
Changes to legislation: Housing Act 2004, Paragraph 19 is up to date with all changes known to be in force on or before 02 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

SCHEDULES

SCHEDULE 7

FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

PART 3

INTERIM AND FINAL EDMOS: GENERAL PROVISIONS (OTHER THAN PROVISIONS RELATING TO APPEALS)

Effect of EDMOs: agreements and legal proceedings

- 19 (1) An agreement or instrument within sub-paragraph (2) has effect, while an interim EDMO or final EDMO is in force, as if any rights or liabilities of the relevant proprietor under the agreement or instrument were instead rights or liabilities of the local housing authority.
- (2) An agreement or instrument is within this sub-paragraph if—
- it is effective on the commencement date,
 - one of the parties to it is the relevant proprietor of the dwelling,
 - it relates to the dwelling, whether in connection with any management activities with respect to it, or otherwise,
 - it is specified for the purposes of this sub-paragraph in the order or falls within a description of agreements or instruments so specified, and
 - the authority serve a notice in writing on all the parties to it stating that sub-paragraph (1) is to apply to it.
- (3) An agreement or instrument is not within sub-paragraph (2) if—
- it is a lease or licence within paragraph 2(6) or 10(6), or
 - it relates to any disposition by the relevant proprietor which is not precluded by paragraph 4(7) or 12(7).
- (4) Proceedings in respect of any cause of action within sub-paragraph (5) may, while an interim EDMO or final EDMO is in force, be instituted or continued by or against the local housing authority instead of by or against the relevant proprietor.
- (5) A cause of action is within this sub-paragraph if—
- it is a cause of action (of any nature) which accrued to or against the relevant proprietor of the dwelling before the commencement date,
 - it relates to the dwelling as mentioned in sub-paragraph (2)(c),
 - it is specified for the purposes of this sub-paragraph in the order or falls within a description of causes of action so specified, and
 - the authority serve a notice in writing on all interested parties stating that sub-paragraph (4) is to apply to it.

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(6) If, by virtue of this paragraph, the authority become subject to any liability to pay damages in respect of anything done (or omitted to be done) before the commencement date by or on behalf of the relevant proprietor of the dwelling, the relevant proprietor is liable to reimburse to the authority an amount equal to the amount of damages paid by them.

(7) In this paragraph—

“agreement” includes arrangement;

“the commencement date” means the date on which the order comes into force (or, if that order was preceded by one or more orders under this Chapter, the date when the first order came into force);

“management activities” includes repair, maintenance, improvement and insurance.

Commencement Information

II Sch. 7 para. 19 wholly in force at 16.6.2006; Sch. 7 para. 19 not in force at Royal Assent see s. 270(4) (5); Sch. 7 para. 19 in force for E. at 6.4.2006 by [S.I. 2006/1060](#) , [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 7 para. 19 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\(3\)](#)