



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

#### CHAPTER 2

##### IMPROVEMENT NOTICES, PROHIBITION ORDERS AND HAZARD AWARENESS NOTICES

##### *Enforcement: prohibition orders*

### **32 Offence of failing to comply with prohibition order etc.**

- (1) A person commits an offence if, knowing that a prohibition order has become operative in relation to any specified premises, he—
  - (a) uses the premises in contravention of the order, or
  - (b) permits the premises to be so used.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction—
  - (a) to a fine not exceeding level 5 on the standard scale, and
  - (b) to a further fine not exceeding £20 for every day or part of a day on which he so uses the premises, or permits them to be so used, after conviction.
- (3) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for using the premises, or (as the case may be) permitting them to be used, in contravention of the order.

### **33 Recovery of possession of premises in order to comply with order**

Nothing in—

- (a) the Rent Act 1977 (c. 42) or the Rent (Agriculture) Act 1976 (c. 80), or

---

*Status: This is the original version (as it was originally enacted).*

---

(b) Part 1 of the Housing Act 1988 (c. 50), prevents possession being obtained by the owner of any specified premises in relation to which a prohibition order is operative if possession of the premises is necessary for the purpose of complying with the order.

### **34 Power of tribunal to determine or vary lease**

- (1) Subsection (2) applies where—
  - (a) a prohibition order has become operative, and
  - (b) the whole or part of any specified premises form the whole or part of the subject matter of a lease.
- (2) The lessor or the lessee may apply to a residential property tribunal for an order determining or varying the lease.
- (3) On such an application the tribunal may make an order determining or varying the lease, if it considers it appropriate to do so.
- (4) Before making such an order, the tribunal must give any sub-lessee an opportunity of being heard.
- (5) An order under this section may be unconditional or subject to such terms and conditions as the tribunal considers appropriate.
- (6) The conditions may, in particular, include conditions about the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.
- (7) In deciding what is appropriate for the purposes of this section, the tribunal must have regard to the respective rights, obligations and liabilities of the parties under the lease and to all the other circumstances of the case.
- (8) In this section “lessor” and “lessee” include a person deriving title under a lessor or lessee.