

Status: Point in time view as at 06/04/2006. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Housing Act 2004, SCHEDULE 15 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 15

Section 265(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Parliamentary Commissioner Act 1967 (c. 13)

1 F1

Textual Amendments

F1 Sch. 15 para. 1 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39(2), 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Land Compensation Act 1973 (c. 26)

2 The Land Compensation Act 1973 has effect subject to the following amendments.

Commencement Information

II Sch. 15 para. 2 wholly in force at 16.6.2006; Sch. 15 para. 2 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 2 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 2 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(b) (with Sch.)

3 (1) Section 29 (right to home loss payment where person displaced from dwelling) is amended as follows.

(2) In subsection (1)—

(a) for paragraph (b) substitute—

“(b) the making of a housing order in respect of the dwelling;”;
and

(b) in paragraph (ii) for the words from “the order” onwards substitute “ the housing order;”.

(3) In subsection (3A) for the words from “the acceptance” onwards substitute “ the carrying out of any improvement to the dwelling unless he is permanently displaced from it in consequence of the carrying out of that improvement. ”

(4) For subsection (7) substitute—

“(7) In this section “a housing order” means—

(a) a prohibition order under section 20 or 21 of the Housing Act 2004,
or

(b) a demolition order under section 265 of the Housing Act 1985.”

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Commencement Information

- I2** Sch. 15 para. 3 wholly in force at 16.6.2006; Sch. 15 para. 3 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 3 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 3 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(b) (with Sch.)

- 4 (1) Section 33D (loss payments: exclusions) is amended as follows.
- (2) In subsection (4) for paragraphs (b) and (c) substitute—
- “(b) notice under section 11 of the Housing Act 2004 (improvement notice relating to category 1 hazard);
- (c) notice under section 12 of that Act (improvement notice relating to category 2 hazard);”.
- (3) For subsection (5) substitute—
- “(5) These are the orders—
- (a) an order under section 20 of the Housing Act 2004 (prohibition order relating to category 1 hazard);
- (b) an order under section 21 of that Act (prohibition order relating to category 2 hazard);
- (c) an order under section 43 of that Act (emergency prohibition orders);
- (d) an order under section 265 of the Housing Act 1985 (demolition order relating to category 1 or 2 hazard).”

Commencement Information

- I3** Sch. 15 para. 4 wholly in force at 16.6.2006; Sch. 15 para. 4 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 4 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 4 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(b) (with Sch.)

- 5 (1) Section 37 (disturbance payments for persons with compensatable interests) is amended as follows.
- (2) In subsection (1)—
- (a) for paragraph (b) substitute—
- “(b) the making of a housing order in respect of a house or building on the land;”;
- (b) in paragraph (ii) for the words from “the order” onwards substitute “ the housing order; ”.
- (3) In subsection (2)(c) for “closing” substitute “ prohibition ”.
- (4) In subsection (3) for the words from “any such order” onwards substitute “ a housing order within paragraph (b) of that subsection unless he was in lawful possession as aforesaid at the time when the order was made. ”
- (5) In subsection (3A) for the words from “the acceptance” onwards substitute “ the carrying out of any improvement to a house or building unless he is permanently displaced in consequence of the carrying out of that improvement. ”
- (6) In subsection (9) omit “or undertaking”.

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Commencement Information

I4 Sch. 15 para. 5 wholly in force at 16.6.2006; Sch. 15 para. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 5 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 5 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(b) (with Sch.)

- 6 (1) Section 39 (duty to rehouse residential occupiers) is amended as follows.
- (2) In subsection (1) for paragraph (b) substitute—
- “(b) the making of a housing order in respect of a house or building on the land;”.
- (3) In subsection (6) for the words from “any such order” onwards substitute “ a housing order within paragraph (b) of that subsection unless he was residing in the accommodation in question at the time when the order was made. ”
- (4) In subsection (6A) for the words from “the acceptance” onwards substitute “ the carrying out of any improvement to a house or building unless he is permanently displaced from the residential accommodation in question in consequence of the carrying out of that improvement. ”
- (5) In subsection (9) omit “or undertaking”.

Commencement Information

I5 Sch. 15 para. 6 wholly in force at 16.6.2006; Sch. 15 para. 6 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 6 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 6 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(b) (with Sch.)

Local Government Act 1974 (c. 7)

7 **F2**

Textual Amendments

F2 Sch. 15 para. 7 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39(2), 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Greater London Council (General Powers) Act 1981 (c. xvii)

- 8 In section 9(1) of the Greater London Council (General Powers) Act 1981—
- (a) for the words from “a registration scheme” to “section 354 of that Act,” substitute “ a licence under Part 2 of the Housing Act 2004 ”; and
- (b) for “358” substitute “ 134 ”.

Commencement Information

I6 Sch. 15 para. 8 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 8 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.)

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Mobile Homes Act 1983 (c. 34)

- 9 In section 2 of the Mobile Homes Act 1983 (terms of agreements) after subsection (4) insert—

“(5) The supplementary provisions in Part 3 of Schedule 1 to this Act have effect for the purposes of paragraphs 8 and 9 of Part 1 of that Schedule.”

Commencement Information

- I7** Sch. 15 para. 9 wholly in force at 16.6.2006; Sch. 15 para. 9 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 9 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 9 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Housing Act 1985 (c. 68)

- 10 The Housing Act 1985 has effect subject to the following amendments.

Commencement Information

- I8** Sch. 15 para. 10 wholly in force at 16.6.2006; Sch. 15 para. 10 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 10 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 10 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 11 In section 8(2) (periodical review of housing needs) for “section 605” substitute “section 3 of the Housing Act 2004”.

Commencement Information

- I9** Sch. 15 para. 11 wholly in force at 16.6.2006; Sch. 15 para. 11 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 11 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 11 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 12 For section 252(c) (definition of “house in multiple occupation” for purposes of Part 8) substitute—

“(c) “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include any part of such a house which is occupied as a separate dwelling by persons who form a single household.”

Commencement Information

- I10** Sch. 15 para. 12 wholly in force at 16.6.2006; Sch. 15 para. 12 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 12 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 12 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 13 For section 268 (service of notice of demolition and closing orders) substitute—

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“268 Service of copies of demolition order

- (1) A local housing authority who have made a demolition order must serve a copy of the order on every person who, to their knowledge, is—
 - (a) an owner or occupier of the whole or part of the premises to which the order relates,
 - (b) authorised to permit persons to occupy the whole or part of those premises, or
 - (c) a mortgagee of the whole or part of the premises.
- (2) The copies required to be served under subsection (1) shall be served within the period of seven days beginning with the day on which the order is made.
- (3) A copy of the order is to be regarded as having been served on every occupier in accordance with subsections (1) and (2) if a copy of the order is fixed to some conspicuous part of the premises within the period of seven days mentioned in subsection (2).
- (4) A demolition order against which no appeal is brought under section 269 becomes operative at the end of the period of 28 days beginning with the day on which the order is made and is final and conclusive as to matters which could be raised on an appeal.
- (5) Section 246 of the Housing Act 2004 (service of notices)—
 - (a) applies in relation to copies required to be served under this section (instead of section 617 below), and
 - (b) so applies as it applies in relation to documents required to be served under any provision of Parts 1 to 4 of that Act.”

Commencement Information

I11 Sch. 15 para. 13 wholly in force at 16.6.2006; Sch. 15 para. 13 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 13 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 13 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 14 In section 269(1) (right of appeal against demolition or closing order) for the words from “demolition or closing order” to “the order,” substitute “demolition order may, within the period of 28 days beginning with the day on which the order is made,”.

Commencement Information

I12 Sch. 15 para. 14 wholly in force at 16.6.2006; Sch. 15 para. 14 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 14 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 14 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 15 After section 269 insert—

“269A Appeals suggesting certain other courses of action

- (1) One ground of appeal under section 269 in relation to a demolition order made under section 265 is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.

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- (2) The courses of action are—
- (a) serving an improvement notice under section 11 or 12 of the Housing Act 2004;
 - (b) making a prohibition order under section 20 or 21 of that Act;
 - (c) serving a hazard awareness notice under section 28 or 29 of that Act; or
 - (d) declaring the area in which the premises concerned are situated to be a clearance area in accordance with section 289 of this Act.
- (3) Subsection (4) applies where—
- (a) a residential property tribunal is hearing an appeal under section 269 in relation to a demolition order made under section 265; and
 - (b) the grounds on which the appeal is brought are or include the ground that a course of action mentioned in subsection (2) is the best course of action in relation to each hazard concerned.
- (4) The tribunal shall have regard to any guidance given to the local housing authority under section 9 of the Housing Act 2004.
- (5) Subsection (6) applies where—
- (a) an appeal under section 269 is allowed against a demolition order made under section 265; and
 - (b) the reason or one of the reasons for allowing the appeal is that a course of action mentioned in subsection (2) is the best course of action in relation to the hazard concerned.
- (6) The tribunal shall, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.
- (7) Subsection (1) of this section is without prejudice to the generality of section 269.”

Commencement Information

I13 Sch. 15 para. 15 wholly in force at 16.6.2006; Sch. 15 para. 15 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 15 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 15 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

16 In section 274 (demolition orders: power to permit reconstruction of condemned house) for subsections (2) to (5) substitute—

- “(2) If the authority are satisfied that the result of the works will be—
- (a) in the case of a demolition order made under section 265(1) or (2), that the hazard concerned ceases to be a category 1 hazard, or
 - (b) in the case of a demolition order made under section 265(3) or (4), that a prescribed state of affairs exists,
- they may, in order that the person submitting the proposals may have an opportunity of carrying out the works, extend for such period as they may specify the time within which the owner of the premises is required under section 271 to demolish them.

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- (3) In subsection (2) “prescribed state of affairs” means such state of affairs as may be specified or described in an order made by the Secretary of State.
- (4) An order under subsection (3)—
- (a) may make different provision for different cases or descriptions of case (including different provision for different areas);
 - (b) may contain such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate; and
 - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) That time may be further extended by the authority, once or more often as the case may require, if—
- (a) the works have begun and appear to the authority to be making satisfactory progress, or
 - (b) though they have not begun, the authority think there has been no unreasonable delay.
- (6) Where the authority determine to extend, or further extend, the time within which the owner of any premises is required under section 271 to demolish them, notice of the determination shall be served by the authority on every person having an interest in the premises or part of the premises, whether as freeholder, mortgagee or otherwise.
- (7) If the works are completed to the satisfaction of the authority they shall revoke the demolition order (but without prejudice to any subsequent proceedings under this Part or Part 1 of the Housing Act 2004).”

Commencement Information

I14 Sch. 15 para. 16 wholly in force at 16.6.2006; Sch. 15 para. 16 in force for certain purposes at Royal Assent see s. 270(2)(b); Sch. 15 para. 16 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 16 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

17 After section 274 insert—

“274A Effect of certain enforcement action under the Housing Act 2004

A demolition order which has been made in respect of any premises shall cease to have effect if a management order under Chapter 1 or 2 of Part 4 of the Housing Act 2004 comes into force in relation to the premises.”

Commencement Information

I15 Sch. 15 para. 17 wholly in force at 16.6.2006; Sch. 15 para. 17 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 17 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 17 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

18 For section 275 (demolition orders: substitution of closing orders) substitute—

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“275 Demolition orders: substitution of prohibition order to permit use otherwise than for human habitation

- (1) If—
- (a) an owner of any premises in respect of which a demolition order has become operative, or
 - (b) any other person who has an interest in the premises,
- submits proposals to the local housing authority for the use of the premises for a purpose other than human habitation, the authority may, if they think fit, determine the demolition order and make a prohibition order under section 20 or 21 of the Housing Act 2004 in respect of the hazard concerned.
- (2) The authority shall serve notice that the demolition order has been determined, and a copy of the prohibition order, on every person on whom they are required by Part 1 of Schedule 2 to the Housing Act 2004 to serve a copy of the prohibition order.”

Commencement Information

I16 Sch. 15 para. 18 wholly in force at 16.6.2006; Sch. 15 para. 18 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 18 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 18 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 19 (1) Section 289 (declaration of clearance area) is amended as follows.
- (2) In subsection (2F)(b) for “are unfit for human habitation” substitute “ contain category 1 or category 2 hazards ”.
- (3) In subsection (3)—
- (a) in sub-paragraph (i), for the words from “unfit” to “health” substitute “ dangerous or harmful to health or safety ”; and
 - (b) in sub-paragraph (ii), for “injurious to health” substitute “ harmful to health or safety ”.

Commencement Information

I17 Sch. 15 para. 19 wholly in force at 16.6.2006; Sch. 15 para. 19 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 19 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 19 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 20 For section 300 (purchase of houses liable to be demolished or closed) substitute—

“300 Purchase of houses liable to be demolished or to be subject to a prohibition order

- (1) Where—
- (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a demolition order under section 265(1) or (2) of this Act in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and

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- (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,
they may purchase it instead.
- (2) Where—
 - (a) the local housing authority would be required under section 5 of the Housing Act 2004 to make a relevant prohibition order in respect of a dwelling, a house in multiple occupation or a building containing one or more flats, and
 - (b) it appears to them that the dwelling, house in multiple occupation or, as the case may be, building is or can be rendered capable of providing accommodation of a standard which is adequate for the time being,
they may purchase it instead.
- (3) In subsection (2) “relevant prohibition order” means a prohibition order under section 20 of the Housing Act 2004 which imposes in relation to the whole of the dwelling, house in multiple occupation or building a prohibition on its use for all purposes other than any purpose approved by the authority.
- (4) Where an authority have determined to purchase any premises under subsection (1)—
 - (a) they shall serve a notice of their determination on the persons on whom they would have been required by section 268(1) to serve a copy of a demolition order, and
 - (b) sections 268(4) and 269(1), (2), (3) and (6) (operative date and right of appeal) apply to such a notice as they apply to a demolition order.
- (5) Where an authority have determined to purchase any premises under subsection (2)—
 - (a) they shall serve a notice of their determination on the persons on whom they would have been required by Part 1 of Schedule 2 to the Housing Act 2004 (service of prohibition orders) to serve a copy of the relevant prohibition order; and
 - (b) section 24 of that Act and Parts 1 and 3 of that Schedule (operative date, right of appeal etc.) apply to such a notice as they apply to a prohibition order which is not suspended or to appeals against such an order (as the case may be).
- (6) At any time after the notice has become operative the authority may purchase the dwelling, house in multiple occupation or building by agreement or be authorised by the Secretary of State to purchase it compulsorily.
- (7) This section does not apply where section 304(1) applies (listed building or building protected pending listing).”

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Commencement Information

I18 Sch. 15 para. 20 wholly in force at 16.6.2006; Sch. 15 para. 20 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 20 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 20 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

21 For section 304 (closing orders in relation to listed buildings) substitute—

“304 Demolition order not to be made in respect of listed building

- (1) A local housing authority shall not make a demolition order under section 265 (power to make a demolition order) in respect of a listed building.
- (2) Where a dwelling, house in multiple occupation or building in respect of which a demolition order has been made becomes a listed building, the local housing authority shall determine the order (whether or not it has become operative).
- (3) The local housing authority shall serve notice that the demolition order has been determined on every person on whom they would be required by section 268 to serve a copy of a new demolition order in relation to the premises.
- (4) The Secretary of State may give notice in respect of a dwelling, house in multiple occupation or building to the local housing authority stating that its architectural or historic interest is sufficient to render it inexpedient that it should be demolished pending determination of the question whether it should be a listed building; and the provisions of this section apply to a dwelling, house in multiple occupation or building in respect of which such a notice is in force as they apply to a listed building.”

Commencement Information

I19 Sch. 15 para. 21 wholly in force at 16.6.2006; Sch. 15 para. 21 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 21 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 21 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

22 In section 307(1) (saving for rights arising from breach of covenant etc.) for the words from “relating to” to “prejudices” substitute “ relating to the demolition or purchase of unfit premises prejudices ”.

Commencement Information

I20 Sch. 15 para. 22 wholly in force at 16.6.2006; Sch. 15 para. 22 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 22 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 22 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

23 In section 308(3) (approval of owner’s proposals for re-development)—

- (a) after “Part” insert “ or Chapter 2 of Part 1 of the Housing Act 2004 ”; and
- (b) for “, closing or purchase of unfit premises” substitute “ or purchase of premises or the prohibition of uses of premises ”.

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Commencement Information

I21 Sch. 15 para. 23 wholly in force at 16.6.2006; Sch. 15 para. 23 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 23 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 23 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 24 Omit section 310 (certificate of fitness for human habitation resulting from owner's improvements or alterations).

Commencement Information

I22 Sch. 15 para. 24 wholly in force at 16.6.2006; Sch. 15 para. 24 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 24 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 24 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 25 In section 318(1)(a) (power of court to authorise execution of works on unfit premises or for improvement)—
- (a) for “dwelling-houses” substitute “ dwellings ”; and
 - (b) for “injurious to health or unfit for human habitation” substitute “ harmful to health or safety ”.

Commencement Information

I23 Sch. 15 para. 25 wholly in force at 16.6.2006; Sch. 15 para. 25 not in force at Royal Assent see s. 270(2)(3); Sch. 15 para. 25 in force for E. at 6.4.2006 by S. I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 25 in force for W. at 16.6.2006 by S. I. 2006/1535, art 2(b) (with Sch.)

- 26 For section 322 substitute—

“322 Minor definitions

- (1) In this Part the following expressions have the same meaning as in Part 1 of the Housing Act 2004 (see sections 1(5) to (7) and 2(1) of that Act)—

“building containing one or more flats”,
“category 1 hazard”,
“category 2 hazard”,
“common parts”, in relation to a building containing one or more flats,
“dwelling”,
“flat”,
“hazard”.

- (2) In this Part—

“health” includes mental health;
“house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act);
“owner”, in relation to premises—

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- (a) means a person (other than a mortgagee not in possession) who is for the time being entitled to dispose of the fee simple in premises, whether in possession or reversion, and
- (b) includes also a person holding or entitled to the rents and profits of the premises under a lease of which the unexpired term exceeds three years;

“premises” in relation to a demolition order, means the dwelling, house in multiple occupation or building in respect of which the order is made.

- (3) This Part applies to unoccupied HMO accommodation (as defined by section 1(5) of the Housing Act 2004) as it applies to a house in multiple occupation, and references to a house in multiple occupation in this Part are to be read accordingly.”

Commencement Information

I24 Sch. 15 para. 26 wholly in force at 16.6.2006; Sch. 15 para. 26 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 26 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 26 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 27 In section 323 (index of defined expressions: Part 9) insert at the appropriate places—

“building containing one or more flats	section 322”
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“category 1 hazard	section 322”
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“category 2 hazard	section 322”
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“common parts	section 322”
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“dwelling	section 322”
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“hazard	section 322”
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“health	section 322”
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“residential property tribunal	section 229 of the Housing Act 2004”.
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Commencement Information

I25 Sch. 15 para. 27 wholly in force at 16.6.2006; Sch. 15 para. 27 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 27 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 27 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 28 In section 439 (requirements as to fitness of premises before advancing money for certain purposes), omit subsections (1) and (2).

Commencement Information

I26 Sch. 15 para. 28 wholly in force at 16.6.2006; Sch. 15 para. 28 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 28 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 28 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 29 In section 582 (compulsory purchase orders: restriction on recovery of possession of houses in multiple occupation) for subsection (8) substitute—

“(8) In this section “house in multiple occupation” has the meaning given by sections 254 to 259 of the Housing Act 2004 for the purposes of that Act (other than Part 1).”

Commencement Information

I27 Sch. 15 para. 29 wholly in force at 16.6.2006; Sch. 15 para. 29 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 29 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 29 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 30 For section 584A (compensation payable in case of closing and demolition orders) substitute—

“584A Compensation payable in case of prohibition and demolition orders

- (1) Subject to subsection (3), where a relevant prohibition order becomes operative in respect of any premises or a demolition order under section 265 is made in respect of any premises, the local housing authority shall pay to every owner of the premises an amount determined in accordance with subsection (2).
- (2) The amount referred to in subsection (1) is the diminution in the compulsory purchase value of the owner’s interest in the premises as a result of the coming into operation of the relevant prohibition order or, as the case may be, the making of the demolition order; and that amount—
 - (a) shall be determined as at the date of the coming into operation or making of the order in question; and
 - (b) shall be determined (in default of agreement) as if it were compensation payable in respect of the compulsory purchase of the interest in question and shall be dealt with accordingly.
- (3) In any case where—
 - (a) a relevant prohibition order has been made in respect of any premises, and

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(b) that order is revoked and a demolition order is made in its place, the amount payable to the owner under subsection (1) in connection with the demolition order shall be reduced by the amount (if any) paid to the owner or a previous owner under that subsection in connection with the relevant prohibition order.

(4) For the purposes of this section—

“compulsory purchase value”, in relation to an owner’s interest in premises, means the compensation which would be payable in respect of the compulsory purchase of that interest if it fell to be assessed in accordance with the Land Compensation Act 1961;

“premises”, in relation to a demolition order, has the meaning given by section 322;

“premises”, in relation to a prohibition order, means premises which are specified premises in relation to the order within the meaning of Part 1 of the Housing Act 2004;

“relevant prohibition order” means a prohibition order under section 20 or 21 of the Housing Act 2004 which imposes in relation to the whole of any premises a prohibition on their use for all purposes other than any purpose approved by the authority.”

Commencement Information

I28 Sch. 15 para. 30 wholly in force at 16.6.2006; Sch. 15 para. 30 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 30 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 30 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

31 For section 584B (repayment on revocation of demolition or closing order) substitute—

“584B Repayment on revocation of demolition or prohibition order

(1) Where a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a demolition order or relevant prohibition order and—

- (a) the demolition order is revoked under section 274 (revocation of demolition order to permit reconstruction of premises), or
- (b) the relevant prohibition order is revoked under section 25(1) or (2) of the Housing Act 2004,

then, if at that time the person to whom the payment was made has the same interest in the premises as he had at the time the payment was made, he shall on demand repay to the authority the amount of the payment.

(2) In any case where—

- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
- (b) by virtue of section 25(3) of the Housing Act 2004, the order is revoked as respects part of the premises and not varied, and
- (c) the person to whom the payment was made (in this section referred to as “the recipient”) had at the time the payment was made, an

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- owner's interest in the part of the premises concerned (whether or not he had such an interest in the rest of the premises),
- then, if at the time of the revocation of the relevant prohibition order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).
- (3) In any case where—
- (a) a payment in respect of any premises has been made by a local housing authority under section 584A(1) in connection with a relevant prohibition order, and
 - (b) by virtue of section 25(4) of the Housing Act 2004, the order is varied,
- then, if at the time of the variation of the order the recipient has the same interest in the premises as he had at the time the payment was made, he shall on demand pay to the authority an amount determined in accordance with subsections (4), (5) and (6).
- (4) The amount referred to in subsection (2) or (3) is whichever is the less of—
- (a) the amount by which the value of the interest of the recipient in the premises increases as a result of the revocation or variation of the relevant prohibition order; and
 - (b) the amount paid to the recipient under section 584A(1) in respect of his interest in the premises;
- and the amount referred to in paragraph (a) shall be determined as at the date of the revocation or variation of the relevant prohibition order.
- (5) For the purpose of assessing the amount referred to in subsection (4)(a), the rules set out in section 5 of the Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (6) Any dispute as to the amount referred to in subsection (4)(a) shall be referred to and determined by the Lands Tribunal; and section 2 and subsections (1) (a) and (4) to (6) of section 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply for the purposes of this section as they apply for the purposes of that Act.
- (7) In this section “premises” and “relevant prohibition order” have the same meaning as in section 584A.”

Commencement Information

I29 Sch. 15 para. 31 wholly in force at 16.6.2006; Sch. 15 para. 31 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 31 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 31 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Landlord and Tenant Act 1985 (c. 70)

- 32 (1) Section 20C of the Landlord and Tenant Act 1985 (limitation of service charges: costs of proceedings) is amended as follows.

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- (2) In subsection (1) after “a court” insert “, residential property tribunal”.
- (3) In subsection (2) after paragraph (a) insert—
 “(aa) in the case of proceedings before a residential property tribunal, to a leasehold valuation tribunal;”.

Commencement Information

I30 Sch. 15 para. 32 wholly in force at 16.6.2006; Sch. 15 para. 32 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 32 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 32 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Housing Act 1988 (c. 50)

- 33 In paragraph 47 of Schedule 17 to the Housing Act 1988 (amendments of Part 9 of Housing Act 1985) for “sections 264(5), 270(3), 276 and 286(3)” substitute “section 270(3)”.

Commencement Information

I31 Sch. 15 para. 33 wholly in force at 16.6.2006; Sch. 15 para. 33 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 33 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 33 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Local Government and Housing Act 1989 (c. 42)

- 34 In section 100 of the Local Government and Housing Act 1989 (interpretation of Part 7) for the definition of “house in multiple occupation” substitute—
 ““house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act), but does not include any part of such a house which is occupied as a separate dwelling by persons who form a single household;”.

Commencement Information

I32 Sch. 15 para. 34 wholly in force at 16.6.2006; Sch. 15 para. 34 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 34 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 34 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

- 35 In section 195(2) of that Act (short title, commencement and extent) for “167” substitute “ 168 ”.

Commencement Information

I33 Sch. 15 para. 35 wholly in force at 6.4.2006; Sch. 15 para. 35 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 35 in force for W. at 14.7.2005 by S.I. 2005/1814, art. 2(f)(iii); Sch. 15 para. 35 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.)

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Water Industry Act 1991 (c. 56)

- 36 For paragraph 2(2) of Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges) substitute—

“(2) In this paragraph “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act).”

Commencement Information

I34 Sch. 15 para. 36 wholly in force at 16.6.2006; Sch. 15 para. 36 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 36 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 36 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Health Service Commissioners Act 1993 (c. 46)

- 37 F3

Textual Amendments

F3 Sch. 15 para. 37 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39(2), 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Home Energy Conservation Act 1995 (c. 10)

- 38 For paragraph (aa)(i) of the definition of “residential accommodation” in section 1(1) of the Home Energy Conservation Act 1995 (interpretation) substitute—

“(i) in England and Wales, a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act).”

Commencement Information

I35 Sch. 15 para. 38 wholly in force at 16.6.2006; Sch. 15 para. 38 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 38 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 38 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Gas Act 1995 (c. 45)

- 39 In paragraph 2 of Schedule 4 to the Gas Act 1995 (statutory undertakers), in subparagraph (1)(xxxvi) for “sections 283(2) and” substitute “ section ”.

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Commencement Information

I36 Sch. 15 para. 39 wholly in force at 16.6.2006; Sch. 15 para. 39 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 39 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 39 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Housing Act 1996 (c. 52)

40 The Housing Act 1996 has effect subject to the following amendments.

Commencement Information

I37 Sch. 15 para. 40 wholly in force at 16.6.2006; Sch. 15 para. 40 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 40 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 40 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

41 In section 52(1) (general provisions as to orders) after “17,” insert “ 27A, ”.

Commencement Information

I38 Sch. 15 para. 41 wholly in force at 16.6.2006; Sch. 15 para. 41 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 41 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 41 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

42 In section 54 (determinations requiring approval), at the end of paragraph (b) insert “or
 (c) any determination under section 27B (transfer of property funded by grants under section 27A),”.

Commencement Information

I39 Sch. 15 para. 42 wholly in force at 16.6.2006; Sch. 15 para. 42 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 42 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 42 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

43 In section 210 (homelessness: suitability of accommodation)—
 (a) for “Parts IX, X and XI” substitute “ Parts 9 and 10 ”; and
 (b) for “; overcrowding; houses in multiple occupation” substitute “ and overcrowding) and Parts 1 to 4 of the Housing Act 2004 ”.

Commencement Information

I40 Sch. 15 para. 43 wholly in force at 16.6.2006; Sch. 15 para. 43 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 43 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 43 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

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Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 44 In section 24 of the Housing Grants, Construction and Regeneration Act 1996 (considerations of fitness before approving applications for certain grants), omit subsection (4).

Commencement Information

- I41** Sch. 15 para. 44 wholly in force at 16.6.2006; Sch. 15 para. 44 not in force at Royal Assent see s. 270(4) (5); Sch. 15 para. 44 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(d) (with Sch.); Sch. 15 para. 44 in force for W. at 16.6.2006 by S.I. 2006/1535, art 2(b) (with Sch.)

Government of Wales Act 1998 (c. 38)

- 45 ^{F4}

Textual Amendments

- F4** Sch. 15 para. 45 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39(2), 40, Sch. 7; S.I. 2005/2800, art. 5(1)

Freedom of Information Act 2000 (c. 36)

- 46 ^{F5}

Textual Amendments

- F5** Sch. 15 para. 46 repealed (1.4.2006) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39(2), 40, Sch. 7; S.I. 2005/2800, art. 5(1)

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Local Government Act 2003 (c. 26)

- 47 In section 87 of the Local Government Act 2003 (housing strategies and statements) for subsection (4) substitute—

“(4) In this section—

“housing” includes accommodation needs for gypsies and travellers within the meaning of section 225 of the Housing Act 2004;

“local housing authority” has the same meaning as in the Housing Act 1985 (c. 68).”

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Commencement Information

- 142** Sch. 15 para. 47 wholly in force at 13.12.2007; Sch. 15 para. 47 not in force at Royal Assent see s. 270(4)(5); Sch. 15 para. 47 in force for E. at 2.1.2007 by S.I. 2006/3191, **art. 2(c)**; Sch. 15 para. 47 in force for W. at 13.12.2007 by S.I. 2007/3232, **art. 2(c)**

Status:

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Changes to legislation:

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