



Housing Act 2004

2004 CHAPTER 34

PART 4 **E+W**

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 1 **E+W**

INTERIM AND FINAL MANAGEMENT ORDERS

Interim management orders: making and operation of orders

109 General effect of interim management orders: immediate landlords, mortgagees etc. **E+W**

- (1) This section applies in relation to—
 - (a) immediate landlords, and
 - (b) other persons with an estate or interest in the house,while an interim management order is in force in relation to a house.
- (2) A person who is an immediate landlord of the house or a part of it—
 - (a) is not entitled to receive—
 - (i) any rents or other payments from persons occupying the house or part which are payable to the local housing authority by virtue of section 124(4), or
 - (ii) any rents or other payments from persons occupying the house or part which are payable to the authority by virtue of any leases or licences granted by them under section 107(3)(c);
 - (b) may not exercise any rights or powers with respect to the management of the house or part; and
 - (c) may not create any of the following—

Changes to legislation: Housing Act 2004, Section 109 is up to date with all changes known to be in force on or before 18 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

- (i) any leasehold interest in the house or part (other than a lease of a reversion), or
 - (ii) any licence or other right to occupy it.
- (3) However (subject to subsection (2)(c)) nothing in section 107 or this section affects the ability of a person having an estate or interest in the house to make any disposition of that estate or interest.
- (4) Nothing in section 107 or this section affects—
- (a) the validity of any mortgage relating to the house or any rights or remedies available to the mortgagee under such a mortgage, or
 - (b) the validity of any lease of the house or part of it under which the immediate landlord is a lessee, or any superior lease, or (subject to section 107(5)) any rights or remedies available to the lessor under such a lease,
- except to the extent that any of those rights or remedies would prevent the local housing authority from exercising their power under section 107(3)(c).
- (5) In proceedings for the enforcement of any such rights or remedies the court may make such order as it thinks fit as regards the operation of the interim management order (including an order quashing it).
- (6) For the purposes of this Chapter, as it applies in relation to an interim management order, a person is an “immediate landlord” of the house or a part of it if—
- (a) he is an owner or lessee of the house or part, and
 - (b) (but for the order) he would be entitled to receive the rents or other payments from persons occupying the house or part which are payable to the local housing authority by virtue of section 124(4).

Commencement Information

- II** S. 109 wholly in force at 16.6.2006; s. 109 not in force at Royal Assent see s. 270(4)(5); s. 109 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 109 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\(3\)](#)