***Changes to legislation:*** *Housing Act 2004, Paragraph 10 is up to date with all changes known to be in force on or before 05 June 2024. 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*

# SCHEDULES

## SCHEDULE 7

## FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

### PART 2

### FINAL EDMOS

*General effect of final EDMOs*

10 (1) This paragraph applies while a final EDMO is in force in relation to a dwelling.

(2) The rights and powers conferred by sub-paragraph (3) are exercisable by the authority in performing their duties under section 137(1) to (3) in respect of the dwelling.

(3) The authority—

(a) have the right to possession of the dwelling (subject to the rights of existing and other occupiers preserved by paragraph 18(3) and (4));

(b) have the right to do (and authorise a manager or other person to do) in relation to the dwelling anything which the relevant proprietor of the dwelling would (but for the order) be entitled to do;

(c) may create one or more of the following—

(i) an interest in the dwelling which, as far as possible, has all the incidents of a leasehold, or

(ii) a right in the nature of a licence to occupy part of the dwelling;

(d) may apply to **[**[F1]the appropriate tribunal**]** for an order under paragraph 22 determining a lease or licence of the dwelling.

(4) The powers of the authority under sub-paragraph (3)(c) are restricted as follows—

(a) they may not create any interest or right in the nature of a lease or licence—

(i) which is for a fixed term expiring after the date on which the order is due to expire, or

(ii) (subject to paragraph (b)) which is terminable by notice to quit, or an equivalent notice, of more than 4 weeks,

unless consent in writing has been given by the relevant proprietor;

(b) they may create an interest in the nature of an assured shorthold tenancy without any such consent so long as it is created before the beginning of the period of 6 months that ends with the date on which the order is due to expire.

(5) The authority—

(a) do not under this paragraph acquire any estate or interest in the dwelling, and

(b) accordingly are not entitled by virtue of this paragraph to sell, lease, charge or make any other disposition of any such estate or interest.

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(6) But, where the relevant proprietor of the dwelling is a lessee under a lease of the dwelling, the authority are to be treated (subject to sub-paragraph (5)(a)) as if they were the lessee instead.

(7) Any enactment or rule of law relating to landlords and tenants or leases applies in relation to—

(a) a lease in relation to which the authority are to be treated as the lessee under sub-paragraph (6), or

(b) a lease to which the authority become a party under paragraph 12(2),

as if the authority were the legal owner of the premises (but this is subject to paragraph 12(4) to (6)).

(8) None of the following, namely—

(a) the authority, or

(b) any person authorised under sub-paragraph (3)(b),

is liable to any person having an estate or interest in the dwelling for anything done or omitted to be done in the performance (or intended performance) of the authority's duties under section 137(1) to (3) unless the act or omission is due to negligence of the authority or any such person.

(9) A final EDMO which has come into force is a local land charge.

(10) The authority may apply to the Chief Land Registrar for the entry of an appropriate restriction in the register in respect of such an order.

(11) In this paragraph "enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

**Textual Amendments**

**F1** Words in Sch. 7 para. 10(3)(d) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 186(a)** (with Sch. 3)

**Commencement Information**

**I1** Sch. 7 para. 10 wholly in force at 16.6.2006; Sch. 7 para. 10 not in force at Royal Assent see s. 270(4)(5); Sch. 7 para. 10 in force for E. at 6.4.2006 by S.I. 2006/1060 , **art. 2(1)(a)** (with Sch. ); Sch. 7 para. 10 in force for W. at 16.6.2006 by S.I. 2006/1535 , **art. 2(a)** (with Sch. )

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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)