



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 2

IMPROVEMENT NOTICES, PROHIBITION ORDERS AND HAZARD AWARENESS NOTICES

Improvement notices

11 Improvement notices relating to category 1 hazards: duty of authority to serve notice

(1) If—

- (a) the local housing authority are satisfied that a category 1 hazard exists on any residential premises, and
- (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

servicing an improvement notice under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).

(2) An improvement notice under this section is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice in accordance with subsections (3) to (5) and section 13.

(3) The notice may require remedial action to be taken in relation to the following premises—

- (a) if the residential premises on which the hazard exists are a dwelling or HMO which is not a flat, it may require such action to be taken in relation to the dwelling or HMO;

- (b) if those premises are one or more flats, it may require such action to be taken in relation to the building containing the flat or flats (or any part of the building) or any external common parts;
- (c) if those premises are the common parts of a building containing one or more flats, it may require such action to be taken in relation to the building (or any part of the building) or any external common parts.

Paragraphs (b) and (c) are subject to subsection (4).

- (4) The notice may not, by virtue of subsection (3)(b) or (c), require any remedial action to be taken in relation to any part of the building or its external common parts that is not included in any residential premises on which the hazard exists, unless the authority are satisfied—
 - (a) that the deficiency from which the hazard arises is situated there, and
 - (b) that it is necessary for the action to be so taken in order to protect the health or safety of any actual or potential occupiers of one or more of the flats.
- (5) The remedial action required to be taken by the notice —
 - (a) must, as a minimum, be such as to ensure that the hazard ceases to be a category 1 hazard; but
 - (b) may extend beyond such action.
- (6) An improvement notice under this section may relate to more than one category 1 hazard on the same premises or in the same building containing one or more flats.
- (7) The operation of an improvement notice under this section may be suspended in accordance with section 14.
- (8) In this Part “remedial action”, in relation to a hazard, means action (whether in the form of carrying out works or otherwise) which, in the opinion of the local housing authority, will remove or reduce the hazard.

12 Improvement notices relating to category 2 hazards: power of authority to serve notice

- (1) If—
 - (a) the local housing authority are satisfied that a category 2 hazard exists on any residential premises, and
 - (b) no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,
 the authority may serve an improvement notice under this section in respect of the hazard.
- (2) An improvement notice under this section is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice in accordance with subsection (3) and section 13.
- (3) Subsections (3) and (4) of section 11 apply to an improvement notice under this section as they apply to one under that section.
- (4) An improvement notice under this section may relate to more than one category 2 hazard on the same premises or in the same building containing one or more flats.

- (5) An improvement notice under this section may be combined in one document with a notice under section 11 where they require remedial action to be taken in relation to the same premises.
- (6) The operation of an improvement notice under this section may be suspended in accordance with section 14.

13 Contents of improvement notices

- (1) An improvement notice under section 11 or 12 must comply with the following provisions of this section.
- (2) The notice must specify, in relation to the hazard (or each of the hazards) to which it relates—
 - (a) whether the notice is served under section 11 or 12,
 - (b) the nature of the hazard and the residential premises on which it exists,
 - (c) the deficiency giving rise to the hazard,
 - (d) the premises in relation to which remedial action is to be taken in respect of the hazard and the nature of that remedial action,
 - (e) the date when the remedial action is to be started (see subsection (3)), and
 - (f) the period within which the remedial action is to be completed or the periods within which each part of it is to be completed.
- (3) The notice may not require any remedial action to be started earlier than the 28th day after that on which the notice is served.
- (4) The notice must contain information about—
 - (a) the right of appeal against the decision under Part 3 of Schedule 1, and
 - (b) the period within which an appeal may be made.
- (5) In this Part of this Act “specified premises”, in relation to an improvement notice, means premises specified in the notice, in accordance with subsection (2)(d), as premises in relation to which remedial action is to be taken in respect of the hazard.

14 Suspension of improvement notices

- (1) An improvement notice may provide for the operation of the notice to be suspended until a time, or the occurrence of an event, specified in the notice.
- (2) The time so specified may, in particular, be the time when a person of a particular description begins, or ceases, to occupy any premises.
- (3) The event so specified may, in particular, be a notified breach of an undertaking accepted by the local housing authority for the purposes of this section from the person on whom the notice is served.
- (4) In subsection (3) a “notified breach”, in relation to such an undertaking, means an act or omission by the person on whom the notice is served—
 - (a) which the local housing authority consider to be a breach of the undertaking, and
 - (b) which is notified to that person in accordance with the terms of the undertaking.

- (5) If an improvement notice does provide for the operation of the notice to be suspended under this section—
- (a) any periods specified in the notice under section 13 are to be fixed by reference to the day when the suspension ends, and
 - (b) in subsection (3) of that section the reference to the 28th day after that on which the notice is served is to be read as referring to the 21st day after that on which the suspension ends.

15 Operation of improvement notices

- (1) This section deals with the time when an improvement notice becomes operative.
- (2) The general rule is that an improvement notice becomes operative at the end of the period of 21 days beginning with the day on which it is served under Part 1 of Schedule 1 (which is the period for appealing against the notice under Part 3 of that Schedule).
- (3) The general rule is subject to subsection (4) (suspended notices) and subsection (5) (appeals).
- (4) If the notice is suspended under section 14, the notice becomes operative at the time when the suspension ends.

This is subject to subsection (5).
- (5) If an appeal against the notice is made under Part 3 of Schedule 1, the notice does not become operative until such time (if any) as is the operative time for the purposes of this subsection under paragraph 19 of that Schedule (time when notice is confirmed on appeal, period for further appeal expires or suspension ends).
- (6) If no appeal against an improvement notice is made under that Part of that Schedule within the period for appealing against it, the notice is final and conclusive as to matters which could have been raised on an appeal.

16 Revocation and variation of improvement notices

- (1) The local housing authority must revoke an improvement notice if they are satisfied that the requirements of the notice have been complied with.
- (2) The local housing authority may revoke an improvement notice if—
 - (a) in the case of a notice served under section 11, they consider that there are any special circumstances making it appropriate to revoke the notice; or
 - (b) in the case of a notice served under section 12, they consider that it is appropriate to revoke the notice.
- (3) Where an improvement notice relates to a number of hazards—
 - (a) subsection (1) is to be read as applying separately in relation to each of those hazards, and
 - (b) if, as a result, the authority are required to revoke only part of the notice, they may vary the remainder as they consider appropriate.
- (4) The local housing authority may vary an improvement notice—
 - (a) with the agreement of the person on whom the notice was served, or

- (b) in the case of a notice whose operation is suspended, so as to alter the time or events by reference to which the suspension is to come to an end.
- (5) A revocation under this section comes into force at the time when it is made.
- (6) If it is made with the agreement of the person on whom the improvement notice was served, a variation under this section comes into force at the time when it is made.
- (7) Otherwise a variation under this section does not come into force until such time (if any) as is the operative time for the purposes of this subsection under paragraph 20 of Schedule 1 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (8) The power to revoke or vary an improvement notice under this section is exercisable by the authority either—
 - (a) on an application made by the person on whom the improvement notice was served, or
 - (b) on the authority's own initiative.

17 Review of suspended improvement notices

- (1) The local housing authority may at any time review an improvement notice whose operation is suspended.
- (2) The local housing authority must review an improvement notice whose operation is suspended not later than one year after the date of service of the notice and at subsequent intervals of not more than one year.
- (3) Copies of the authority's decision on a review under this section must be served—
 - (a) on the person on whom the improvement notice was served, and
 - (b) on every other person on whom a copy of the notice was required to be served.

18 Service of improvement notices etc. and related appeals

Schedule 1 (which deals with the service of improvement notices, and notices relating to their revocation or variation, and with related appeals) has effect.

19 Change in person liable to comply with improvement notice

- (1) This section applies where—
 - (a) an improvement notice has been served on any person (“the original recipient”) in respect of any premises, and
 - (b) at a later date (“the changeover date”) that person ceases to be a person of the relevant category in respect of the premises.
- (2) In subsection (1) the reference to a person ceasing to be a “person of the relevant category” is a reference to his ceasing to fall within the description of person (such as, for example, the holder of a licence under Part 2 or 3 or the person managing a dwelling) by reference to which the improvement notice was served on him.
- (3) As from the changeover date, the liable person in respect of the premises is to be in the same position as if—
 - (a) the improvement notice had originally been served on him, and

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

- (b) he had taken all steps relevant for the purposes of this Part which the original recipient had taken.
- (4) The effect of subsection (3) is that, in particular, any period for compliance with the notice or for bringing any appeal is unaffected.
- (5) But where the original recipient has become subject to any liability arising by virtue of this Part before the changeover date, subsection (3) does not have the effect of—
 - (a) relieving him of the liability, or
 - (b) making the new liable person subject to it.
- (6) Subsection (3) applies with any necessary modifications where a person to whom it applies (by virtue of any provision of this section) ceases to be the liable person in respect of the premises.
- (7) Unless subsection (8) or (9) applies, the person who is at any time the “liable person” in respect of any premises is the person having control of the premises.
- (8) If—
 - (a) the original recipient was served as the person managing the premises, and
 - (b) there is a new person managing the premises as from the changeover date, that new person is the “liable person”.
- (9) If the original recipient was served as an owner of the premises, the “liable person” is the owner’s successor in title on the changeover date.