



# Housing Act 2004

## 2004 CHAPTER 34

### PART 4

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

#### CHAPTER 1

##### INTERIM AND FINAL MANAGEMENT ORDERS

##### *Final management orders: variation and revocation*

#### **121 Variation of final management orders**

- (1) The local housing authority may vary a final management order if they consider it appropriate to do so.
- (2) A variation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 31 of Schedule 6 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (3) The power to vary an order under this section is exercisable by the authority either—
  - (a) on an application made by a relevant person, or
  - (b) on the authority's own initiative.
- (4) In this section "relevant person" means—
  - (a) any person who has an estate or interest in the house or part of it (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) any other person who (but for the order) would be a person managing or having control of the house or part of it.

*Changes to legislation: Housing Act 2004, Cross Heading: Final management orders: variation and revocation is up to date with all changes known to be in force on or before 14 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Commencement Information

- II** S. 121 wholly in force at 16.6.2006; s. 121 not in force at Royal Assent see s. 270(4)(5); s. 121 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 121 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

## 122 Revocation of final management orders

- (1) The local housing authority may revoke a final management order in the following cases—
- (a) if the order was made under section 113(2) or (5) and the house has ceased to be an HMO to which Part 2 applies or a Part 3 house (as the case may be);
  - (b) if the order was made under section 113(2) or (5) and a licence granted by them in respect of the house is due to come into force under Part 2 or Part 3 as from the revocation of the order;
  - (c) if a further final management order has been made by them in respect of the house so as to replace the order;
  - (d) if in any other circumstances the authority consider it appropriate to revoke the order.
- (2) A revocation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 31 of Schedule 6 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- [<sup>F1</sup>(2A) A final management order may not be revoked under this section at a time when—
- (a) the immediate landlord is subject to a banning order under section 16 of the Housing and Planning Act 2016,
  - (b) there is in force an agreement which, under section 117, has effect as a lease or licence granted by the authority, and
  - (c) revoking the final management order would cause the immediate landlord to breach the banning order because of the effect of section 130(2)(b).]

(3) The power to revoke an order under this section is exercisable by the authority either—

    - (a) on an application made by a relevant person, or
    - (b) on the authority’s own initiative.

(4) In this section “relevant person” means—

    - (a) any person who has an estate or interest in the house or part of it (but is not a tenant under a lease with an unexpired term of 3 years or less), or
    - (b) any other person who (but for the order) would be a person managing or having control of the house or part of it.

### Textual Amendments

- F1** S. 122(2A) inserted (6.4.2018) by Housing and Planning Act 2016 (c. 22), s. 216(3), Sch. 3 para. 10; S.I. 2018/393, reg. 2(b)

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**Changes to legislation:** Housing Act 2004, Cross Heading: Final management orders: variation and revocation is up to date with all changes known to be in force on or before 14 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

- I2** S. 122 wholly in force at 16.6.2006; s. 122 not in force at Royal Assent see s. 270(4)(5); s. 122 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 122 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

Housing Act 2004, Cross Heading: Final management orders: variation and revocation is up to date with all changes known to be in force on or before 14 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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\(3\)](#)