



# Housing Act 2004

## CHAPTER 34

### HOUSING ACT 2004

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#### CHAPTER 1

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*Variation of licences*

- 14 Before varying a licence, the local housing authority must—
- 15 The notice under paragraph 14 must state that the local...
- 16 (1) This paragraph applies where the local housing authority decide...

*Exceptions from requirements of paragraph 14*

- 17 The requirements of paragraph 14 do not apply if—
- 18 The requirements of paragraph 14 do not apply if the...

*Refusal to vary a licence*

- 19 Before refusing to vary a licence, the local housing authority...
- 20 The notice under paragraph 19 must state that the authority...
- 21 (1) This paragraph applies where the local housing authority refuse...

*Revocation of licences*

- 22 Before revoking a licence, the local housing authority must—
- 23 The notice under paragraph 22 must state that the authority...
- 24 (1) This paragraph applies where the local housing authority decide...

*Exception from requirements of paragraph 22*

- 25 The requirements of paragraph 22 do not apply if the...

*Status: Point in time view as at 06/04/2018.*

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25A The requirements of paragraph 22 do not apply if the...

*Refusal to revoke a licence*

- 26 Before refusing to revoke a licence, the local housing authority...  
 27 The notice under paragraph 26 must state that the authority...  
 28 (1) This paragraph applies where the local housing authority refuse...

*Meaning of “the end of the consultation period”*

- 29 (1) In this Part of this Schedule “the end of...

*Meaning of “licence” and “relevant person”*

- 30 (1) In this Part of this Schedule “licence” means a...  
 Part 3 — APPEALS AGAINST LICENCE DECISIONS

*Right to appeal against refusal or grant of licence*

- 31 (1) The applicant or any relevant person may appeal to...

*Right to appeal against decision or refusal to vary or revoke licence*

- 32 (1) The licence holder or any relevant person may appeal...

*No rights of appeal where banning order involved*

- 32A (1) The right of appeal under paragraph 31(1)(a) does not...

*Time limits for appeals*

- 33 (1) Any appeal under paragraph 31 against a decision to...

*Powers of... tribunal hearing appeal*

- 34 (1) This paragraph applies to appeals to the appropriate tribunal...

*“The operative time” for the purposes of section 69(6), 70(8), 92(3) or 93(5)*

- 35 (1) This paragraph defines “the operative time” for the purposes...

*Meaning of “licence” and “relevant person”*

- 36 (1) In this Part of this Schedule “licence” means a...

SCHEDULE 6 — Management orders: procedure and appeals

Part 1 — PROCEDURE RELATING TO MAKING OF MANAGEMENT ORDERS

*Requirements before making final management order*

- 1 Before making a final management order, the local housing authority...  
 2 The notice under paragraph 1 must state that the authority...  
 3 (1) This paragraph applies if, having considered representations made  
 in...  
 4 The notice under paragraph 3 must set out—

*Exceptions from requirements relating to making of final management order*

- 5 The requirements of paragraph 3 (and those of paragraph 1)...

*Status: Point in time view as at 06/04/2018.*

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6 The requirements of paragraph 3 (and those of paragraph 1)...

*Requirements following making of interim or final management order*

7 (1) This paragraph applies where the local housing authority make...

*Meaning of “the end of the consultation period” and “relevant person”*

8 (1) In this Part of this Schedule “the end of...

Part 2 — PROCEDURE RELATING TO VARIATION OR REVOCATION OF  
MANAGEMENT ORDERS

*Variation of management orders*

9 Before varying an interim or final management order, the local...

10 The notice under paragraph 9 must state that the authority...

11 (1) This paragraph applies where the local housing authority decide...

*Exceptions from requirements of paragraph 9*

12 The requirements of paragraph 9 do not apply if the...

13 The requirements of paragraph 9 do not apply if the...

*Refusal to vary interim or final management order*

14 Before refusing to vary an interim or final management order,...

15 The notice under paragraph 14 must state that the authority...

16 (1) This paragraph applies where the local housing authority refuse...

*Revocation of management orders*

17 Before revoking an interim or final management order, the local...

18 The notice under paragraph 17 must state that the authority...

19 (1) This paragraph applies where the local housing authority decide...

*Refusal to revoke management order*

20 Before refusing to revoke an interim or final management order,...

21 The notice under paragraph 20 must state that the authority...

22 (1) This paragraph applies where the local housing authority refuse...

*Meaning of “the end of the consultation period” and “relevant person”*

23 (1) In this Part of this Schedule “the end of...

Part 3 — APPEALS AGAINST DECISIONS RELATING TO MANAGEMENT  
ORDERS

*Right to appeal against making of order etc.*

24 (1) A relevant person may appeal to the appropriate tribunal...

*Time limits for appeals under paragraph 24*

25 (1) This paragraph applies in relation to an appeal under...

*Powers of ... tribunal on appeal under paragraph 24*

26 (1) This paragraph applies to an appeal to the appropriate...

*Status: Point in time view as at 06/04/2018.*

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*“The operative time” for the purposes of section 114(2)*

27 (1) This paragraph defines “the operative time” for the purposes...

*Right to appeal against decision or refusal to vary or revoke interim management order*

28 A relevant person may appeal to the appropriate tribunal against—...

*Time limits for appeals under paragraph 28*

29 (1) This paragraph applies in relation to an appeal under...

*Powers of ... tribunal on appeal under paragraph 28*

30 (1) This paragraph applies to an appeal to the appropriate...

*“The operative time” for the purposes of section 111(2), 112(2), 121(2) or 122(2)*

31 (1) This paragraph defines “the operative time” for the purposes...

*Right to appeal against decision in respect of compensation payable to third parties*

32 (1) This paragraph applies where a local housing authority have...

*Time limits for appeals under paragraph 32*

33 (1) This paragraph applies in relation to an appeal under...

*Powers of ... tribunal on appeal under paragraph 32*

34 (1) This paragraph applies in relation to an appeal under...

*Meaning of “relevant person”*

35 In this Part of this Schedule “relevant person” means—

SCHEDULE 7 — Further provisions regarding empty dwelling management orders  
Part 1 — INTERIM EDMOS

*Operation of interim EDMOs*

1 (1) This paragraph deals with the time when an interim...

*General effect of interim EDMOs*

2 (1) This paragraph applies while an interim EDMO is in...

*General effect of interim EDMOs: leases and licences granted by authority*

3 (1) This paragraph applies in relation to any interest or...

*General effect of interim EDMOs: relevant proprietor, mortgagees etc.*

4 (1) This paragraph applies in relation to—

*Financial arrangements while order is in force*

5 (1) This paragraph applies to relevant expenditure of a local...

*Status: Point in time view as at 06/04/2018.*

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*Variation or revocation of interim EDMOs*

- 6 (1) The local housing authority may vary an interim EDMO...  
7 (1) The local housing authority may revoke an interim EDMO...  
8 (1) Part 2 of Schedule 6 applies in relation to...  
Part 2 — FINAL EDMOS

*Operation of final EDMOs*

- 9 (1) This paragraph deals with the time when a final...

*General effect of final EDMOs*

- 10 (1) This paragraph applies while a final EDMO is in...

*General effect of final EDMOs: leases and licences granted by authority*

- 11 (1) This paragraph applies in relation to any interest or...

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

- 12 (1) This paragraph applies in relation to—

*Management scheme and accounts*

- 13 (1) A final EDMO must contain a management scheme.

*Application to residential property tribunal in respect of breach of management scheme*

- 14 (1) An affected person may apply to the appropriate tribunal...

*Variation or revocation of final EDMOs*

- 15 (1) The local housing authority may vary a final EDMO...  
16 (1) The local housing authority may revoke a final EDMO...  
17 (1) Part 2 of Schedule 6 applies in relation to...  
Part 3 — INTERIM AND FINAL EDMOS: GENERAL PROVISIONS (OTHER  
THAN PROVISIONS RELATING TO APPEALS)

*Effect of EDMOs: persons occupying or having a right to occupy the dwelling*

- 18 (1) This paragraph applies to existing and new occupiers of...

*Effect of EDMOs: agreements and legal proceedings*

- 19 (1) An agreement or instrument within sub-paragraph (2) has effect,...

*Effect of EDMOs: furniture*

- 20 (1) Sub-paragraph (2) applies where, on the date on which...

*EDMOs: power to supply furniture*

- 21 (1) The local housing authority may supply the dwelling to...

*Power of a ... tribunal to determine certain leases and licences*

- 22 (1) The appropriate tribunal may make an order determining a...

*Status: Point in time view as at 06/04/2018.*

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*Termination of EDMOs: financial arrangements*

- 23 (1) This paragraph applies where an interim EDMO or final...

*Termination of EDMOs: leases, agreements and proceedings*

- 24 (1) This paragraph applies where— (a) an interim EDMO or...

*EDMOs: power of entry to carry out work*

- 25 (1) The right mentioned in sub-paragraph (2) is exercisable by...  
Part 4 — APPEALS

*Appeals: decisions relating to EDMOs*

- 26 (1) A relevant person may appeal to the appropriate tribunal...

*Appeals: time limits for appeals under paragraph 26*

- 27 (1) This paragraph applies in relation to an appeal under...

*Appeals: powers of ... tribunal on appeal under paragraph 26*

- 28 (1) This paragraph applies to an appeal to the appropriate...

*“The operative time” for the purposes of paragraph 9(2)*

- 29 (1) This paragraph defines “the operative time” for the purposes...

*Right to appeal against decision or refusal to vary or revoke EDMO*

- 30 A relevant person may appeal to the appropriate tribunal against—...

*Time limits for appeals under paragraph 30*

- 31 (1) This paragraph applies in relation to an appeal under...

*Powers of ... tribunal on appeal under paragraph 30*

- 32 (1) This paragraph applies to an appeal to the appropriate...

*“The operative time” for the purposes of paragraphs 6, 7, 15 and 16*

- 33 (1) This paragraph defines “the operative time” for the purposes...

*Right to appeal against decision in respect of compensation payable to third parties*

- 34 (1) This paragraph applies where a local housing authority have...

*Time limits for appeals under paragraph 34*

- 35 (1) This paragraph applies in relation to an appeal under...

*Powers of ... tribunal on appeal under paragraph 34*

- 36 (1) This paragraph applies in relation to an appeal under...

*Meaning of “relevant person” for the purposes of this Part*

- 37 In this Part of this Schedule “relevant person” means any...

*Status: Point in time view as at 06/04/2018.*

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SCHEDULE 8 — Penalty charge notices under section 168

- 1 Penalty charge notices under section 168
- 2 Penalty charge notices under section 168
- 3 Penalty charge notices under section 168
- 4 Penalty charge notices under section 168
- 5 Penalty charge notices under section 168
- 6 Penalty charge notices under section 168
- 7 Penalty charge notices under section 168
- 8 Penalty charge notices under section 168
- 9 Penalty charge notices under section 168
- 10 Penalty charge notices under section 168
- 11 Penalty charge notices under section 168

SCHEDULE 9 — New Schedule 5A to the Housing Act 1985: initial demolition notices

SCHEDULE 10 — Provisions relating to tenancy deposit schemes

*Schemes to be custodial schemes or insurance schemes*

- 1 (1) A tenancy deposit scheme must be either—

*Provisions applying to custodial and insurance schemes*

- 2 (1) A custodial scheme must conform with the following provisions—...

*Custodial Schemes: general*

- 3 (1) This paragraph applies to a custodial scheme.

*Custodial schemes: termination of tenancies*

- 4 (1) A custodial scheme must make provision—

*Custodial schemes: termination of tenancies - absent or un-cooperative landlord or tenant*

- 4A (1) The provision made by a custodial scheme for the...
- 4B (1) The provision made by a custodial scheme for the...
- 4C (1) Immediately upon receipt of— (a) a duly completed application...

*Insurance schemes: general*

- 5 (1) This paragraph applies to an insurance scheme.

*Requirements where deposit is to cease to be retained under an insurance scheme*

- 5A (1) This paragraph applies in relation to—

*Insurance schemes: termination of tenancies*

- 6 (1) An insurance scheme must make provision in accordance with...

*Notice to be sent to landlord when a direction under paragraph 6(3) is given*

- 6A (1) This paragraph applies where the scheme administrator of an...

*Status: Point in time view as at 06/04/2018.*

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*Insurance schemes – supplementary provisions*

- 7 (1) The designated account held by the scheme administrator must...  
8 (1) The scheme must make provision for preventing double recovery...

*Notifications to tenants*

- 9 (1) Every custodial scheme or insurance scheme must provide for...

*Dispute resolution procedures*

- 10 (1) Every custodial scheme or insurance scheme must provide for...

*Service of documents: general*

- 10A A tenancy deposit scheme may make provision as to the...

*Service of documents by scheme administrator on landlords*

- 10B (1) The provision made by a tenancy deposit scheme under...  
Service of documents by scheme administrator on tenants  
10C (1) The provision made by a tenancy deposit scheme under...

*Power to amend*

- 11 The appropriate national authority may by order make such amendments...

*Interpretation*

- 12 In this Schedule references to tenants under shorthold tenancies include...

SCHEDULE 11 — Registered social landlords

*Housing Associations Act 1985 (c. 69)*

- 1 In section 87 of the Housing Associations Act 1985 (financial...

*Housing Act 1988 (c. 50)*

- 2 The Housing Act 1988 is amended as follows.  
3 Registered social landlords  
4 In section 52(2) (recovery etc. of grants) omit the words...  
5 Omit section 55 (surplus rental income).  
6 In section 59(1A) (interpretation) for “55” substitute “ 54 ”....

*Housing Act 1996 (c. 52)*

- 7 The Housing Act 1996 is amended as follows.  
8 In section 18(2) (social housing grants) omit the words from...  
9 In section 20(3) (purchase grant where right to acquire exercised)...  
10 In section 21(3) (purchase grant in respect of other disposals)...  
11 Registered social landlords  
12 (1) In section 31(2) (offence of intentionally altering etc. document)...  
13 (1) Section 36 (issue of guidance by the Relevant Authority)...  
14 In paragraph 1(2) of Schedule 1 (payments by way of...  
15 (1) Paragraph 15 of Schedule 1 (transfer of net assets...



*Status: Point in time view as at 06/04/2018.*

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- 16 After paragraph 15 insert— Transfer of net assets on termination...
- 17 (1) Paragraph 16 of Schedule 1 (general requirements as to...
- 18 After paragraph 16 of Schedule 1 insert— Companies exempt from...
- 19 For paragraph 17 of Schedule 1 (appointment of auditors by...
- 20 (1) Paragraph 18 of Schedule 1 (accounting and audit requirements...
- 21 After paragraph 18 of Schedule 1 insert— Charities exempt from...
- 22 (1) Paragraph 19 of Schedule 1 (responsibility for securing compliance...
- 23 After paragraph 19 of Schedule 1 insert— Disclosure of information...
- 24 (1) Paragraph 20 of Schedule 1 (inquiry into affairs of...
- 25 After paragraph 20 of Schedule 1 insert— Evidence (1) For the purposes of an inquiry the person or...
- 26 (1) Paragraph 21 of Schedule 1 (power of appointed person...

SCHEDULE 12 — New Schedule 2A to the Housing Act 1996

.....

SCHEDULE 13 — Residential property tribunals: procedure

*Procedure regulations*

- 1 (1) The Welsh Ministers may make regulations about the procedure...

*Applications and appeals*

- 2 (1) Procedure regulations may include provision, in relation to applications...

*Transfers*

- 3 (1) This paragraph applies where, in any proceedings before a...

*Parties etc.*

- 4 (1) Procedure regulations may include provision enabling persons to be...

*Information*

- 5 (1) Procedure regulations may include— (a) provision relating to the...

*Pre-trial reviews etc.*

- 6 (1) Procedure regulations may include provision for the holding of...

*Interim orders*

- 7 Procedure regulations may include provision empowering tribunals to make orders,...

*Additional relief*

- 8 (1) Procedure regulations may include provision as to—

*Status: Point in time view as at 06/04/2018.*

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### *Dismissal*

- 9 Procedure regulations may include provision empowering tribunals to dismiss applications,...

### *Determination without hearing*

- 10 (1) Procedure regulations may include provision for the determination of...

### *Fees*

- 11 (1) Procedure regulations may include provision requiring the payment of...

### *Costs*

- 12 (1) A tribunal may determine that a party to proceedings...

### *Enforcement*

- 13 Procedure regulations may provide for decisions of tribunals to be...

## SCHEDULE 13A — Financial penalties under section 249A

### *Notice of intent*

- 1 Before imposing a financial penalty on a person under section...  
2 (1) The notice of intent must be given before the...  
3 The notice of intent must set out—

### *Right to make representations*

- 4 (1) A person who is given a notice of intent...

### *Final notice*

- 5 After the end of the period for representations the local...  
6 If the authority decides to impose a financial penalty on...  
7 The final notice must require the penalty to be paid...  
8 The final notice must set out— (a) the amount of...

### *Withdrawal or amendment of notice*

- 9 (1) A local housing authority may at any time—

### *Appeals*

- 10 (1) A person to whom a final notice is given...

### *Recovery of financial penalty*

- 11 (1) This paragraph applies if a person fails to pay...

### *Guidance*

- 12 A local housing authority must have regard to any guidance...

*Status: Point in time view as at 06/04/2018.*

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SCHEDULE 14 — Buildings which are not HMOs for purposes of this Act  
(excluding Part 1)

*Introduction: buildings (or parts) which are not  
HMOs for purposes of this Act (excluding Part 1)*

1 (1) The following paragraphs list buildings which are not houses...

*Buildings controlled or managed by public sector bodies etc.*

- 2 (1) A building where the person managing or having control...  
2A A building— (a) which is social housing within the meaning...  
2B Buildings controlled or managed by a co-operative society

*Buildings regulated otherwise than under this Act*

3 Any building whose occupation is regulated otherwise than by or...

*Buildings occupied by students*

4 (1) Any building— (a) which is occupied solely or principally...

*Buildings occupied by religious communities*

5 (1) Any building which is occupied principally for the purposes...

*Buildings occupied by owners*

6 (1) Any building which is occupied only by persons within...

*Buildings occupied by two persons*

7 Any building which is occupied only by two persons who...

SCHEDULE 15 — Minor and consequential amendments

*Parliamentary Commissioner Act 1967 (c. 13)*

1 Minor and consequential amendments

*Land Compensation Act 1973 (c. 26)*

- 2 The Land Compensation Act 1973 has effect subject to the...  
3 (1) Section 29 (right to home loss payment where person...  
4 (1) Section 33D (loss payments: exclusions) is amended as follows...  
5 (1) Section 37 (disturbance payments for persons with compensatable  
interests)...  
6 (1) Section 39 (duty to rehouse residential occupiers) is amended...

*Local Government Act 1974 (c. 7)*

7 Minor and consequential amendments

*Greater London Council (General Powers) Act 1981 (c. xvii)*

8 In section 9(1) of the Greater London Council (General Powers)...

*Status: Point in time view as at 06/04/2018.*

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*Mobile Homes Act 1983 (c. 34)*

- 9 In section 2 of the Mobile Homes Act 1983 (terms...

*Housing Act 1985 (c. 68)*

- 10 The Housing Act 1985 has effect subject to the following...  
 11 In section 8(2) (periodical review of housing needs) for “section...  
 12 For section 252(c) (definition of “house in multiple occupation” for...  
 13 For section 268 (service of notice of demolition and closing...  
 14 In section 269(1) (right of appeal against demolition or closing...  
 15 After section 269 insert— Appeals suggesting certain other courses of...  
 16 In section 274 (demolition orders: power to permit reconstruction of...  
 17 After section 274 insert— Effect of certain enforcement action under...  
 18 For section 275 (demolition orders: substitution of closing orders)  
 substitute—...  
 19 (1) Section 289 (declaration of clearance area) is amended as...  
 20 For section 300 (purchase of houses liable to be demolished...  
 21 For section 304 (closing orders in relation to listed buildings)...  
 22 In section 307(1) (saving for rights arising from breach of...  
 23 In section 308(3) (approval of owner’s proposals for re-development)—  
 24 Omit section 310 (certificate of fitness for human habitation resulting...  
 25 In section 318(1)(a) (power of court to authorise execution of...  
 26 For section 322 substitute— Minor definitions (1) In this Part the  
 following expressions have the same...  
 27 In section 323 (index of defined expressions: Part 9) insert...  
 28 In section 439 (requirements as to fitness of premises before...  
 29 In section 582 (compulsory purchase orders: restriction on recovery of...  
 30 For section 584A (compensation payable in case of closing and...  
 31 For section 584B (repayment on revocation of demolition or closing...

*Landlord and Tenant Act 1985 (c. 70)*

- 32 (1) Section 20C of the Landlord and Tenant Act 1985...

*Housing Act 1988 (c. 50)*

- 33 In paragraph 47 of Schedule 17 to the Housing Act...

*Local Government and Housing Act 1989 (c. 42)*

- 34 In section 100 of the Local Government and Housing Act...  
 35 In section 195(2) of that Act (short title, commencement and...

*Water Industry Act 1991 (c. 56)*

- 36 For paragraph 2(2) of Schedule 4A to the Water Industry...

*Health Service Commissioners Act 1993 (c. 46)*

- 37 Minor and consequential amendments

*Home Energy Conservation Act 1995 (c. 10)*

- 38 For paragraph (aa)(i) of the definition of “residential accommodation”  
 in...

*Status: Point in time view as at 06/04/2018.*

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*Gas Act 1995 (c. 45)*

39 In paragraph 2 of Schedule 4 to the Gas Act...

*Housing Act 1996 (c. 52)*

40 The Housing Act 1996 has effect subject to the following...  
41 In section 52(1) (general provisions as to orders) after “17,”...  
42 Minor and consequential amendments  
43 In section 210 (homelessness: suitability of accommodation)—

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

44 In section 24 of the Housing Grants, Construction and Regeneration...

*Government of Wales Act 1998 (c. 38)*

45 Minor and consequential amendments

*Freedom of Information Act 2000 (c. 36)*

46 Minor and consequential amendments

*Local Government Act 2003 (c. 26)*

47 In section 87 of the Local Government Act 2003 (housing...

SCHEDULE 16 — Repeals

**Status:**

Point in time view as at 06/04/2018.

**Changes to legislation:**

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