

LONDON BOROUGH OF.....

IMPROVEMENT NOTICE

HOUSING ACT 2004
SECTION 12

To:
of:

1. You are the person having [control of][managing][licensee of]the house/flat/ or owner of the premises at:

2. In the opinion of the [*.....] Council, category 2 hazard/s exist within the residential premises as set out in Schedule 1 to this notice and the Council may take action under section 7 of the Housing Act 2004 and no management order is in force under Chapter 1 or 2 of part 4

3. In the opinion of the Council, the works specified in Schedule 2 to this notice will remedy the hazard.

4. Under Section 12 of the Act the Council require you to carry out the works to remedy the hazard/s and to begin them not later than the day of being not less than 28 days from the service of the notice and to complete them within the period of of that date.

SEE SCHEDULES 1 AND 2

Dated this day of 20...

Signed.....

**(Designated/Authorised Officer)

This matter is being dealt with by.....who can be contacted at:
Environmental Health Department
Council Offices
Tel: Fax:

Your attention is drawn to the notes regarding the appeal procedure which accompany this Notice.

* *Insert name of Local Authority*

** *Insert name of Authorised Officer or Designated Officer*

SPECIMEN IMPROVEMENT NOTICE

NOTES TO NOTICE UNDER SECTION 12 HOUSING ACT 2004

(Statutory references are to the Housing Act 2004)

Right of Appeal against Improvement Notice

If you do not agree with this notice you may appeal against it to the Residential Property Tribunal but you must do this within 21 days from the service on you of this notice. Alternatively you may appeal against this notice within 28 days where the grounds for appeal are that the Council has made a decision to vary an Improvement Notice or a decision by the Council to refuse to revoke or vary an Improvement Notice. Or such longer time as the Residential Property Tribunal may allow.

(Schedule 1 Part 3)

In addition an appeal may be on any of the following grounds:

- (a) One or more other persons, as an owner or owners of the specified premises ought to-
 - (i) take the action concerned, or
 - (ii) pay the whole or part of the cost of taking that action.If the grounds of the appeal includes (i) or (ii) above you must serve a copy of the notice of appeal on the other person or persons concerned.

If you do not agree with this notice you may appeal against it to the Residential Property Tribunal but you must do this within 21 days from the service on you of this notice. Alternatively you may appeal against this notice within 28 days where the grounds for appeal are that the Council has made a decision to vary an Improvement Notice or a decision by the Council to refuse to revoke or vary an Improvement Notice. Or such longer time as the Residential Property Tribunal may allow.

(Schedule 1 Part 3)

In addition an appeal may be on any of the following specific grounds:

- (b) One or more other persons, as an owner or owners of the specified premises ought to-
 - (iii) take the action concerned, or
 - (iv) pay the whole or part of the cost of taking that action.If the grounds of the appeal includes (i) or (ii) above you must serve a copy of the notice of appeal on the other person or persons concerned.
- (c) the best course of action are:-
 - (i) making a prohibition order under section 20 or 21 of this Act
 - (ii) serving a hazard awareness notice under section 28 or 29 of this Act; and
 - (iii) making a demolition order under section 265 of the Housing Act 1985

If you appeal the residential property tribunal may allow or dismiss the appeal. To revoke the notice or vary the list of works specified in Schedule 2 to the notice.

Effect of Notice

If you do not comply with the notice, the Council may do the works themselves and charge you with the cost.
(Schedule 3 Part 2)

To comply with the notice you must start and finish the works-

- (a) if you do not appeal, by the date and within the period specified in paragraph 4 of the notice.
- (b) if you do appeal and the notice is upheld, but such date and within such time as the tribunal will fix;
- (c) if you start an appeal and then withdraw it, by the 21st day after the date of withdrawal and within the period (beginning on that 21st day) specified in paragraph 4 of the notice

Health Warning: This specimen form is for use but only after you have sought and obtained legal advice.



SPECIMEN IMPROVEMENT NOTICE

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may do the works themselves and charge you with the cost. Schedule 3

Before entering the house to do the works themselves, the Council must give you at least 7 days notice of their intention to do so.

If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licencees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

Penalties

If you intentionally fail to comply with this notice you commit an offence punishable in the magistrates' court by a fine not exceeding level 5 on the standard scale and this is the case even if the period for compliance (see above under 'Effect of Notice') has expired. Section 30

If, after a first conviction, you intentionally fail to carry out the works concerned you commit a further offence punishable in the magistrates' court by a fine not exceeding level 4 on the standard scale.

Land Charge

The notice is a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register. Section 37

Residential Property Tribunal

If you decide to appeal you will need to apply to Residential Property Tribunal for your area (you can find the address and telephone number in the telephone directory). The Residential Property Tribunal staff will advise you how to word your request.

Withdrawal of Notices

If the Council are satisfied there is a need, they may withdraw the notice.

Grant

You may be entitled to a grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of the grant in each case. You should contact the Council and apply to them for the grant before you start the works.

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

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**Section 12 Housing Act 2004
Schedule 1**

Address:

Hazards:

Deficiency resulting in the hazard

1.

2.

3.

Insert reasons for taking this course of enforcement action [section 8(2) & (3)]

**Schedule2
Schedule of works to remedy hazard**

Hazards

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