



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Enforcement

240 Warrant to authorise entry

- (1) This section applies where a justice of the peace is satisfied, on a sworn information in writing, that admission to premises specified in the information is reasonably required for any of the purposes mentioned in subsection (2) by a person—
 - (a) employed by, or
 - (b) acting on the instructions of,
the local housing authority.
- (2) The purposes are—
 - (a) surveying or examining premises in order to carry out an inspection under section 4(1) or (2) or otherwise to determine whether any functions under any of Parts 1 to 4 or this Part should be exercised in relation to the premises;
 - (b) surveying or examining premises—
 - (i) which are (within the meaning of Part 1) specified premises in relation to an improvement notice or prohibition order, or
 - (ii) in respect of which a management order is in force under Chapter 1 or 2 of Part 4;
 - (c) ascertaining whether an offence has been committed under section 72, 95 or 234(3).
- (3) The justice may by warrant under his hand authorise the person mentioned in subsection (1) to enter on the premises for such of those purposes as may be specified in the warrant.
- (4) But the justice must not grant the warrant unless he is satisfied—

Changes to legislation: Housing Act 2004, Section 240 is up to date with all changes known to be in force on or before 27 April 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

- (a) that admission to the premises has been sought in accordance with section 239(5) or (7) but has been refused;
 - (b) that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the purpose of the entry to await his return; or
 - (c) that application for admission would defeat the purpose of the entry.
- (5) The power of entry conferred by a warrant under this section includes power to enter by force (if necessary).
- (6) Subsection (8) of section 239 applies to the person on whom that power is conferred as it applies to a person exercising the power of entry conferred by subsection (3) or (7) of that section.
- (7) A warrant under this section must, if so required, be produced for inspection by the owner or any occupier of the premises or anyone acting on his behalf.
- (8) If the premises are unoccupied or the occupier is temporarily absent, a person entering under the authority of a warrant under this section must leave the premises as effectively secured against trespassers as he found them.
- (9) A warrant under this section continues in force until the purpose for which the entry is required is satisfied.
- (10) In a case within section 239(4)(a) and (b), the powers conferred by this section are exercisable in relation to premises comprised in the excluded part of the house as well as in relation to the relevant premises.
- (11) In this section “occupier”, in relation to premises, means a person who occupies the premises, whether for residential or other purposes.

Commencement Information

- II** S. 240 wholly in force at 16.6.2006; s. 240 not in force at Royal Assent see s. 270(4)(5); s. 240 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with [Sch.](#)); s. 240 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\(3\)](#)