

2006 No. 369

HOUSING, ENGLAND

**The Housing (Interim Management Orders) (Prescribed
Circumstances) (England) Order 2006**

<i>Made</i>	- - - -	<i>15th February 2006</i>
<i>Laid before Parliament</i>		<i>22nd February 2006</i>
<i>Coming into force</i>	- -	<i>6th April 2006</i>

The Secretary of State, in exercise of the powers conferred by section 103(5)(a) and (6) of the Housing Act 2004(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as The Housing (Interim Management Orders) (Prescribed Circumstances) (England) Order 2006 and shall come into force on 6th April 2006.

(2) This Order applies to houses in England to which section 103 of the Housing Act 2004 (“the Act”) applies(b).

Prescribed circumstances for authorisation of interim management orders to which this Order applies

2.—(1) The following circumstances are prescribed for the purposes of section 103(3) of the Act—

- (a) the area in which the house is located is experiencing a significant and persistent problem caused by anti-social behaviour(c);
- (b) that problem is attributable, in whole or in part, to the anti-social behaviour of an occupier of the house;
- (c) the landlord of the house is a private sector landlord;
- (d) the landlord of the house is failing to take action to combat that problem that it would be appropriate for him to take; and
- (e) the making of an interim management order, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, will lead to a reduction in, or elimination of, that problem.

(2) In this article “private sector landlord” does not include a registered social landlord within the meaning of Part 1 of the Housing Act 1996(d).

(a) 2004 c. 34. The powers conferred by section 103(5) of the Act are exercisable, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales. See the definition of the appropriate national authority in section 261(1).
(b) See section 103(1) of the Housing Act 2004. For the meaning of “house” see sections 103(7) and 99 of the Act.
(c) For the meaning of anti-social behaviour see section 57(5) of the Act.
(d) 1996 c. 52.

Signed by authority of the First Secretary of State

15th February 2006

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the category of circumstances that need to be satisfied before a residential property tribunal can authorise a local housing authority to make an interim management order in respect of a house to which section 103 of the Housing Act 2004 (“the Act”) applies.

An interim management order is an order made by a local housing authority in respect of a house in multiple occupation as defined in sections 254 to 259 of the Act or a house to which Part 3 of the Act applies. Section 102 of the Act describes the circumstances in which a local housing authority must make an interim management order and when it has discretion to do so. The discretionary making of such an order must be authorised by a residential property tribunal.

Section 103 makes special provision about a house which is occupied either under a single tenancy or licence that is not an exempt tenancy or licence under section 79(3) or (4) of the Act, or under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy under section 79(3) or (4) of the Act.

Under section 103(2) a residential property tribunal may only authorise a local housing authority to make an interim management order in respect of such a house if the conditions contained in sections 103(3) and (4) of the Act are satisfied.

The condition in section 103(3) is that the circumstances relating to the house fall within a category of prescribed circumstances. The condition in section 103(4) is that the making of an order is necessary for the purposes of protecting the health, safety or welfare of persons occupying, visiting or otherwise engaging in the lawful activities in the vicinity of the house.

This Order prescribes the circumstances for the purposes of the condition in section 103(3). These are that the area in which the house is situated is experiencing a significant and persistent problem caused by anti-social behaviour, that the problem is attributable, in whole or in part to an occupier of the house, that the landlord is a private sector landlord and that he is failing to take action that it would be appropriate for him to take to combat the problem.

A full regulatory impact assessment of the effect that this Order will have on the costs of business is available from the Licensing Branch, the Office of the Deputy Prime Minister 2/G9 Eland House, Bressenden Place, London, SW1E 5DU (telephone 0207 944 3149, e-mail licensing@odpm.gsi.gov.uk).

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