



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

Final management orders: making and operation of orders

113 Making of final management orders **E+W**

- (1) A local housing authority who have made an interim management order in respect of a house under [^{F1}any provision of section 102 other than subsection (7A) of that section] (“the IMO”)—
 - (a) have a duty to make a final management order in respect of the house in a case within subsection (2), and
 - (b) have power to make such an order in a case within subsection (3).
- (2) The authority must make a final management order so as to replace the IMO as from its expiry date if—
 - (a) on that date the house would be required to be licensed under Part 2 or 3 of this Act (see section 61(1) or 85(1)), and
 - (b) the authority consider that they are unable to grant a licence under Part 2 or 3 in respect of the house that would replace the IMO as from that date.
- (3) The authority may make a final management order so as to replace the IMO as from its expiry date if—
 - (a) on that date the house will not be one that would be required to be licensed as mentioned in subsection (2)(a), and

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- (b) the authority consider that making the final management order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.
- [^{F2}(3A) A local housing authority who have made an interim management order under section 102(7A) may make a final management order so as to replace the interim management order as from its expiry date if the authority consider that making the final management order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.]
- (4) A local housing authority who have made a final management order in respect of a house under [^{F3}subsection (2), (3), (5) or (6) of] this section (“the existing order”)—
- (a) have a duty to make a final management order in respect of the house in a case within subsection (5), and
 - (b) have power to make such an order in a case within subsection (6).
- (5) The authority must make a new final management order so as to replace the existing order as from its expiry date if—
- (a) on that date the condition in subsection (2)(a) will be satisfied in relation to the house, and
 - (b) the authority consider that they are unable to grant a licence under Part 2 or 3 in respect of the house that would replace the existing order as from that date.
- (6) The authority may make a new final management order so as to replace the existing order as from its expiry date if—
- (a) on that date the condition in subsection (3)(a) will be satisfied in relation to the house, and
 - (b) the authority consider that making the new order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons within subsection (3)(b).
- [^{F4}(6A) A local housing authority who have made a final management order in respect of a house under subsection (3A) or this subsection (“the existing order”) may make a new final management order so as to replace the existing order as from its expiry date if the authority consider that making the new order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.]
- (7) The authority may make a final management order which is expressed not to apply to a part of the house that is occupied by a person who has an estate or interest in the whole of the house.
- In relation to such an order, a reference in this Chapter to “the house” does not include the part so excluded (unless the context requires otherwise, such as where the reference is to the house as an HMO or a Part 3 house).
- (8) In this section “expiry date”, in relation to an interim or final management order, means—
- (a) where the order is revoked, the date as from which it is revoked, and
 - (b) otherwise the date on which the order ceases to have effect under section 105 or 114;

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and nothing in this section applies in relation to an interim or final management order which has been revoked on an appeal under Part 3 of Schedule 6.

Textual Amendments

- F1** Words in s. 113(1) substituted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 7(2)**; [S.I. 2018/393](#), reg. 2(b)
- F2** [S. 113\(3A\)](#) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 7(3)**; [S.I. 2018/393](#), reg. 2(b)
- F3** Words in s. 113(4) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 7(4)**; [S.I. 2018/393](#), reg. 2(b)
- F4** [S. 113\(6A\)](#) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 7(5)**; [S.I. 2018/393](#), reg. 2(b)

Commencement Information

- I1** [S. 113](#) wholly in force at 16.6.2006; [s. 113](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 113](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with [Sch.](#)); [s. 113](#) 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\(3\)](#)