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**Changes to legislation:** Housing Act 2004, Paragraph 12 is up to date with all changes known to be in force on or before 17 August 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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## SCHEDULES

### SCHEDULE 7

#### FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

##### PART 2

##### FINAL EDMOS

*General effect of final EDMOs: relevant proprietor; mortgagees etc.*

- 12 (1) This paragraph applies in relation to—
- (a) the relevant proprietor, and
  - (b) other persons with an estate or interest in the dwelling,
- while a final EDMO is in force in relation to a dwelling.
- (2) Where the relevant proprietor is a lessor or licensor under a lease or licence of the dwelling, the lease or licence has effect while the order is in force as if the local housing authority were substituted in it for the lessor or licensor.
- (3) Such a lease continues to have effect, as far as possible, as a lease despite the fact that the rights of the local housing authority, as substituted for the lessor, do not amount to an estate in law in the dwelling.
- (4) The provisions mentioned in sub-paragraph (5) do not apply to a lease or licence within sub-paragraph (2).
- (5) The provisions are—
- (a) the provisions which exclude local authority lettings from the Rent Acts, namely—
    - (i) sections 14 to 16 of the Rent Act 1977 (c. 42), and
    - (ii) those sections as applied by Schedule 2 to the Rent (Agriculture) Act 1976 (c. 80) and section 5(2) to (4) of that Act; and
  - (b) section 1(2) of, and paragraph 12 of Part 1 of Schedule 1 to, the Housing Act 1988 (c. 50) (which exclude local authority lettings from Part 1 of that Act).
- (6) Nothing in this Chapter has the result that the authority are to be treated as the legal owner of any premises for the purposes of—
- (a) section 80 of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies); or
  - (b) section 124 of the Housing Act 1996 (c. 52) (introductory tenancies).
- (7) The relevant proprietor of the dwelling—
- (a) is not entitled to receive any rents or other payments made in respect of occupation of the dwelling;

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- (b) may not exercise any rights or powers with respect to the management of the dwelling; and
  - (c) may not create any of the following—
    - (i) any leasehold interest in the dwelling or a part of it (other than a lease of a reversion), or
    - (ii) any licence or other right to occupy it.
- (8) However (subject to sub-paragraph (7)(c)) nothing in paragraph 10 or this paragraph affects the ability of a person having an estate or interest in the dwelling to make any disposition of that estate or interest.
- (9) Nothing in paragraph 10 or this paragraph affects—
- (a) the validity of any mortgage relating to the dwelling or any rights or remedies available to the mortgagee under such a mortgage, or
  - (b) the validity of any lease of the dwelling under which the relevant proprietor is a lessee, or any superior lease, or (subject to paragraph 10(6)) any rights or remedies available to the lessor under such a lease;
- except to the extent that any of those rights or remedies would prevent the local housing authority from exercising their power under paragraph 10(3)(c).
- (10) In proceedings for the enforcement of any such rights or remedies the court may make such order as it thinks fit as regards the operation of the final EDMO (including an order quashing it).

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**Commencement Information**

- II** Sch. 7 para. 12 wholly in force at 16.6.2006; Sch. 7 para. 12 not in force at Royal Assent see s. 270(4) (5); Sch. 7 para. 12 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 7 para. 12 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\(3\)](#)