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**Changes to legislation:** Housing Act 2004, Part 2 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 3 **E+W**

#### IMPROVEMENT NOTICES: ENFORCEMENT ACTION BY LOCAL HOUSING AUTHORITIES

#### PART 2 **E+W**

##### POWER TO TAKE ACTION WITHOUT AGREEMENT

###### *Power to take action without agreement*

- 3 (1) The local housing authority may themselves take the action required to be taken in relation to a hazard by an improvement notice if sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies if the notice is not complied with in relation to that hazard.
- (3) This sub-paragraph applies if, before the end of the period which under section 30(2) is appropriate for completion of the action specified in the notice in relation to the hazard, they consider that reasonable progress is not being made towards compliance with the notice in relation to the hazard.
- (4) Any person authorised in writing by the authority may enter any part of the specified premises for the purposes of the taking of any action which the authority are authorised to take under this paragraph.
- (5) The right of entry conferred by sub-paragraph (4) may be exercised at any reasonable time.
- (6) Any reference in this Part of this Schedule (of whatever nature) to a local housing authority entering any premises under this paragraph is a reference to their doing so in accordance with sub-paragraph (4).
- (7) In this paragraph “improvement notice” means an improvement notice which has become operative under Chapter 2 of Part 1 of this Act.

#### **Commencement Information**

- II** Sch. 3 wholly in force at 16.6.2006; Sch. 3 not in force at Royal Assent see s. 270(4)(5); Sch. 3 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

###### *Notice requirements in relation to taking action without agreement*

- 4 (1) The local housing authority must serve a notice under this paragraph before they enter any premises under paragraph 3 for the purpose of taking action in relation to a hazard.

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- (2) The notice must identify the improvement notice to which it relates and state—
  - (a) the premises and hazard concerned;
  - (b) that the authority intend to enter the premises;
  - (c) the action which the authority intend to take on the premises; and
  - (d) the power under which the authority intend to enter the premises and take the action.
- (3) The notice must be served on the person on whom the improvement notice was served, and a copy of the notice must be served on any other person who is an occupier of the premises.
- (4) The notice and any such copy must be served sufficiently in advance of the time when the authority intend to enter the premises as to give the recipients reasonable notice of the intended entry.
- (5) A copy of the notice may also be served on any owner of the premises.

**Commencement Information**

**I2** Sch. 3 wholly in force at 16.6.2006; Sch. 3 not in force at Royal Assent see s. 270(4)(5); Sch. 3 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

*Obstruction of action taken without agreement*

- 5 (1) If, at any relevant time—
  - (a) the person on whom the notice under paragraph 4 was served is on the premises for the purpose of carrying out any works, or
  - (b) any workman employed by that person, or by any contractor employed by that person, is on the premises for such a purpose,
 that person is to be taken to have committed an offence under section 241(1).
- (2) In proceedings for such an offence it is a defence that there was an urgent necessity to carry out the works in order to prevent danger to persons occupying the premises.
- (3) In sub-paragraph (1) “relevant time” means any time—
  - (a) after the end of the period of 7 days beginning with the date of service of the notice under paragraph 4, and
  - (b) when any workman or contractor employed by the local housing authority is taking action on the premises which has been mentioned in the notice in accordance with paragraph 4(2)(c).

**Commencement Information**

**I3** Sch. 3 wholly in force at 16.6.2006; Sch. 3 not in force at Royal Assent see s. 270(4)(5); Sch. 3 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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*Expenses in relation to taking action without agreement*

- 6 (1) Part 3 of this Schedule applies with respect to the recovery by the local housing authority of expenses incurred by them in taking action under paragraph 3.
- (2) Sub-paragraph (3) applies where, after a local housing authority have given notice under paragraph 4 of their intention to enter premises and take action, the action is in fact taken by the person on whom the improvement notice is served.
- (3) Any administrative and other expenses incurred by the authority with a view to themselves taking the action are to be treated for the purposes of Part 3 of this Schedule as expenses incurred by them in taking action under paragraph 3.

**Commencement Information**

- I4** Sch. 3 wholly in force at 16.6.2006; Sch. 3 not in force at Royal Assent see s. 270(4)(5); Sch. 3 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)