Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 2

INTERIM AND FINAL EMPTY DWELLING MANAGEMENT ORDERS

Compensation

138 Compensation payable to third parties

(1) A third party may, while an interim EDMO is in force in respect of a dwelling, apply to **[**[F1]the appropriate tribunal**]** for an order requiring the local housing authority to pay to him compensation in respect of any interference in consequence of the order with his rights in respect of the dwelling.

(2) On such an application, the tribunal may, if it thinks fit, make an order requiring the authority to pay to the third party an amount by way of compensation in respect of any such interference.

(3) If a third party requests them to do so at any time, the local housing authority must consider whether an amount by way of compensation should be paid to him in respect of any interference in consequence of a final EDMO with his rights.

(4) The authority must notify the third party of their decision as soon as practicable.

(5) Where the local housing authority decide under subsection (3) that compensation ought to be paid to a third party, they must vary the management scheme contained in the order so as to specify the amount of the compensation to be paid and to make provision as to its payment.

Changes to legislation: *Housing Act 2004, Cross Heading: Compensation is up to date with all changes known to be in force on or before 31 May 2024. 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*

Textual Amendments

F1 Words in s. 138(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 169** (with Sch. 3)

Commencement Information

I1 S. 138 wholly in force at 16.6.2006; s. 138 not in force at Royal Assent see s. 270(4)(5); s. 138 in force for E. at 6.4.2006 by S.I. 2006/1060, **art. 2(1)(a)** (with Sch.); s. 138 in force for W. at 16.6.2006 by S.I. 2006/1535, **art. 2(a)** (with Sch.)

Changes to legislation:
Housing Act 2004, Cross Heading: Compensation is up to date with all changes known to be in force on or before 31 May 2024. 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.
View outstanding changes

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)