



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

Interim empty dwelling management orders

134 Authorisation to make interim EDMOs

- (1) A residential property tribunal may authorise a local housing authority to make an interim EDMO in respect of a dwelling to which section 133 applies if the tribunal—
 - (a) is satisfied as to the matters mentioned in subsection (2), and
 - (b) is not satisfied that the case falls within one of the prescribed exceptions.
- (2) The matters as to which the tribunal must be satisfied are—
 - (a) that the dwelling has been wholly unoccupied for at least 6 months or such longer period as may be prescribed,
 - (b) that there is no reasonable prospect that the dwelling will become occupied in the near future,
 - (c) that, if an interim order is made, there is a reasonable prospect that the dwelling will become occupied,
 - (d) that the authority have complied with section 133(3), and
 - (e) that any prescribed requirements have been complied with.
- (3) In deciding whether to authorise a local housing authority to make an interim EDMO in respect of a dwelling, the tribunal must take into account—
 - (a) the interests of the community, and

Status: This is the original version (as it was originally enacted).

- (b) the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties.
- (4) On authorising a local housing authority to make an interim EDMO in respect of a dwelling, the tribunal may, if it thinks fit, make an order requiring the authority (if they make the EDMO) to pay to any third party specified in the order an amount of compensation in respect of any interference in consequence of the order with the rights of the third party.
- (5) The appropriate national authority may by order—
- (a) prescribe exceptions for the purposes of subsection (1)(b),
 - (b) prescribe a period of time for the purposes of subsection (2)(a), and
 - (c) prescribe requirements for the purposes of subsection (2)(e).
- (6) An order under subsection (5)(a) may, in particular, include exceptions in relation to—
- (a) dwellings that have been occupied solely or principally by the relevant proprietor who is at the material time temporarily resident elsewhere;
 - (b) dwellings that are holiday homes or that are otherwise occupied by the relevant proprietor or his guests on a temporary basis from time to time;
 - (c) dwellings undergoing repairs or renovation;
 - (d) dwellings in respect of which an application for planning permission or building control approval is outstanding;
 - (e) dwellings which are genuinely on the market for sale or letting;
 - (f) dwellings where the relevant proprietor has died not more than the prescribed number of months before the material time.
- (7) In this section—
- “building control approval” means approval for the carrying out of any works under building regulations;
 - “planning permission” has the meaning given by section 336(1) of the Town and Country Planning Act 1990 (c. 8);
 - “prescribed” means prescribed by an order under subsection (5);
 - “wholly unoccupied” means that no part is occupied, whether lawfully or unlawfully.