

Status: Point in time view as at 01/07/2013.

Changes to legislation: Housing Act 2004, Part 1 is up to date with all changes known to be in force on or before 11 July 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 2

PROCEDURE AND APPEALS RELATING TO PROHIBITION ORDERS

PART 1

SERVICE OF COPIES OF PROHIBITION ORDERS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. 1 applied by [Housing Act 1985 \(c. 68\)](#), s. 300(5)(b) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5)(f), [Sch. 15 para. 20](#)); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (with Sch.)

Service on owners and occupiers of dwelling or HMO which is not a flat

- 1 (1) This paragraph applies to a prohibition order where the specified premises are a dwelling or HMO which is not a flat.
- (2) The authority must serve copies of the order on every person who, to their knowledge, is—
- (a) an owner or occupier of the whole or part of the specified premises;
 - (b) authorised to permit persons to occupy the whole or part of those premises; or
 - (c) a mortgagee of the whole or part of those premises.
- (3) The copies required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the order is made.
- (4) A copy of the order is to be regarded as having been served on every occupier in accordance with sub-paragraphs (2)(a) and (3) if a copy of the order is fixed to some conspicuous part of the specified premises within the period of seven days mentioned in sub-paragraph (3).

Commencement Information

- II** Sch. 2 wholly in force at 16.6.2006; Sch. 2 not in force at Royal Assent see s. 270(4)(5); Sch. 2 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); Sch. 2 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with Sch.)

Service on owners and occupiers of building containing flats etc.

- 2 (1) This paragraph applies to a prohibition order where the specified premises consist of or include the whole or any part of a building containing one or more flats or any common parts of such a building.

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- (2) The authority must serve copies of the order on every person who, to their knowledge, is—
- (a) an owner or occupier of the whole or part of the building;
 - (b) authorised to permit persons to occupy the whole or part of the building; or
 - (c) a mortgagee of the whole or part of the building.
- (3) Where the specified premises consist of or include any external common parts of such a building, the authority must, in addition to complying with sub-paragraph (2), serve copies of the order on every person who, to their knowledge, is an owner or mortgagee of the premises in which the common parts are comprised.
- (4) The copies required to be served under sub-paragraph (2) or (3) must be served within the period of seven days beginning with the day on which the order is made.
- (5) A copy of the order is to be regarded as having been served on every occupier in accordance with sub-paragraphs (2)(a) and (4) if a copy of the order is fixed to some conspicuous part of the building within the period of seven days mentioned in sub-paragraph (4).

Commencement Information

- I2** Sch. 2 wholly in force at 16.6.2006; Sch. 2 not in force at Royal Assent see s. 270(4)(5); Sch. 2 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 2 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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