

SLUM CLEARANCE AND HOUSING ACT

CHAPTER 33:02

Act

41 of 1938

Amended by

34 of 1941

39 of 1951

16 of 1954

2 of 1959

3 of 1962

16 of 1962

*19 of 1981

*21 of 1981

*24 of 1981

28 of 1994

**See Note on Amendment on page 2*

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Note on Amendment

This Act has been amended by Act No. 19 of 1981, Act No. 21 of 1981 and Act No. 24 of 1981, but those Acts (i.e., Nos. 19, 21 and 24 of 1981) had not up to the date of the last revision of this Act been brought into operation.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 33:02

SLUM CLEARANCE AND HOUSING ACT

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CHAPTER 33:02

SLUM CLEARANCE AND HOUSING ACT

1950 Ed.
Ch. 37, No.2.
41 of 1938.

An Act to make provisions with respect to the housing of persons of the working classes, the acquisition, reconstruction and management of slum clearance areas and redevelopment areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, and for purposes connected with the matters aforesaid.

Commencement.

[1ST APRIL 1939]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Slum Clearance and Housing Act.

Interpretation.
[16 of 1962].

2. In this Act—

“Authority” means the National Housing Authority established under the provisions of the Housing Act and for the purposes of this Act and of the Town and Country Planning Act;

Ch. 33:01.

Ch. 35:01.

“block of flats” means a building which contains two or more flats and consists of two or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling;

“dwelling,” “dwelling house” or “house” means any premises used as a separate dwelling by persons of the working class 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 Association” means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of constructing,

UNOFFICIAL VERSION

UPDATED TO 31ST DECEMBER 2016

improving or managing or facilitating or encouraging the construction or improvement of, houses for the working classes, which the Minister for the purposes of this Act may deem and certify to be a Housing Association;

“Judge” means a Judge of the High Court sitting in Chambers, and in the case of any matter within the jurisdiction of a Petty Civil Court, includes the Judge of that Court;

“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 to do so, 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 to do so;

“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 the Municipal Corporations of Port-of-Spain, San Fernando and Arima, within their respective jurisdictions and any other authority which the Minister shall by Order declare to be a Local Authority for the purposes of this Act, and within the area and to the extent specified in such Order;

“official representation” means a representation made by any Local Authority with regard to any area within the jurisdiction of that Authority, or a representation made by a Medical Officer of Health or any statutory Health Authority;

“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, trace, 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 of other conveniences, and inadequate paving or drainage of courts, yards or passages;

“scheme” means a housing scheme, a slum clearance scheme, a redevelopment scheme, and a scheme varying or revoking an existing scheme;

“slum clearance area” means an area defined and declared as such in the manner hereinafter contained to be acquired or redeveloped for the purposes of and in accordance with the provisions of this Act;

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

Duty of Authority to carry out provisions of the Act. [3 of 1962].

3. The duty of carrying out the provisions of this Act, including the housing of persons of the working classes, the acquisition, reconstruction and management of slum clearance areas and redevelopment areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, the due execution and enforcement of any scheme in accordance with this Act and for other purposes connected with the matters aforesaid as provided by this Act shall (subject to the limitations and conditions hereinafter contained) be vested in the Authority.

PART II

GENERAL POWERS OF THE AUTHORITY

General powers of Authority. [3 of 1962].

4. Subject to the provisions of this Act, the Authority may—
(a) acquire land or buildings, or an estate or interest therein, for all or any of the purposes of an

approved scheme, which purposes may include the erection, construction, maintenance and improvement (whether by the Authority or by persons other than the Authority) of houses and gardens, factories, workshops, places of worship, places of recreation and other works and buildings for or for the convenience of persons of the working class and other persons, and generally all such matters as are necessary or desirable for, or are incidental to, the development of the property acquired as a building estate;

- (b) with the approval of the Minister—
- (i) acquire land or buildings, or an estate or interest therein, for the purpose of the development of the property acquired in any way which, if a scheme had been applicable to the property, could have been properly provided for in such scheme;
 - (ii) acquire land or buildings, or any estate or interest therein, adjacent to a slum clearance area or redevelopment area, which in the opinion of the Authority it is desirable should be acquired for the satisfactory further development or use of the slum clearance area or redevelopment area, as the case may be;
 - (iii) acquire land or buildings, or any estate or interest therein, in any area suitable for the purposes of a contemplated scheme;
- (c) carry out, in connection with any property acquired for the purposes of an approved scheme, the purposes of that scheme;
- (d) subject to the general or special directions of the Minister, carry out, in connection with any property acquired under paragraph (b)(i) and (ii), the purposes for which the property was acquired;

- (e) subject to the general or special directions of the Minister, carry out, in relation to land or buildings, or any estate or interest therein, vested in the State, any purpose which could properly be provided for in a scheme in relation to property acquired for the purposes of the scheme, including (but without prejudice to the generality of the powers conferred by this paragraph) the erection of houses for settlers participating in any Land Settlement Scheme approved by the Minister;
- (f) without prejudice to any other powers conferred by this section, let or lease, subject to the provisions of section 42 and the general or special directions of the Minister, any land or buildings vested in the Authority on such terms and subject to such covenants and conditions as the Authority may think fit;
- (g) with the approval of the Minister and on such terms as the Minister may approve, sell or exchange any land or buildings or any estate or interest therein vested in the Authority;
- (h) accept a donation of money for any purpose to which the funds of the Authority may lawfully be applied;
- (i) guarantee or join in guaranteeing the payment of interest and capital on money borrowed by a person of the working class to purchase a dwelling house or to erect a dwelling house for his own use upon land belonging to the Authority or the State let or leased to such person upon such terms and conditions as the Authority may deem fit;
- (j) with the approval of the Minister make advances upon such securities as may likewise be approved to suitable social organisations for the purpose of assisting the erection of hostels for single men and single women of the working class;

- (k) invest at their discretion in any securities authorised by law for the time being for the investment of trust funds any moneys (whether consisting of capital or income) at any time at the disposal of the Authority and not immediately required by the Authority for the purchase of property or the construction of buildings or for other purposes as authorised by this Act.

5. (1) The Authority may, with the approval of the Minister, make arrangements with a Housing Association for the purpose of enabling the Association to—

Power of Authority to make arrangements with Housing Association. [3 of 1962].

- (a) provide housing accommodation for persons of the working class displaced by action taken by the Authority under the provisions of this Act for dealing with slum clearance areas or with redevelopment areas or for the demolition of insanitary houses or for the closing of buildings or parts of buildings;
- (b) provide housing accommodation for persons of the working class for the purpose of the abatement of overcrowding;
- (c) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the Authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working class.

Arrangements made under this subsection shall include such terms with regard to such matters, including the types of houses to be provided, the rents at which the houses provided are to be let and the conditions of the tenancy, as may appear to the Authority to be expedient in view of the needs in relation to the housing of the working classes and as may be approved by the Minister.

(2) A contribution as provided in the Second Schedule shall be payable in respect of a house provided by a Housing Association under arrangements made under this section and shall be paid to the Authority who shall pay to the Association by way of annual grant an amount not less than the contribution.

Second Schedule.

(3) If the Minister is satisfied that the Association have made default in giving effect to the terms of any arrangements made between them and the Authority under this section, he may reduce the amount of any contribution payable to the Authority under subsection (2) in respect of houses provided by the Association, or suspend or discontinue the payment of any such contribution, as he thinks just.

(4) If the Minister reduces, or suspends, or discontinues the payment of a contribution payable under subsection (3), the Authority may reduce to a proportionate or any less extent the annual grant by them to the Association or may suspend the payment payable thereof for a corresponding period or may discontinue the payment thereof, as the case may be.

(5) If a Housing Association represent to the Minister that they have submitted to the Authority proposals for arrangements under this section, and that the Authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the Authority to furnish him with a report as to the matter stating the reasons for their refusal and to make such arrangements as shall be approved of by the Minister.

Power of Authority to make advances to persons for the purpose of improving or increasing housing accommodation. [3 of 1962].

6. (1) The Authority may, subject to the provisions hereinafter contained and subject to the approval of the Minister, in any case where the Authority consider that having regard to the costs involved and the financial position of the applicant it is reasonable to give such assistance, advance money for purchasing or constructing one or more houses, or for carrying out alterations or repairs to any house or houses—

- (a) to any employer of labour, provided that such houses are situated on land owned by the employer and are to be used as dwellings for persons of the working class in the employ of such employer;
- (b) to any person of the working class, provided that such house is situated on land owned by the Authority or the State.

(2) Applications for advances under this section shall be made in writing addressed to the Authority and shall contain full particulars of the houses to be purchased, constructed, altered, or repaired, and of the land on which such houses are or shall be situate, the amount of the advances required, the manner in which such advances are to be applied, the proposals for repayment thereof and such other particulars as may be required by the Authority.

(3) The Authority before granting any such assistance shall satisfy themselves that the house in respect of which assistance is to be given, will, when the building, alteration, or repair has been completed, be in all respects fit for human habitation, and will be used as dwellings for the working classes.

(4) The Authority shall consider each application and shall fix the maximum amount to be allowed, the conditions on which, and the times at which the total amount or any portion thereof shall be advanced, and the terms and conditions of repayment. Every advance made under this Act shall carry interest at such rate as shall be fixed by the Minister on the amount of every such advance, or on so much thereof as shall for the time being remain unpaid; such interest shall be paid at such times as the Authority shall specify.

(5) (a) As soon as practicable after the fixing of the maximum advances to be allowed to any person under subsection (4), the Authority shall forward to the Registrar General a notification in the form mentioned in the First Schedule containing the necessary particulars and conditions, and upon receipt thereof the Registrar General shall file the same in the register, to be kept for the purpose, and such register shall be open to inspection by the public on payment of the appropriate fee.

First Schedule.

(b) Where the advance to be allowed is in respect of land held under the provisions of the Real Property Act, the Registrar General shall also endorse a memorandum of the advance upon the State grant or certificate of title of such land.

Ch. 56:02.

(6) All moneys advanced to any person under the Authority of this section, together with interest thereon, and any

sum expended by way of insurance or in payment of rates and taxes, shall be a charge on the house or houses of such person specified in the notification filed by the Registrar General, and upon the interest which such person may have in the land upon which such house or houses are erected.

Ch. 82:32. (7) The Bills of Sale Act shall not apply to houses in respect of which an advance has been made under the provisions of this section.

Ch. 56:02. (8) In the case where a house or houses are erected on land not held under the provisions of the Real Property Act every notification duly filed by the Registrar General pursuant to subsection (5), shall from the time of such filing take effect as if the same were a Deed duly registered under the Registration of Deeds Act and shall be good and effectual both at law and in equity according to the priority of time of filing of such notification according to the right, title and interest of the person charging such land against every other assurance or disposition of the same land or any part thereof and against all judgment creditors of the person so charging such land. In the case where a house or houses are erected on land held under the provisions of the Real Property Act, every notification duly filed by the Registrar General shall, as from the date of endorsement on the State grant or certificate of title of such land take effect as an instrument under the provisions of the Real Property Act and shall be entitled to priority in manner prescribed by section 45 of the Real Property Act.

Ch. 19:06. (9) On the repayment of all advances made under this Act and of all interest payable thereon, the Authority shall give a certificate to that effect and thereupon the charge created by this Act in respect of such advances and interest shall be released and the Registrar General shall upon the production to him of such certificate endorse on the notification filed by him and across the memorandum (if any) endorsed on the State grant or certificate of title of the land charged, a memorandum to the effect that such charge has been released and the Registrar General shall sign such memorandum.

(10) If any person who has received an advance fails to pay interest on the capital amount when due, or commits any breach of any of the conditions attaching to such advance, the Authority may make up an account showing the amount due on the advance together with the interest thereon and any other charges and deliver to such person either personally or by post a copy of such account and upon delivery of such account the amount therein stated to be due shall be immediately payable to the Authority and in default of payment the Authority may exercise any or all of the powers available to mortgagees for enforcing payment of their securities.

(11) In lieu of the procedure set out in the preceding subsections for securing any advance made by the Authority, any such advance and the interest thereon may be secured by way of mortgage deed or memorandum of mortgage as the case may be under the provisions of the Real Property Act containing such conditions and covenants as may be agreed upon. Ch. 56:02.

7. (1) Whenever any building normally occupied as a dwelling by members of the working classes is in the opinion of the Authority ruinous or so dilapidated as to have become and to be unfit for human habitation or a nuisance or injurious to health, the Authority may give notice in writing to the owner requiring him forthwith to take down, secure, repair or rebuild the same to the satisfaction of the Authority within a time to be specified in the notice. Powers of Authority as to ruinous or dilapidated buildings. [3 of 1962].

(2) If the owner fails to comply with the requirements of the notice within the time specified therein, the Authority or any person authorised by the Authority in writing may make complaint thereof before a Magistrate, and the Magistrate may order the owner to carry out the requirements of the notice within a time fixed by him in his order.

(3) If such order is not complied with within the time fixed therein, the owner shall be liable on summary conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for every day during the continuance of such non-compliance, and the Authority may, without prejudice to their right to institute a prosecution, with all convenient speed enter upon the building or upon the ground on which it stands and execute the order.

(4) When the order directs the taking down of a neglected building, the Authority, in executing the order, may remove the materials to a convenient place, and (unless the expenses incurred by the Authority under this section in relation to such building are paid to them within fourteen days after such removal) sell the same or any part thereof as and if they in their discretion think fit.

(5) All expenses incurred by the Authority under this section in relation to a building may be deducted by the Authority out of the proceeds of the sale, and the surplus, if any, shall be paid by the Authority to the owner of the building on demand and upon proof of title; or the Authority may, if they think fit, pay such surplus into the High Court to an account to be entitled—

“In the matter of the Slum Clearance and Housing Act, and of the premises (*describing them*) the materials of which were sold under the provisions of the said Act”,

and the High Court or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make an order for the payment of the same or any part thereof to the person or persons entitled thereto.

(6) If the building is not taken down and such materials are not sold by the Authority, or if the proceeds of such sale are insufficient to defray the said expenses, the Authority may recover such expenses or such insufficiency from the owner of the building together with full costs in respect thereto in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

(7) In connection with the exercise by the Authority of the powers conferred by this section in relation to a building within the area of a Local Authority, the following provisions shall have effect, namely:

- (a) the Authority shall, in deciding to issue a notice under subsection (1) or in deciding whether any such notice has been satisfactorily complied with, take into consideration any report on the building submitted by the chief health or engineering adviser of the local authority;

(b) the Authority shall notify the local authority of the dates and place at which any such decisions as mentioned in paragraph (a) will be considered and thereupon the local authority shall have the right to delegate three of their members to attend upon the Authority for the purpose of discussing the decisions or any of them.

(8) In this section the term “building” includes a part of a building.

PART III

PREPARATION AND APPROVAL OF SCHEMES

8. (1) It shall be the duty of the Authority to consider the needs of Trinidad and Tobago with respect to the provision of housing accommodation for persons of the working class in any particular area, and as often as occasion arises, or after notice has been given to the Authority by the Minister and within such period as shall be specified in the notice, to cause the area to be defined on a plan and to prepare and submit to the Minister a scheme (hereinafter referred to as a housing scheme) for the exercise of their powers under the provisions of this Act and to pass a resolution declaring the area so defined to be a housing area.

Duty of Authority to prepare housing schemes. [3 of 1962].

(2) Subject to the provisions of this Act but without prejudice to section 11, the Authority may carry into effect any housing scheme—

- (a) by the conversion of any buildings acquired into dwelling houses;
- (b) by altering, enlarging, repairing or improving any houses or buildings which have been acquired by the Authority;
- (c) by altering, enlarging, repairing or improving a house as erected, converted or acquired, and fitting out, furnishing and supplying any such house with all requisite fittings and conveniences.

(3) Where the Authority acquire a house or other building in a housing area which could be made suitable as a dwelling house for the working classes, or an estate or an interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of such house or building, either by themselves executing any necessary works, or by leasing it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Authority may declare an unhealthy area to be a slum clearance area. [3 of 1962].

9. (1) Where the Authority, as a result of an inspection or upon consideration of an official representation or other information in their possession, are satisfied as respects any area that the housing conditions in that area are dangerous or injurious to the health and welfare of the inhabitants by reason of the disrepair or sanitary defects of dwelling houses or barracks therein or of the bad arrangement of the houses or of the narrowness or bad arrangement of the roads, and that those conditions can be effectually remedied—

- (a) by ordering the demolition, reconstruction or repair as the circumstances may require of those dwelling houses or barracks which are unfit for human habitation; or
- (b) by the acquisition of the land and buildings thereon comprised in the area and themselves undertaking or otherwise securing the demolition, reconstruction or repair as the circumstances may require of those dwelling houses or barracks which are unfit for human habitation; and
- (c) if it is so desired, by the acquisition by the Authority of any land or buildings in the area which it is expedient for them to acquire for the reconstruction and development of the area; and
- (d) if it is so desired, by the acquisition of any land which is surrounded by the area, 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 Authority shall cause that area to be defined on a plan in such a manner as to exclude from that area any land or buildings in respect of which in their opinion sanitary defects do not exist or which they do not find it expedient to acquire for the remedying of badly arranged conditions, but including in such area buildings which in their opinion are in a state of disrepair and any surrounding or adjoining land which it is desired by the Authority to acquire.

(2) The Authority shall pass a resolution declaring the area so defined to be a slum clearance area and shall, within the period prescribed below, prepare and submit to the Minister a scheme (hereinafter referred to as a slum clearance scheme) for the exercise of their powers under the provisions of this Act.

10. Where the Authority, as a result of an inspection or upon consideration of an official representation or other information in their possession are satisfied that in any district there is an area in which the following conditions exist, that is to say:

Duty of Authority to secure redevelopment. [3 of 1962].

- (a) that the area contains eighteen or more working-class houses;
- (b) that at least one-third of the working-class houses in the area are overcrowded, or so arranged as to be congested, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit;
- (c) that the industrial and social conditions of the district are such that the area should be used to a substantial extent for housing the working classes; and
- (d) that it is expedient in connection with the provision of housing accommodation for the

working classes that the area should be redeveloped as a whole,

it shall be the duty of the Authority—

- (i) to cause the area to be defined on a plan, and to pass a resolution declaring the area so defined to be a proposed redevelopment area;
- (ii) within the period and in the manner prescribed below to prepare and submit to the Minister a scheme (hereinafter referred to as a redevelopment scheme) for the exercise of their powers under the provisions of this Act.

Copies of resolutions to be sent to the Minister. [3 of 1962].

11. (1) As soon as may be after the Authority have passed a resolution under section 8, 9 or 10 they shall send a copy of the resolution to the Minister and shall publish in the *Gazette* and in a local daily newspaper a notice stating that the resolution has been passed and naming a place where a copy of the resolution may be inspected.

Submission of scheme to the Minister.

(2) Within three months after the Authority shall have passed such a resolution or within such extended period as the Minister may allow, the Authority shall prepare and submit to the Minister a plan of any scheme intended to be undertaken accompanied by a statement containing appropriate particulars of the scheme indicating—

- (a) the manner in which it is intended that the defined area should be laid out and the land therein used, and in particular the land intended to be used for the provision of houses for the working classes, for roads and for open spaces;
- (b) the approximate quantity of the land to be acquired;
- (c) the approximate number and the nature of the houses to be provided by the Authority;
- (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 nature of the proposed new houses;
- (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 of the rents expected to be derived from the houses provided under the scheme;
- (i) such incidental, consequential and supplementary provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purpose of the scheme;
- (j) objections made by persons affected by the scheme where such objections have not been withdrawn or met.

(3) In the preparation of any scheme the Authority shall have regard to the provisions of any planning scheme relating to the defined area or land in the neighbourhood thereof.

(4) The Authority before submitting such scheme to the Minister shall—

- (a) publish in a local daily newspaper a notice stating that the scheme is about to be submitted to the Minister for approval, 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 may be made; and
- (b) serve a notice to the like effect on every owner and on every other person who to the knowledge of the Authority has any estate or interest in land in the defined area, except persons holding under a monthly tenancy or less period; but failure to serve any such notice shall not in any manner prejudice such scheme.

Local Authority affected by scheme to be notified. [3 of 1962].

12. (1) In any case where a scheme is wholly or in part within the area of a Local Authority, the Authority shall before submitting the draft scheme to the Minister for approval, furnish particulars and a copy of the scheme to the Local Authority for their consideration and representations.

(2) If the Local Authority are desirous of making any objections or representations in respect of the said scheme, they shall within the prescribed time and manner submit the same to the Authority.

(3) The Authority shall consider any objections or representations received by them in pursuance of this section, and shall give full opportunity for such Local Authority to be heard by the Authority, and in submitting the scheme to the Minister for approval shall forward copies of all such objections or representations which have not been met or withdrawn.

Approval of scheme by Minister. [3 of 1962].

13. (1) The Minister may, if he thinks fit, after considering any objections duly made, to the scheme which have not been withdrawn or met, approve the scheme submitted to him or any part thereof, 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) and the scheme or part thereof when so approved shall be binding on the Authority; but if the Minister considers the scheme inadequate he may refuse to approve the scheme and require the Authority to prepare and submit 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 the Authority prepare and submit to him a further scheme within such time as he may fix.

Ch. 19:01.

In the case of a redevelopment scheme he may, before approving the scheme, cause a public enquiry into the matter to be held under the Commissions of Enquiry Act and shall consider any objection not withdrawn and the report of the Commission of Enquiry, and he may thereafter approve the scheme with or without any such modifications as aforesaid.

(2) The Minister shall not approve of any scheme unless he is satisfied that—

- (a) the size of the area is such that the housing conditions therein can be remedied within a reasonable period;
- (b) the financial resources of the Authority are or will be sufficient for the purpose of carrying into effect such scheme;
- (c) in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps the Authority propose to take for the clearance and development of the area does not exist, the Authority will provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as these steps are taken.

Provision of accommodation for persons displaced.

14. (1) Upon notification to the Authority of the approval of the Minister of any scheme, the Authority shall forthwith publish in the *Gazette* and in a local daily newspaper a notice stating that the scheme has been approved and naming a place where a copy of the plan and particulars thereof may be inspected, and in the case of a redevelopment scheme serve a like notice on every person who gave notice of his objection to the scheme.

Notification of approval of scheme. [3 of 1962].

(2) Where after a scheme has been approved, it appears to the Authority that any land in the area (that is to say the defined area or so much thereof as is composed in the scheme approved) ought to be redeveloped or used otherwise than as indicated in the scheme, the Authority shall prepare and submit for the approval of the Minister a new scheme as respects that land.

(3) In the following provisions of this Act references to redevelopment or use in accordance with a scheme shall be construed as references to a scheme approved under this section, or, in the case of land comprised in a new scheme approved under this section, in accordance with the new scheme.

PART IV

**EFFECTS AND OBLIGATIONS CONSEQUENT
UPON AN APPROVED SCHEME**

Demolition
order.
[3 of 1962].

15. (1) Where as respects any area declared by the Authority to be a slum clearance area and included in a slum clearance scheme approved of by the Minister in the manner hereinbefore provided, the Authority shall determine to order any buildings in the area to be demolished, they shall make an order (in this Act referred to as a “demolition order”) ordering the demolition of each of those buildings, and the Authority shall forthwith publish in a local daily newspaper a copy of the order, and upon such publication the order shall become operative.

(2) When a demolition order has become operative the owner or owners of any building to which the order applies shall demolish that building before the expiration of two months from the date on which the building is required by the order to be vacated, or, if it is not vacated until after that date, before the expiration of two months from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Authority may deem reasonable; and, if the building is not demolished before the expiration of that period, the Authority shall enter and demolish the building and sell or otherwise dispose of the materials thereof.

(3) Any expenses incurred by the Authority under subsection (2), 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 Court 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 Court may determine to be just and equitable.

(4) 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 the provisions of the Trustee Ordinance (which relate to payment into Court by trustees) shall have effect accordingly.

Ch. 8. No. 3.
(1950 Ed.).

(5) The Court, 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 obligation 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.

16. (1) When a 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 Authority may think fit to impose. However, an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Authority to cancel or modify any such restriction or condition, may at any time appeal by notice in writing to a Judge who shall determine the matter summarily and make such order in the matter as he thinks proper, and his decision shall be final.

Use of land in respect of which a demolition order has been made.
[3 of 1962].

(2) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this section is liable, on summary conviction, to a fine of one hundred dollars in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

17. (1) Notwithstanding the publication of a notice by the Authority in accordance with section 20, the owner of any land or buildings specified in such notice may, with the permission of the Authority and the approval of the Minister, undertake for himself the clearance and reconstruction of the land and buildings so specified or the redevelopment thereof subject to the provisions hereinafter contained.

Owner of land and buildings may be permitted to carry out slum clearance scheme or redevelopment scheme.
[3 of 1962].

(2) Any application for such permission with full particulars accompanied by plans shall be made by the owner in writing addressed to the Authority within four weeks of the date of publication of the notice by the Authority. The Authority shall as soon as practicable after the receipt of such application consider the same at a meeting of the Authority and shall by resolution passed at such meeting either refuse or accept the application. The resolution together with the application shall be submitted to the Minister who may either reject the application or grant same with such modifications (if any) as he may think fit.

(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 Authority in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings or the redevelopment thereof, as the case may be, specified in the application as approved by the Minister, which said bond shall be conditioned that the owner shall pay such sum as aforesaid to the Authority upon failure to complete the clearance and reconstruction of the said land and buildings or the redevelopment thereof, as the case may be, within a period to be specified in the bond and in accordance with the scheme. However, if the owner of any such land and buildings fails to complete the clearance and reconstruction thereof or the redevelopment thereof, as the case may be, in accordance with the scheme to the satisfaction of the Authority and within the period specified in the bond, subject to any variation or extensions approved by the surety or sureties and the Minister, the Authority may, notwithstanding the enforcement of the bond, acquire such land and buildings and clear and reconstruct or redevelop the same in accordance with the provisions of this Act.

(4) Upon completion by the owner of the clearance and the reconstruction of the said land or buildings or the redevelopment thereof, as the case may be, to the satisfaction of the Authority, the Authority shall, at the expense of the owner, cause the notice published by the Authority in accordance with section 14 to be amended by the publication of an amending notice deleting from the first mentioned notice the land and buildings specified in the bond.

(5) Where the Authority are satisfied that, for the purpose of enabling the clearance and reconstruction of land and buildings or the redevelopment thereof, as the case may be, to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the Authority have given notice of their satisfaction, it is necessary that any dwelling house to which the Rent Restriction Act applies should be vacated, and that suitable alternative accommodation is available for a tenant or will be available for him at a future date, the Authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by such future date, and a certificate so issued shall, for the purposes of the Rent Restriction Act, be binding on the Court to order the recovery of possession of any such dwelling house.

Ch. 59:50.

18. (1) Any owner of a dwelling house, which is occupied or of a type suitable for occupation, by persons of the working class and in respect of which works of improvement (otherwise than by way of decoration or repair but including fittings and fixtures) or structural alteration are proposed to be executed, may submit a list of the proposed works to the Authority with a request in writing that the Authority shall inform him whether in their opinion the house would, having due regard to the nature of its site and its relationship to the arrangements of existing roads, after the execution of those works, or of those works together with any additional works, be in all respect fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

Certificates as to the condition of houses and exemption from slum clearance area. [3 of 1962].

(2) As soon as may be after receipt of such a list and request as aforesaid the Authority shall take the list into consideration and inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the Authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list

furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, issue to him a certificate that the house is in all respects fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five years nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section no action shall be taken under this Act with a view to the demolition of the house as being unfit for human habitation and its reconstruction as part of a slum clearance area.

Judge may empower owner to execute works on default of another owner. [3 of 1962].

19. (1) If it appears to a Judge on the written 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 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 Judge 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 Judge just to do so, he 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 Authority and to any other owner who may be affected by the order.

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

PART V

ACQUISITION AND COMPENSATION

Acquisition of land, etc., by Authority. [3 of 1962 28 of 1994].

Ch. 58:01.

20. (1) Where by this Act the Authority is authorised to acquire land or buildings, or any estate or interest therein, such acquisition may, subject to the provisions of this Act, be by way of gift or may be effected by private treaty or compulsorily under the Land Acquisition Act, and the provisions of section 10(2) and

Part II of the First Schedule to the said Act shall, subject to the provisions of this Act, apply in relation to any such contemplated acquisition or to any such compulsory acquisition.

Part II.
First Schedule.

(2) Nothing in this section shall authorise the compulsory acquisition of any land or building, or any estate or interest therein, which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking.

21. (1) Any land or buildings, or any estate or interest therein, within a slum clearance area or any part thereof which are intended to be acquired by the Authority for the purposes of this Act may be acquired compulsorily after the expiration of twenty-eight days from the first publication of the notice as required by section 14(1).

Acquisition of land, etc., by Authority for purposes of approved schemes. [3 of 1962].

(2) In the case of land or buildings, or any estate or interest therein, intended to be acquired by the Authority for the purposes of a housing scheme or a redevelopment scheme, it shall be the duty of the Authority, within the appropriate period specified in this subsection, either to enter into agreements for the purchase of the same or to acquire the same compulsorily.

(3) Subsection (2) shall not apply to land or buildings in respect of which the Authority have, within the approved period as aforesaid, made arrangements with other persons for securing the use of the land in accordance with a redevelopment scheme.

(4) The appropriate period for the purposes of this subsection (2) shall be—

- (a) in the case of land shown in the plan for the housing scheme or redevelopment scheme, as the case may be, as intended for the provision of houses for the working class, six months from the date when the approval of the Minister of the appropriate scheme becomes operative;
- (b) in the case of other land in the redevelopment area, two years from that date,

and in either case such extended period as the Minister may on the application of the Authority allow in respect of any land. The

obligations imposed on the Authority by this section shall not apply with respect to any land or building, or estate or interest therein, referred to in section 20(2).

Basis for assessing compensation: general provisions. [3 of 1962]. Ch. 58:01.

Compensation: special provisions.

22. (1) Whenever proceedings are taken under the Land Acquisition Act, the provisions of that Act shall, subject to the special provisions hereinafter contained, apply in assessing compensation.

(2) In assessing the amount of compensation payable to the owners of land and buildings acquired by the Authority under the provisions of the Land Acquisition Act, regard shall be had to the following provisions, namely:

- (a) in the case of land with buildings thereon which are unfit for human habitation or are dangerous or injurious to the health of the inhabitants of the area, the compensation payable shall be the value at the time when the valuation is made of the site as a cleared site available for development without regard to any buildings existing thereon;
- (b) in the case of land with buildings thereon in respect of which sanitary defects exist but which are not otherwise unfit for human habitation or dangerous or injurious to the health of the inhabitants of the area, the compensation payable shall be the site value as aforesaid together with the value of the buildings at their market value after deducting such amount as would be required to abate the sanitary defects;
- (c) in the case of any other land and building, the compensation payable shall be the full market value at the time when the valuation is made.

However, in the case of any dwelling house or other building which is regarded as dangerous or injurious to health under paragraphs (a) and (b) only on the ground that by reason of its bad arrangements in relation to other buildings or the narrowness or the bad arrangements of the roads the compensation payable shall

be as in paragraph (c), unless it is a building constructed or adapted as, or for the purposes of, a dwelling house or partly for those purposes and partly for other purposes and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(3) In assessing the amount of compensation payable to the owners of land and buildings acquired by the Authority under the Land Acquisition Act for any area within a redevelopment scheme there may be taken into consideration any undertaking given by the Authority with respect to the time within which, and the manner in which, the redevelopment or any part thereof is to be carried out and any increased value which will be given to other premises of the same owner. Ch. 58:01.

(4) 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 bye-laws in operation in the district in which the house is situate.

(5) The owner of any building which is regarded as unfit for human habitation shall be entitled on making a request in writing to be furnished by the Authority with a statement in writing of their reasons for deciding that the building is so unfit.

23. (1) Where as respects a dwelling house acquired by the Authority under the provisions of the Land Acquisition Act for any of the purposes of this Act as being unfit for human habitation, the Minister is satisfied, after causing the house to be inspected by a Medical Officer of Health that, notwithstanding its sanitary defects, it has been well maintained, the Minister may give directions for the making by the Authority of a payment under this section in respect of the house as provided below. Payments in respect of well maintained houses. [3 of 1962]. Ch. 58:01.

(2) A payment under this section shall be of an amount equal either—

- (a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the Authority

to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the houses, or

- (b) to one and half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or a member of his family continuously during the three years immediately before that date, three times, the rateable value of the house, whichever is the greater. A payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been acquired compulsorily but not as unfit for human habitation) and the site thereof (that is to say the amount which is payable as compensation by virtue of its being acquired compulsorily as being unfit for human habitation, or which would have been so payable if it had been so acquired), and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.
- (3) A payment under this section shall be made—
- (a) if the house is occupied by an owner thereof to him; or
- (b) if the house is not so occupied to the person or persons liable under any written law, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the Authority think equitable in the circumstances,

but if any other person satisfies the Authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the Authority may, if it appears to them to be equitable in the circumstances, make payment, in whole or in part, to that person.

(4) In this section the expression “rateable value” means in relation to a house the value which, in the assessment list in force at the date on which the order is made, is shown on that date as the rateable value of the house.

24. The Authority may pay to any person displaced from any dwelling house or other building in a slum clearance area or a redevelopment area, as the case may be, which has been purchased by them under 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 they think fit towards his expense in removing; and, to any person carrying on any trade or business in any such dwelling house or other building, they may also pay 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 or building 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.

Power of Authority to make allowances to certain persons displaced. [3 of 1962].

25. (1) The Minister may make such Order as he thinks fit in favour of any owner of any land included in any approved scheme or order for the allowance of reasonable expenses properly incurred by the owner in opposing the scheme or order.

Provisions as to costs of persons opposing schemes or orders. [3 of 1962].

(2) All expenses of any person to such amount as may be allowed to him by the Minister in pursuance of the aforesaid power shall be deemed to be expenses incurred by the Authority under this Act, and shall be paid to that person in such manner and at such times, and either in one sum or by instalments, as the Minister may order.

PART VI

**COMPLETION OF SCHEMES AND CONSEQUENTIAL
POWERS AND DUTIES OF THE AUTHORITY**

Authority to carry out scheme. [3 of 1962].

26. (1) It shall be the duty of the Authority, who are hereby empowered to do so, to take steps for carrying into execution any scheme after such scheme has been approved by the Minister within such time as may be specified in such scheme or within such further time as may be allowed by the Minister.

(2) The Authority may in like manner and for the purposes of such scheme lay out, pave, sewer and complete all such roads upon the land acquired by them; and all roads so laid out and completed if situated within the jurisdiction of a Local Authority shall thenceforth be public roads repairable by the Local Authority.

(3) Subject to the approval of the Minister the Authority may also engage with any person to carry the whole or any part of the scheme into effect upon such terms as the Authority may think expedient.

Certificate by Authority of completion of scheme.

(4) When and so soon as a scheme has been substantially completed by the Authority in accordance with the provisions of this Act, the Authority shall certify that fact to the Minister and specify the date upon which the buildings within the area of such scheme or any part thereof were or shall be ready for habitation.

Recovery of possession of buildings within areas of approved schemes. [3 of 1962].

27. (1) Where any scheme has been approved in accordance with the provisions of this Act the Authority shall serve on the occupier of any land or building or any part thereof within the area of such scheme a notice stating the effect of such scheme and specifying the date by which the Authority require the building to be vacated, and requiring him to quit the said land or 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 land or building to be vacated any person is in occupation of the land or building or any part thereof, the Authority may make complaint to the Magistrate of the district

within which the land or building is situate and thereupon the Magistrate shall by warrant in the form set out in the Third Schedule to the Summary Ejectment Ordinance or in a form to the like effect, order vacant possession of the land or building or of any part thereof to be given to the complainants, within such period as may be determined by the Magistrate, and the Magistrate may allow any costs and expenses incurred by the Authority under this section in obtaining possession of any land or building.

Third Schedule.
Ch. 27, No. 17.
(1950 Ed.).

(2) Any person who knowing that a scheme in any area has been approved and applies to any land or building, enters into occupation of that land or of any of such buildings or any part thereof after the approval of such scheme in such area or permits any person to enter into such occupation after that date, is liable, on summary conviction, to a fine of one thousand dollars and to a further fine of one hundred dollars for every day or part of a day on which the occupation continues after conviction.

28. (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 Judge for an order under this section.

Power of
Judge
to determine
lease where
premises
demolished.

(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 the Judge 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 underlease and any tenancy or agreement for a lease, underlease or tenancy, whether any such be registered or not, 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.

Provisions as to apparatus of statutory undertakers in land dealt with by Authority under the Act. [3 of 1962].

29. (1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by the Authority under the provisions of this Act, or on, under, or a road 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 this Act, the 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) The Authority 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 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 Authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) The 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) 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 road by the 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 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 preceding provisions of this section to execute, the Authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention to do so, 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. However, 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.

Ch. 5:01. (6) Any difference arising between statutory undertakers and the Authority 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 to alteration of position or level.

Extinguishment of ways, easements, etc. [3 of 1962].

Ch. 19:01. **30.** (1) The Authority may with the approval of the Minister by an Order extinguish any public right of way over any land purchased by them in accordance with the provisions of this Act but notice of an Order intended to be made under this section shall, prior to such approval, be published in the *Gazette* and in a local daily newspaper at least once in every week for a period of four weeks, and if any objection thereto is made to the Minister before the expiration of six weeks from the date of the first publication thereof, the Minister shall consider such objection before approving the Order, and he may if he thinks fit, cause a public enquiry into the matter to be held under the Commissions of Enquiry Act.

(2) Any such Order when approved shall be published in the *Gazette* and shall take effect from the date of such publication or from the date specified in such Order.

Ch. 58:01. (3) Upon the completion by the Authority of the purchase by them of any land in accordance with this Act all private rights of ways and all rights of laying down, erecting, continuing and maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the Authority and the person or Authority entitled to the rights in question, vest in the Authority and any persons who suffer loss by the vesting of any such rights or property as aforesaid shall be entitled to be paid by the Authority, compensation to be determined under and in accordance with the provisions of the Land Acquisition Act.

31. (1) The Authority 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 Authority 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 Authority to require information as to ownership of premises.
[3 of 1962].

(2) Every person who is required under this section to state in writing any matter or thing to the Authority and 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 respect, is liable on summary conviction to a fine of one thousand dollars.

32. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the Authority or the Minister 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 for the purpose of inspecting the same and in particular—

Power of entry for inspection, etc.
[3 of 1962].

- (a) for the purpose of survey or valuation, in the case of houses, premises or buildings which the 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 a clearance order, has been made; or

(c) for the purpose of survey and examination, where it appears to the Authority or 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 house, premises or building.

Penalty for obstructing execution of Act. [3 of 1962].

33. Any person who obstructs a Medical Officer of Health or any officer of the Authority, 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, is liable, on summary conviction, to a fine of one thousand dollars.

Further powers of Authority in relation to sales, leases or exchanges. [3 of 1962].

34. (1) Where under the powers conferred by this Act the Authority sell or lease land or buildings, the Authority may contribute from their funds towards the lawful development thereof; but as regards any land to be used for the construction of roads, it shall be a condition of any such contribution that the roads shall be dedicated to the public.

(2) Any moneys received by the Authority from the letting, leasing, sale or exchange of any lands or buildings shall form part of the funds of the Authority.

(3) In giving consent to the sale or exchange of any land or buildings or any estate or interest therein, in respect of which the Authority is receiving a contribution, the Minister may reduce the amount of any contributions payable to the Authority as he thinks fit.

Conditions to be observed by the Authority in letting houses. [3 of 1962].

35. (1) The Authority shall in relation to the letting of houses observe the requirements specified in the following provisions of this section.

(2) The Authority shall secure that in the selection of their tenants a reasonable preference is given to persons of the working class who are occupying insanitary or overcrowded 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.

(3) In fixing rents the Authority shall take into consideration the rents ordinarily payable by persons of the working class in the locality, but may grant to any tenant such rebates from rent, subject to such terms or conditions, as they may think fit.

(4) The Authority shall from time to time review rents and make such charges, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(5) The Authority 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 Authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, subletting or other transaction.

36. All matters of a financial nature relating to the administration of this Act shall be carried out so far as practicable in accordance with the powers of the Authority under the Housing Act, or any Regulations that may be made in that regard under that Act.

Application of
Housing Act.
[3 of 1962].
Ch. 33:01.

37. All payments required to be made by the Authority for the purposes of this Act shall be made out of the amounts appropriated for that purpose by Parliament.

Payments by
Authority
[3 of 1962].

PART VII
GENERAL

38. For the purpose of co-operating with the Authority 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 Minister, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in

Power of public
departments,
etc., to make
agreements in
connection with
schemes.
[3 of 1962].

them for public purposes or for the public service, shall, so far as may be provided by any 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 and incidental 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 Authority and owners to enter into agreements restricting use of land. [3 of 1962].

39. (1) Where any person is willing to agree with the Authority that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the planning, development, or use thereof in any manner, the Authority may, if they think fit, enter into an agreement with him to that effect.

Ch. 56:02.

(2) Any agreement entered into under this section shall be registered in the protocol of deeds in the office of the Registrar General, and in the event of any land held under the provisions of the Real Property Act being affected by any such agreement, the Authority shall notify the Registrar General of the acreage of the land and the volume and folio of the Register Book relating thereto, and thereupon the Registrar General shall endorse a memorial of such agreement on the relevant original State grants and certificates of title and on the duplicates of such State grants and certificates of title when produced to him for that purpose.

Schemes affecting lands held under the Real Property Act. [3 of 1962]. Ch. 56:02.

40. (1) Whenever any scheme under this Act has been approved and the Authority have acquired any land affected by the scheme, the Authority shall notify the Registrar General of any such lands as are held under the provisions of the Real Property Act stating the acreage and the volume and folio of the Register Book at which the original State grants or certificates of title with respect to such land appear and the date of the acquisition.

(2) On receipt of such notification the Registrar General shall forthwith endorse a memorial of such acquisition on the relevant original State grants and certificates of title and on the

duplicates of such State grants and certificates of title when produced to him for that purpose.

(3) No scheme under this Act shall affect the title of any land held under the provisions of the Real Property Act until a memorial of the scheme filed by the Authority has been endorsed by the Registrar General or the said original State grants and certificates of title notwithstanding that the duplicates thereof may not have been endorsed.

(4) A scheme approved under this Act may be carried into effect notwithstanding the registration of any *lis pendens* or any caveat lodged in respect of lands held under the provisions of the Real Property Act whether such *lis pendens* or caveat has been registered either before or after the endorsement of the memorials referred to in subsections (2) and (3).

41. (1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Authority for any of the purposes of this Act may be served upon them by delivering it to their secretary, or by leaving it at their office with some person employed there, or by sending it by post in a registered letter addressed to the Authority or their secretary at their office.

Service of notices, etc., on Authority. [3 of 1962].

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

Service of notices, etc., on other persons.

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it 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 an incorporated company or body, by delivering it to the secretary or clerk of the company or 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 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 person on the premises or, if there is no 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.

Summary procedure.

42. (1) Where any application is made under this Act to the Judge of a Petty Civil Court, the Judge 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, the Judge may 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 of such costs.

(2) There shall be a right of appeal to a Judge of the High Court in Chambers from any decision of a Judge of the Petty Civil Court if the appeal is entered within seven days of the date of such decision.

Regulations.
[3 of 1962].

43. (1) The Authority, with the approval of the Minister, may make Regulations relating to the following matters:

- (a) fixing and from time to time varying the number of persons who may occupy a dwelling house which is let by the Authority, and for the separation of sexes therein;
- (b) the use of the dwellings let by the Authority with a view to the prevention of nuisances and sanitary defects;
- (c) the inspection of houses and land vested in the Authority;

- (d) the time, place and manner for the payment of moneys payable under this Act;
- (e) the books and accounts to be kept by the Authority;
- (f) prescribing the forms of mortgages, charges, leases and other instruments;
- (g) generally, for the purpose of carrying out the provisions of this Act.

(2) Regulations made under this section shall be subject to affirmative resolution of Parliament.

FIRST SCHEDULE

Section 6(5).
[3 of 1962].

THE SLUM CLEARANCE AND HOUSING ACT

NOTIFICATION BY COMMISSION UNDER SECTION 6

To THE REGISTRAR GENERAL:

1. No. of application.
2. Name and address of Applicant as stated in the application for the advance.
3. Particulars of house or houses to be charged with repayment of advances made to the Applicant.
4. Particulars as to title of land on which house or houses erected.
5. Taxes payable.
6. Insurance.
7. Amount advanced.
8. Rate of interest and dates of payment.
9. Date on which advance to be repaid.
10. Any other conditions.

Dated, 20

*Chairman,
National Housing Authority.*

Section 5(2).
 [16 of 1954
 3 of 1962].

SECOND SCHEDULE

TABLE OF CONTRIBUTIONS

(1) Where the approved cost of the dwelling included the site as developed—		(2) The amount of contribution payable from public funds to the Authority based on a fixed annual rental of \$36 shall be—	(3) The contribution to be subject to the following reduction namely—	(4) The amount of contribution payable from public funds under section 5(2) to a Housing Association shall be—
Exceeds	Does not exceed			
\$	\$	\$	For any increase over \$36 in the fixed annual rental, the contribution in column (2) shall be decreased by 25 per cent of such increase.	Three quarters of the rate of contribution specified in columns (2) and (3) hereof.
	500	4.00		
500	525	5.00		
525	550	6.00		
550	575	7.00		
575	600	8.00		
	600 for every additional \$25	1.00		

For the purposes of this Schedule—

“Fixed Annual Rent” means the rent which can reasonably be obtained for the dwelling as determined by the Minister;

“Approved cost of a dwelling” means the amount accepted by the Minister as being the proper and reasonable cost of constructing the dwelling including the cost of acquiring and developing the site if owned by the Authority, or in the case of a site not owned by the Authority, then the value as accepted by the Minister of the site, including—

- (a) any such expenses as in the opinion of the Minister are requisite for making the site available for the provision of houses or flats, being expenses incurred by the Authority or a Housing Association in the construction or widening of streets, the construction of sewers or the execution of any special works rendered necessary by the physical characteristics of the land; and
- (b) any such expenses incurred in respect of other matters as the Minister may determine to be expenses properly forming part of the cost of making the site available for that purpose.

SUBSIDIARY LEGISLATION

COUNTY COUNCILS (LOCAL AUTHORITIES) ORDER 166/1954.

made under section 2

1. This Order may be cited as the County Councils (Local Authorities) Order. Citation.

***2.** County Councils established under the provisions of the County Councils Act, are hereby declared, for the purposes of the Slum Clearance and Housing Act, to be Local Authorities for the areas comprising their respective electoral districts. County Councils declared to be Local Authorities.

* The County Councils Act (Ch. 25:04) has been repealed by section 274 of the Municipal Corporations Act 1990 (Act No. 21 of 1990) and this Order shall be read in the light of the said Municipal Corporations Act.

**SLUM CLEARANCE AND HOUSING
(PRESCRIBED FORMS) REGULATIONS**

5/1949.

made under section 43

1. These Regulations may be cited as the Slum Clearance and Housing (Prescribed Forms) Regulations. Citation.

2. Monthly tenancy agreements between the Authority and their tenants in respect of premises to be rented for business purposes shall be in the form in the Schedule. Monthly tenancy agreements. Schedule.

9. Every drain, closet and sink shall be kept in a good and sanitary condition, and any defect in any drain, closet, sink, tap or pipe shall be immediately communicated to the Landlord.

10. The Tenant shall carefully safeguard the buildings against damage. In the event of wilful damage or of damage caused by the default of the tenants (excluding any damage due to reasonable wear and tear) he shall be liable for the cost of making good such damage. The Tenant shall not himself or by his agent, undertake the making good of any damage, however caused, but shall report the same to the Landlord who shall arrange for the necessary repairs to be carried out.

11. Any expenditure incurred in making good such damage as is mentioned in Clause 10 and certified as such by the Landlord shall be payable by the Tenant within seven days of the communication thereof in writing to the Tenant and the sum so certified may in the discretion of the Landlord be made payable by instalments. The sum or sums payable shall be added to the rent and be recoverable in the manner provided for the recovery of rent in arrear including the taking and seizure of the goods and chattels of the Tenant as distress for arrears of rent; and where the sum so certified is payable by instalments and default shall be made in the payment of any one or more instalments the whole sum shall be immediately recoverable in manner hereinabove expressed.

12. The Tenant shall not make or cause or permit to be made on the premises any excavation which may endanger the stability of the buildings or which may hold water, nor shall he without the prior consent of the Landlord, remove from the premises or cause or permit to be removed any earth, rock or gravel.

13. The Tenant shall not make, or cause or permit to be made any alteration or addition whatsoever to the buildings, or the erection of any additional building or other structure, or the enclosure of any verandah or gallery, and shall preserve the keys of the said buildings.

14. The Tenant shall not display, or cause or permit to be displayed on the premises, any advertisement or public notice without permission from the Landlord.

15. The Landlord shall be at liberty by its duly appointed servant or agent, who in common with other persons in the employ of the Landlord shall be supplied with the proper authority or identification mark of the Landlord, at any time between the opening hours prescribed by Shop Orders under the Shop (Hours of Opening and Employment) Act during the existence of the tenancy agreement to enter into and upon the rented premises for the purpose of inspecting the state and condition thereof.

Ch. 84:02.

16. The Tenant shall not assign, dispose of, under-let or part with the possession of the entirety or any part of the rented premises without the previous consent in writing of the Landlord first had and obtained.

17. The Tenant will not suffer or occasion any annoyance to the occupiers of buildings in the locality, and will preserve the amenities of the said locality.

18. The tenancy may be terminated by either party to this agreement at any time serving on the other days' notice in writing of intention to terminate the same.

Signed by
in the presence of:
on behalf of the Landlord
in the presence of:
