



# 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*

#### **110 Financial arrangements while order is in force**

- (1) This section applies to relevant expenditure of a local housing authority who have made an interim management order.
- (2) “Relevant expenditure” means expenditure reasonably incurred by the authority in connection with performing their duties under section 106(1) to (3) in respect of the house (including any premiums paid for insurance of the premises).
- (3) Rent or other payments which the authority have collected or recovered, by virtue of this Chapter, from persons occupying the house may be used by the authority to meet—
  - (a) relevant expenditure, and
  - (b) any amounts of compensation payable to a third party by virtue of a decision of the authority under section 128.
- (4) <sup>[F1]</sup>If the interim management order is not made under section 102(7A),] the authority must pay to such relevant landlord, or to such relevant landlords in such proportions, as they consider appropriate—
  - (a) any amount of rent or other payments collected or recovered as mentioned in subsection (3) that remains after deductions to meet relevant expenditure and any amounts of compensation payable as mentioned in that subsection, and

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**Changes to legislation:** *Housing Act 2004, Section 110 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*

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- (b) (where appropriate) interest on that amount at a reasonable rate fixed by the authority,  
and such payments are to be made at such intervals as the authority consider appropriate.
- (5) The interim management order may provide for—
- (a) the rate of interest which is to apply for the purposes of paragraph (b) of subsection (4); and
  - (b) the intervals at which payments are to be made under that subsection.
- Paragraph 24(3) of Schedule 6 enables an appeal to be brought where the order does not provide for both of those matters.
- [<sup>F2</sup>(5A) The Secretary of State may by regulations make provision about how local authorities are to deal with any surplus in a case where the interim management order was made under section 102(7A).
- (5B) In subsection (5A) “surplus” means any amount of rent or other payments collected or recovered as mentioned in subsection (3) that remains after deductions to meet relevant expenditure and any amounts of compensation payable as mentioned in that subsection.]
- (6) The authority must—
- (a) keep full accounts of their income and expenditure in respect of the house; and
  - (b) afford to each relevant landlord, and to any other person who has an estate or interest in the house, all reasonable facilities for inspecting, taking copies of and verifying those accounts.
- (7) A relevant landlord may apply to [<sup>F3</sup>the appropriate tribunal] for an order—
- (a) declaring that an amount shown in the accounts as expenditure of the authority does not constitute expenditure reasonably incurred by the authority as mentioned in subsection (2);
  - (b) requiring the authority to make such financial adjustments (in the accounts and otherwise) as are necessary to reflect the tribunal’s declaration.
- (8) In this section—
- “expenditure” includes administrative costs;
- “relevant landlord” means any person who is an immediate landlord of the house or part of it;
- “rent or other payments” means rents or other payments payable under leases or licences or in respect of furniture within section 126(1).

#### **Textual Amendments**

- F1** Words in s. 110(4) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 3 para. 5\(2\)](#); S.I. 2018/393, reg. 2(b)
- F2** S. 110(5A)(5B) inserted (3.11.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 3 para. 5\(3\)](#); S.I. 2017/1052, reg. 2(d)
- F3** Words in s. 110(7) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 162](#) (with Sch. 3)

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#### Commencement Information

- II** S. 110 wholly in force at 16.6.2006; s. 110 not in force at Royal Assent see s. 270(4)(5); s. 110 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 110 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\(3\)](#)