



# Housing Act 2004

## 2004 CHAPTER 34

### PART 4

#### ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

### CHAPTER 2

#### INTERIM AND FINAL EMPTY DWELLING MANAGEMENT ORDERS

#### *Introductory*

#### **132 Empty dwelling management orders: introductory**

- (1) This Chapter deals with the making by a local housing authority of—
  - (a) an interim empty dwelling management order (an “interim EDMO”), or
  - (b) a final empty dwelling management order (a “final EDMO”),in respect of a dwelling.
- (2) An interim EDMO is an order made to enable a local housing authority, with the consent of the relevant proprietor, to take steps for the purpose of securing that a dwelling becomes and continues to be occupied.
- (3) A final EDMO is an order made, in succession to an interim EDMO or a previous final EDMO, for the purpose of securing that a dwelling is occupied.
- (4) In this Chapter—
  - (a) “dwelling” means—
    - (i) a building intended to be occupied as a separate dwelling, or
    - (ii) a part of a building intended to be occupied as a separate dwelling which may be entered otherwise than through any non-residential accommodation in the building;

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*Status: This is the original version (as it was originally enacted).*

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- (b) any reference to “the dwelling”, in relation to an interim EDMO or a final EDMO, is a reference to the dwelling to which the order relates;
  - (c) “relevant proprietor”, in relation to a dwelling, means—
    - (i) if the dwelling is let under one or more leases with an unexpired term of 7 years or more, the lessee under whichever of those leases has the shortest unexpired term; or
    - (ii) in any other case, the person who has the freehold estate in the dwelling;
  - (d) “third party”, in relation to a dwelling, means any person who has an estate or interest in the dwelling (other than the relevant proprietor and any person who is a tenant under a lease granted under paragraph 2(3)(c) or 10(3)(c) of Schedule 7); and
  - (e) any reference (however expressed) to rent or other payments in respect of occupation of a dwelling, includes any payments that the authority receive from persons in respect of unlawful occupation of the dwelling.
- (5) In subsection (4)(c), the reference to an unexpired term of 7 years or more of a lease of a dwelling is—
- (a) in relation to a dwelling in respect of which the local housing authority are considering making an interim EDMO, a reference to the unexpired term of the lease at the time the authority begin taking steps under section 133(3),
  - (b) in relation to a dwelling in respect of which an interim EDMO has been made, a reference to the unexpired term of the lease at the time the application for authorisation to make the interim EDMO was made under subsection (1) of that section, or
  - (c) in relation to a dwelling in respect of which a local housing authority are considering making or have made a final EDMO, a reference to the unexpired term of the lease at the time the application for authorisation to make the preceding interim EDMO was made under subsection (1) of that section.
- “Preceding interim EDMO”, in relation to a final EDMO, means the interim EDMO that immediately preceded the final EDMO or, where there has been a succession of final EDMOs, the interim EDMO that immediately preceded the first of them.
- (6) Schedule 7 (which makes further provision regarding EDMOs) has effect.