



Housing Act 2004

CHAPTER 34

HOUSING ACT 2004

PART 1

HOUSING CONDITIONS

CHAPTER 1

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“The operative time” for the purposes of section 24(5)

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Right to appeal against decision or refusal to vary or revoke licence

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 2 The notice under paragraph 1 must state that the authority...
 3 (1) This paragraph applies if, having considered representations made in...
 4 The notice under paragraph 3 must set out—

Exceptions from requirements relating to making of final management order

- 5 The requirements of paragraph 3 (and those of paragraph 1)...
 6 The requirements of paragraph 3 (and those of paragraph 1)...

Requirements following making of interim or final management order

- 7 (1) This paragraph applies where the local housing authority make...

Meaning of “the end of the consultation period” and “relevant person”

- 8 (1) In this Part of this Schedule “the end of...
 Part 2 — PROCEDURE RELATING TO VARIATION OR REVOCATION OF
 MANAGEMENT ORDERS

Variation of management orders

- 9 Before varying an interim or final management order, the local...
 10 The notice under paragraph 9 must state that the authority...
 11 (1) This paragraph applies where the local housing authority decide...

Exceptions from requirements of paragraph 9

- 12 The requirements of paragraph 9 do not apply if the...
 13 The requirements of paragraph 9 do not apply if the...

Status: Point in time view as at 01/03/2007.

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Refusal to vary interim or final management order

- 14 Before refusing to vary an interim or final management order,...
- 15 The notice under paragraph 14 must state that the authority...
- 16 (1) This paragraph applies where the local housing authority refuse...

Revocation of management orders

- 17 Before revoking an interim or final management order, the local...
- 18 The notice under paragraph 17 must state that the authority...
- 19 (1) This paragraph applies where the local housing authority decide...

Refusal to revoke management order

- 20 Before refusing to revoke an interim or final management order,...
- 21 The notice under paragraph 20 must state that the authority...
- 22 (1) This paragraph applies where the local housing authority refuse...

Meaning of “the end of the consultation period” and “relevant person”

- 23 (1) In this Part of this Schedule “the end of...
Part 3 — APPEALS AGAINST DECISIONS RELATING TO MANAGEMENT
ORDERS

Right to appeal against making of order etc.

- 24 (1) A relevant person may appeal to a residential property...

Time limits for appeals under paragraph 24

- 25 (1) This paragraph applies in relation to an appeal under...

Powers of residential property tribunal on appeal under paragraph 24

- 26 (1) This paragraph applies to an appeal to a residential...

“The operative time” for the purposes of section 114(2)

- 27 (1) This paragraph defines “the operative time” for the purposes...

Right to appeal against decision or refusal to vary or revoke interim management order

- 28 A relevant person may appeal to a residential property tribunal...

Time limits for appeals under paragraph 28

- 29 (1) This paragraph applies in relation to an appeal under...

Powers of residential property tribunal on appeal under paragraph 28

- 30 (1) This paragraph applies to an appeal to a residential...

“The operative time” for the purposes of section 111(2), 112(2), 121(2) or 122(2)

- 31 (1) This paragraph defines “the operative time” for the purposes...

Right to appeal against decision in respect of compensation payable to third parties

- 32 (1) This paragraph applies where a local housing authority have...

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Time limits for appeals under paragraph 32

33 (1) This paragraph applies in relation to an appeal under...

Powers of residential property tribunal on appeal under paragraph 32

34 (1) This paragraph applies in relation to an appeal under...

Meaning of “relevant person”

35 In this Part of this Schedule “relevant person” means—

SCHEDULE 7 — Further provisions regarding empty dwelling management orders
Part 1 — INTERIM EDMOS

Operation of interim EDMOs

1 (1) This paragraph deals with the time when an interim...

General effect of interim EDMOs

2 (1) This paragraph applies while an interim EDMO is in...

General effect of interim EDMOs: leases and licences granted by authority

3 (1) This paragraph applies in relation to any interest or...

General effect of interim EDMOs: relevant proprietor, mortgagees etc.

4 (1) This paragraph applies in relation to—

Financial arrangements while order is in force

5 (1) This paragraph applies to relevant expenditure of a local...

Variation or revocation of interim EDMOs

6 (1) The local housing authority may vary an interim EDMO...

7 (1) The local housing authority may revoke an interim EDMO...

8 (1) Part 2 of Schedule 6 applies in relation to...

Part 2 — FINAL EDMOS

Operation of final EDMOs

9 (1) This paragraph deals with the time when a final...

General effect of final EDMOs

10 (1) This paragraph applies while a final EDMO is in...

General effect of final EDMOs: leases and licences granted by authority

11 (1) This paragraph applies in relation to any interest or...

General effect of final EDMOs: relevant proprietor, mortgagees etc.

12 (1) This paragraph applies in relation to—

Status: Point in time view as at 01/03/2007.

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Management scheme and accounts

- 13 (1) A final EDMO must contain a management scheme.

Application to residential property tribunal in respect of breach of management scheme

- 14 (1) An affected person may apply to a residential property...

Variation or revocation of final EDMOs

- 15 (1) The local housing authority may vary a final EDMO...
16 (1) The local housing authority may revoke a final EDMO...
17 (1) Part 2 of Schedule 6 applies in relation to...
Part 3 — INTERIM AND FINAL EDMOS: GENERAL PROVISIONS (OTHER THAN PROVISIONS RELATING TO APPEALS)

Effect of EDMOs: persons occupying or having a right to occupy the dwelling

- 18 (1) This paragraph applies to existing and new occupiers of...

Effect of EDMOs: agreements and legal proceedings

- 19 (1) An agreement or instrument within sub-paragraph (2) has effect,...

Effect of EDMOs: furniture

- 20 (1) Sub-paragraph (2) applies where, on the date on which...

EDMOs: power to supply furniture

- 21 (1) The local housing authority may supply the dwelling to...

Power of a residential property tribunal to determine certain leases and licences

- 22 (1) A residential property tribunal may make an order determining...

Termination of EDMOs: financial arrangements

- 23 (1) This paragraph applies where an interim EDMO or final...

Termination of EDMOs: leases, agreements and proceedings

- 24 (1) This paragraph applies where— (a) an interim EDMO or...

EDMOs: power of entry to carry out work

- 25 (1) The right mentioned in sub-paragraph (2) is exercisable by...
Part 4 — APPEALS

Appeals: decisions relating to EDMOs

- 26 (1) A relevant person may appeal to a residential property...

Appeals: time limits for appeals under paragraph 26

- 27 (1) This paragraph applies in relation to an appeal under...

Appeals: powers of residential property tribunal on appeal under paragraph 26

- 28 (1) This paragraph applies to an appeal to a residential...

Status: Point in time view as at 01/03/2007.

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“The operative time” for the purposes of paragraph 9(2)

29 (1) This paragraph defines “the operative time” for the purposes...

Right to appeal against decision or refusal to vary or revoke EDMO

30 A relevant person may appeal to a residential property tribunal...

Time limits for appeals under paragraph 30

31 (1) This paragraph applies in relation to an appeal under...

Powers of residential property tribunal on appeal under paragraph 30

32 (1) This paragraph applies to an appeal to a residential...

“The operative time” for the purposes of paragraphs 6, 7, 15 and 16

33 (1) This paragraph defines “the operative time” for the purposes...

Right to appeal against decision in respect of compensation payable to third parties

34 (1) This paragraph applies where a local housing authority have...

Time limits for appeals under paragraph 34

35 (1) This paragraph applies in relation to an appeal under...

Powers of residential property tribunal on appeal under paragraph 34

36 (1) This paragraph applies in relation to an appeal under...

Meaning of “relevant person” for the purposes of this Part

37 In this Part of this Schedule “relevant person” means any...

SCHEDULE 8 — Penalty charge notices under section 168

1 A penalty charge notice given to a person under section...

2 The penalty charge specified in the notice shall be of...

3 (1) The period specified under paragraph 1(c) must not be...

4 The enforcement authority may, if they consider that the penalty...

5 (1) If, within the period specified under paragraph 1(c) (or...

6 (1) If after a review the penalty charge notice is...

7 If the penalty charge notice is withdrawn or quashed, the...

8 (1) The amount of the penalty charge is recoverable from...

9 In proceedings for the recovery of the penalty charge, a...

10 (1) A penalty charge notice and any other notice mentioned...

11 The Secretary of State may by regulations make provision supplementary...

SCHEDULE 9 — New Schedule 5A to the Housing Act 1985: initial demolition notices

SCHEDULE 10 — Provisions relating to tenancy deposit schemes

Schemes to be custodial schemes or insurance schemes

1 (1) A tenancy deposit scheme must be either—

Status: Point in time view as at 01/03/2007.

Changes to legislation: Housing Act 2004 is up to date with all changes known to be in force on or before 13 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)

Provisions applying to custodial and insurance schemes

- 2 (1) A custodial scheme must conform with the following provisions—...

Custodial Schemes: general

- 3 (1) This paragraph applies to a custodial scheme.

Custodial schemes: termination of tenancies

- 4 (1) A custodial scheme must make provision—

Custodial schemes: termination of tenancies - absent or un-cooperative landlord or tenant

- 4A (1) The provision made by a custodial scheme for the...
4B (1) The provision made by a custodial scheme for the...
4C (1) Immediately upon receipt of— (a) a duly completed application...

Insurance schemes: general

- 5 (1) This paragraph applies to an insurance scheme.

Requirements where deposit is to cease to be retained under an insurance scheme

- 5A (1) This paragraph applies in relation to—

Insurance schemes: termination of tenancies

- 6 (1) An insurance scheme must make provision in accordance with...

Notice to be sent to landlord when a direction under paragraph 6(3) is given

- 6A (1) This paragraph applies where the scheme administrator of an...

Insurance schemes – supplementary provisions

- 7 (1) The designated account held by the scheme administrator must...
8 (1) The scheme must make provision for preventing double recovery...

Notifications to tenants

- 9 (1) Every custodial scheme or insurance scheme must provide for...

Dispute resolution procedures

- 10 (1) Every custodial scheme or insurance scheme must provide for...

Service of documents: general

- 10A A tenancy deposit scheme may make provision as to the...

Service of documents by scheme administrator on landlords

- 10B (1) The provision made by a tenancy deposit scheme under...
Service of documents by scheme administrator on tenants
10C (1) The provision made by a tenancy deposit scheme under...

Status: Point in time view as at 01/03/2007.

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Power to amend

- 11 The appropriate national authority may by order make such amendments...

Interpretation

- 12 In this Schedule references to tenants under shorthold tenancies include...

SCHEDULE 11 — Registered social landlords

Housing Associations Act 1985 (c. 69)

- 1 In section 87 of the Housing Associations Act 1985 (financial...

Housing Act 1988 (c. 50)

- 2 The Housing Act 1988 is amended as follows.
3 In section 50(2) (housing association grants) omit the words from...
4 In section 52(2) (recovery etc. of grants) omit the words...
5 Omit section 55 (surplus rental income).
6 In section 59(1A) (interpretation) for “55” substitute “ 54 ”....

Housing Act 1996 (c. 52)

- 7 The Housing Act 1996 is amended as follows.
8 In section 18(2) (social housing grants) omit the words from...
9 In section 20(3) (purchase grant where right to acquire exercised)...
10 In section 21(3) (purchase grant in respect of other disposals)...
11 In section 28 (grants under sections 50 to 55 of...
12 (1) In section 31(2) (offence of intentionally altering etc. document...
13 (1) Section 36 (issue of guidance by the Relevant Authority)...
14 In paragraph 1(2) of Schedule 1 (payments by way of...
15 (1) Paragraph 15 of Schedule 1 (transfer of net assets...
16 After paragraph 15 insert— Transfer of net assets on termination...
17 (1) Paragraph 16 of Schedule 1 (general requirements as to...
18 After paragraph 16 of Schedule 1 insert— Companies exempt from...
19 For paragraph 17 of Schedule 1 (appointment of auditors by...
20 (1) Paragraph 18 of Schedule 1 (accounting and audit requirements...
21 After paragraph 18 of Schedule 1 insert— Charities exempt from...
22 (1) Paragraph 19 of Schedule 1 (responsibility for securing compliance...
23 After paragraph 19 of Schedule 1 insert— Disclosure of information...
24 (1) Paragraph 20 of Schedule 1 (inquiry into affairs of...
25 After paragraph 20 of Schedule 1 insert— Evidence (1) For the purposes of an inquiry the person or...
26 (1) Paragraph 21 of Schedule 1 (power of appointed person...

SCHEDULE 12 — New Schedule 2A to the Housing Act 1996

.....

SCHEDULE 13 — Residential property tribunals: procedure

Status: Point in time view as at 01/03/2007.

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Procedure regulations

- 1 (1) The appropriate national authority may make regulations about the...

Appeals

- 2 (1) Procedure regulations may include provision, in relation to applications...

Transfers

- 3 (1) This paragraph applies where, in any proceedings before a...

Parties etc.

- 4 (1) Procedure regulations may include provision enabling persons to be...

Information

- 5 (1) Procedure regulations may include— (a) provision relating to the...

Pre-trial reviews etc.

- 6 (1) Procedure regulations may include provision for the holding of...

Interim orders

- 7 Procedure regulations may include provision empowering tribunals to make orders,...

Additional relief

- 8 (1) Procedure regulations may include provision as to—

Dismissal

- 9 Procedure regulations may include provision empowering tribunals to dismiss applications,...

Determination without hearing

- 10 (1) Procedure regulations may include provision for the determination of...

Fees

- 11 (1) Procedure regulations may include provision requiring the payment of...

Costs

- 12 (1) A tribunal may determine that a party to proceedings...

Enforcement

- 13 Procedure regulations may provide for decisions of tribunals to be...

Status: Point in time view as at 01/03/2007.

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SCHEDULE 14 — Buildings which are not HMOs for purposes of this Act
(excluding Part 1)

*Introduction: buildings (or parts) which are not
HMOs for purposes of this Act (excluding Part 1)*

1 (1) The following paragraphs list buildings which are not houses...

Buildings controlled or managed by public sector bodies etc.

2 (1) A building where the person managing or having control...

Buildings regulated otherwise than under this Act

3 Any building whose occupation is regulated otherwise than by or...

Buildings occupied by students

4 (1) Any building— (a) which is occupied solely or principally...

Buildings occupied by religious communities

5 (1) Any building which is occupied principally for the purposes...

Buildings occupied by owners

6 (1) Any building which is occupied only by persons within...

Buildings occupied by two persons

7 Any building which is occupied only by two persons who...

SCHEDULE 15 — Minor and consequential amendments

Parliamentary Commissioner Act 1967 (c. 13)

1 (1) Section 11A of the Parliamentary Commissioner Act 1967
(consultation...

Land Compensation Act 1973 (c. 26)

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

3 (1) Section 29 (right to home loss payment where person...

4 (1) Section 33D (loss payments: exclusions) is amended as follows....

5 (1) Section 37 (disturbance payments for persons with compensatable
interests)...

6 (1) Section 39 (duty to rehouse residential occupiers) is amended...

Local Government Act 1974 (c. 7)

7 (1) Section 33 of the Local Government Act 1974 (consultation...

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

8 In section 9(1) of the Greater London Council (General Powers)...

Mobile Homes Act 1983 (c. 34)

9 In section 2 of the Mobile Homes Act 1983 (terms...

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Housing Act 1985 (c. 68)

- 10 The Housing Act 1985 has effect subject to the following...
- 11 In section 8(2) (periodical review of housing needs) for “section...
- 12 For section 252(c) (definition of “house in multiple occupation” for...
- 13 For section 268 (service of notice of demolition and closing...
- 14 In section 269(1) (right of appeal against demolition or closing...
- 15 After section 269 insert— Appeals suggesting certain other courses of...
- 16 In section 274 (demolition orders: power to permit reconstruction of...
- 17 After section 274 insert— Effect of certain enforcement action under...
- 18 For section 275 (demolition orders: substitution of closing orders)
substitute—...
- 19 (1) Section 289 (declaration of clearance area) is amended as...
- 20 For section 300 (purchase of houses liable to be demolished...
- 21 For section 304 (closing orders in relation to listed buildings)...
- 22 In section 307(1) (saving for rights arising from breach of...
- 23 In section 308(3) (approval of owner’s proposals for re-development)—
- 24 Omit section 310 (certificate of fitness for human habitation resulting...
- 25 In section 318(1)(a) (power of court to authorise execution of...
- 26 For section 322 substitute— Minor definitions (1) In this Part the
following expressions have the same...
- 27 In section 323 (index of defined expressions: Part 9) insert...
- 28 In section 439 (requirements as to fitness of premises before...
- 29 In section 582 (compulsory purchase orders: restriction on recovery of...
- 30 For section 584A (compensation payable in case of closing and...
- 31 For section 584B (repayment on revocation of demolition or closing...

Landlord and Tenant Act 1985 (c. 70)

- 32 (1) Section 20C of the Landlord and Tenant Act 1985...

Housing Act 1988 (c. 50)

- 33 In paragraph 47 of Schedule 17 to the Housing Act...

Local Government and Housing Act 1989 (c. 42)

- 34 In section 100 of the Local Government and Housing Act...
- 35 In section 195(2) of that Act (short title, commencement and...

Water Industry Act 1991 (c. 56)

- 36 For paragraph 2(2) of Schedule 4A to the Water Industry...

Health Service Commissioners Act 1993 (c. 46)

- 37 (1) Section 18 of the Health Service Commissioners Act 1993...

Home Energy Conservation Act 1995 (c. 10)

- 38 For paragraph (aa)(i) of the definition of “residential accommodation”
in...

Gas Act 1995 (c. 45)

- 39 In paragraph 2 of Schedule 4 to the Gas Act...

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Housing Act 1996 (c. 52)

- 40 The Housing Act 1996 has effect subject to the following...
- 41 In section 52(1) (general provisions as to orders) after “17,”...
- 42 In section 54 (determinations requiring approval), at the end of...
- 43 In section 210 (homelessness: suitability of accommodation)—

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

- 44 In section 24 of the Housing Grants, Construction and Regeneration...

Government of Wales Act 1998 (c. 38)

- 45 (1) Paragraph 27 of Schedule 9 to the Government of...

Freedom of Information Act 2000 (c. 36)

- 46 In the table in section 76(1) of the Freedom of...

Local Government Act 2003 (c. 26)

- 47 In section 87 of the Local Government Act 2003 (housing...

SCHEDULE 16 — Repeals

Status:

Point in time view as at 01/03/2007.

Changes to legislation:

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