

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 - Housing Conditions**

#### ***Chapter 5 - General and Miscellaneous Provisions Relating to Enforcement Action***

#### ***Section 49: Power to charge for certain enforcement action***

#### ***Section 50: Recovery of charge under section 49***

174. [Sections 49](#) and [50](#) provide powers for LHAs to charge, and to recover charges, incurred in respect of certain enforcement powers and duties exercised under Part 1. These provisions re-enact with modifications sections 87 and 88 of the Housing Grants, Construction and Regeneration Act 1996, which are repealed by Schedule 16 to this Act.

#### ***Section 51: Repeal of power to improve existing enforcement procedures***

175. [Section 51](#) repeals section 86 of the Housing Grants, Construction and Regeneration Act 1996, which provides a pre-notice procedure enabling forewarning to be given of the enforcement action contemplated by an LHA. The [Housing \(Fitness Enforcement Procedures\) Order 1996 \(SI 1996 No 2885\)](#) requires an LHA to issue a "minded to take action" notice prior to taking enforcement action.

#### ***Section 52: Repeal of provisions relating to demolition of obstructive buildings***

176. [Section 52](#) repeals the provisions in sections 283-288 of the Housing Act 1985 relating to the demolition of obstructive buildings.

#### ***Section 53: Miscellaneous repeals etc in relation to fire hazards***

177. [Section 53](#) repeals certain provisions of the Building Act 1984 and in a number of local acts dealing with fire safety in buildings. These provisions are made redundant by Part 1.