at.....
.....on.....^(x) the
.....day of....., 19.....,
at..... in the..... noon when any of the
persons to whom this notice is addressed will be entitled to be heard.
Dated this.....day of....., 19.....

Minister of Housing

Directions for filling up this Form

- (1) Name, residence or place of business, and description, where known.
- (2) Such a description of the dwelling-house as may be sufficient for its identification.
- (3) Not less than 21 days' notice must be given.

THIRD SCHEDULE

(Section 18 (4))

THE HOUSING ACT

Form of Order for Demolition of a Dwelling-House

Whereas the Minister of Housing (hereinafter referred to as "the Minister") after complying with the requirements of section 18 of the Housing Act is satisfied that the dwelling-house ⁽¹⁾.....
.....being occupied or being of a type
suitable for occupation is unfit for human habitation and is not
capable at a reasonable expense of being rendered so fit and has not
accepted an undertaking from an owner or mortgagee with respect
to the carrying out of works or the future user of the house:

Now, Therefore, the Minister in pursuance of subsection (4) of
section 18 of the Housing Act orders as follows—

- (1) That the said dwelling-house if occupied be vacated
 - (2) That the said dwelling-house be demolished within six
weeks after the.....day of19.....^(x)
- Dated this.....day of....., 19.....

(To be sealed with the Official Seal of the Minister and signed by
him or any person authorized on his behalf.)

Directions for filling up this Form

- (1) Such a description of the dwelling-house as may be sufficient for its identification.
- (2) If the dwelling-house is occupied this date must not be less than 28 days after the date on which the order becomes operative.

FOURTH SCHEDULE

(Section 20(2))

THE HOUSING ACT

Form of Notice requiring the person having control of a Dwelling-House to execute works under section 20 of the Housing Act

To ^(a)

the person ^(x)
dwelling-house ^(b)

having control of the

Take Notice—

- (1) That the Minister of Housing (hereinafter referred to as "the Minister") is satisfied that the abovementioned house, which is occupied or is of a type suitable for occupation is unfit for human habitation in the respects hereinafter mentioned.
- (2) That the Minister is not satisfied that it is incapable at reasonable expense of being rendered fit for human habitation.
- (3) That in pursuance of subsection (2) of section 20 of the Housing Act the Minister requires you within a period of ^(c) days, ending on the day of 19 to execute the following works, which will in the opinion of the Minister render the house fit for human habitation, namely ^(d)

Dated this.....day of....., 19.....

.....
*Signature of the Minister
or person authorized to
sign on his behalf.*

Directions for filling up this Form

- ^(a) Name, residence or place of business and description, where known, of person having control of the house.
- ^(b) Such a description of the house as may be sufficient for identification.
- ^(c) Time allowed for execution of works, being in no case less than 21 days. (Particular care should be taken that the time allowed is reasonably sufficient for the purpose.)
- ^(d) Specification in detail of works to be executed.
- ^(x) The person having control of a house is defined in subsection (5) of section 20 of the Act as the person who receives the rack-rent of the house, whether on his own account or

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as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent. "Rack-rent" means a rent which is not less than two-thirds of the full net annual value of the house.

FIFTH SCHEDULE

(Section 30 (1))

THE HOUSING ACT

Warrant to Peace Officers to take and give Possession

Whereas (set forth the complaint)

I,.....Resident Magistrate
for the parish of.....do authorize
and command you, on any day after.....days
from the date hereof (except on Sunday, or any public holiday, to
be added if necessary) between the hours of eight in the forenoon
and five in the afternoon, to enter (by force, if needful) with or
without the aid of any other person or persons whom you may think
requisite to call to your assistance into and upon the said tenement,
and to eject thereout any person, and of the said tenement full and
peaceable possession to deliver to the Minister of Housing.

Given under my hand this.....day of.....
19.....

To.....and all other
Constables and Peace Officers acting for the parish of.....

SIXTH SCHEDULE

(Sections 42, 43,
44 and 45)

THE HOUSING ACT

Received from the Minister of Housing the sum of.....
(amount)

*on account of a loan of (amount) to be made
being expenditure incurred on my behalf under the terms
of the Housing Act in respect of.....
(state details)

.....; *the loan to be made in
instalments, the receipt of each instalment being dependent on my
satisfying the Minister of Housing or any person authorized by him
in writing, that the previous instalment has been duly expended
for the purposes for which the loan is to be made. The said

*loan together with interest and all charges thereon.
expenditure incurred

*Strike out words not appropriate.

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to be repayable by monthly instalments of.....
(amount)

on the.....day in each month for.....
years from the date hereof or (as the case may be). If default be made
in payment of any of the said monthly instalments, or if there be
any breach or non-observance of any of the covenants express or
implied herein, the whole principal sum then unpaid shall become
immediately payable without further demand. I fully understand that
the signing of this receipt makes me liable to the covenants set out
in the Housing Act and confers on the Minister of Housing the
rights and powers specified in the said Act.

Dated this.....day of....., 19.....

.....
Signature of Borrower

Witness.....
Signature of Witness

SEVENTH SCHEDULE

(Section 46)

THE HOUSING ACT

I,.....Minister of Housing
(name)

in pursuance of the powers conferred on me under the abovementioned
Act, hereby in consideration of.....paid to
(amount)

me by.....
(name and address of purchaser)

sell and transfer all and every estate interest of.....
(borrower)

*to whom advances have been made
a person.....under the said Act,
on whose behalf expenditure was incurred
of and in.....to the
(description of property)
said.....
(purchaser)

Dated this.....day of.....19.....

.....
Minister of Housing

*Strike out words not appropriate.

[The inclusion of this page is authorized by L.N. 480/1973]

