



Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 1

INTERIM AND FINAL MANAGEMENT ORDERS

Interim management orders: making and operation of orders

105 Operation of interim management orders

- (1) This section deals with the time when an interim management order comes into force or ceases to have effect.
- (2) The order comes into force when it is made, unless it is made under section 102(3).
- (3) If the order is made under section 102(3), it comes into force when the revocation of the licence comes into force.
- (4) The order ceases to have effect at the end of the period of 12 months beginning with the date on which it is made, unless it ceases to have effect at some other time as mentioned below.
- (5) If the order provides that it is to cease to have effect on a date falling before the end of that period, it accordingly ceases to have effect on that date.
- (6) If the order is made under section 102(3)—
 - (a) it must include a provision for determining the date on which it will cease to have effect, and
 - (b) it accordingly ceases to have effect on the date so determined.

Changes to legislation: Housing Act 2004, Section 105 is up to date with all changes known to be in force on or before 27 September 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

- (7) That date must be no later than 12 months after the date on which the order comes into force.
- [^{F1}(7A) An order under section 102(7A) ceases to have effect (if it has not already ceased to have effect) when the ban on letting housing in England ceases to have effect.
- (7B) In subsection (7A) “the ban on letting housing in England” means the ban on letting contained in the banning order mentioned in section 102(7A).]
- (8) Subsections (9) [^{F2}to] (10) apply where—
- (a) a final management order (“the FMO”) has been made under section 113 so as to replace the order (“the IMO”), but
 - (b) the FMO has not come into force because of an appeal to [^{F3}the appropriate tribunal] under paragraph 24 of Schedule 6 against the making of the FMO.
- (9) If—
- (a) the house would (but for the IMO being in force) be required to be licensed under Part 2 or 3 of this Act (see section 61(1) or 85(1)), and
 - (b) the date on which—
 - (i) the FMO,
 - (ii) any licence under Part 2 or 3, or
 - (iii) another interim management order,
 comes into force in relation to the house (or part of it) following the disposal of the appeal is later than the date on which the IMO would cease to have effect apart from this subsection,
- the IMO continues in force until that later date.
- [^{F4}(9A) If—
- (a) the IMO was made under section 102(7A), and
 - (b) the date on which the FMO or another interim management order comes into force in relation to the house (or part of it) following the disposal of the appeal is later than the date on which the IMO would cease to have effect apart from this subsection,
- the IMO continues in force until that later date.]
- (10) If, on the application of the authority, the tribunal makes an order providing for the IMO to continue in force, pending the disposal of the appeal, until a date later than that on which the IMO would cease to have effect apart from this subsection, the IMO accordingly continues in force until that later date.
- (11) This section has effect subject to sections 111 and 112 (variation or revocation of orders by authority) and to the power of revocation exercisable by [^{F5}the appropriate tribunal] on an appeal made under paragraph 24 or 28 of Schedule 6.

Textual Amendments

- F1** S. 105(7A)(7B) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 4(2)**; S.I. 2018/393, reg. 2(b)
- F2** Word in s. 105(8) substituted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 4(3)**; S.I. 2018/393, reg. 2(b)
- F3** Words in s. 105(8)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 161** (with Sch. 3)

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F4 S. 105(9A) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 3 para. 4\(4\)](#); [S.I. 2018/393](#), reg. 2(b)

F5 Words in s. 105(11) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 161](#) (with [Sch. 3](#))

Commencement Information

I1 S. 105 wholly in force at 16.6.2006; s. 105 not in force at Royal Assent see s. 270(4)(5); s. 105 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 105 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\(3\)](#)