



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

### CHAPTER 2

#### IMPROVEMENT NOTICES, PROHIBITION ORDERS AND HAZARD AWARENESS NOTICES

##### *Supplementary provisions*

#### **37 Effect of improvement notices and prohibition orders as local land charges**

- (1) An improvement notice or a prohibition order under this Chapter is a local land charge if subsection (2), (3) or (4) applies.
- (2) This subsection applies if the notice or order has become operative.
- (3) This subsection applies if—
  - (a) the notice or order is suspended under section 14 or 23, and
  - (b) the period for appealing against it under Part 3 of Schedule 1 or 2 has expired without an appeal having been brought.
- (4) This subsection applies if—
  - (a) the notice or order is suspended under section 14 or 23,
  - (b) an appeal has been brought against it under Part 3 of Schedule 1 or 2, and
  - (c) were it not suspended—
    - (i) the notice would have become operative under section 15(5) by virtue of paragraph 19(2) of Schedule 1 (improvement notices: confirmation on appeal or expiry of period for further appeal), or

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- (ii) the order would have become operative under section 24(5) by virtue of paragraph 14(2) of Schedule 2 (prohibition orders: confirmation on appeal or expiry of period for further appeal).

#### Commencement Information

- II** [S. 37](#) wholly in force at 16.6.2006; [s. 37](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 37](#) in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 37](#) in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

### 38 Savings for rights arising from breach of covenant etc.

- (1) Nothing in this Chapter affects any remedy of an owner for breach of any covenant or contract entered into by a tenant in connection with any premises which are specified premises in relation to an improvement notice or prohibition order.
- (2) If an owner is obliged to take possession of any premises in order to comply with an improvement notice or prohibition order, the taking of possession does not affect his right to take advantage of any such breach which occurred before he took possession.
- (3) No action taken under this Chapter affects any remedy available to the tenant of any premises against his landlord (whether at common law or otherwise).

#### Commencement Information

- I2** [S. 38](#) wholly in force at 16.6.2006; [s. 38](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 38](#) in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 38](#) in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

### 39 Effect of Part 4 enforcement action and redevelopment proposals

- (1) Subsection (2) applies if—
  - (a) an improvement notice or prohibition order has been served or made under this Chapter, and
  - (b) a management order under Chapter 1 or 2 of Part 4 comes into force in relation to the specified premises.
- (2) The improvement notice or prohibition order—
  - (a) if operative at the time when the management order comes into force, ceases to have effect at that time, and
  - (b) otherwise is to be treated as from that time as if it had not been served or made.
- (3) Subsection (2)(a) does not affect any right acquired or liability (civil or criminal) incurred before the improvement notice or prohibition order ceases to have effect.
- (4) Subsection (5) applies where, under section 308 of the Housing Act 1985 (c. 68) (owner's re-development proposals), the local housing authority have approved proposals for the re-development of land.
- (5) No action is to be taken under this Chapter in relation to the land if, and so long as, the re-development is being proceeded with (subject to any variation or extension approved by the authority)—

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- (a) in accordance with the proposals; and
- (b) within the time limits specified by the local housing authority.

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#### Commencement Information

**I3** [S. 39](#) wholly in force at 16.6.2006; [s. 39](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 39](#) in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 39](#) in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

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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\(3\)](#)