Changes to legislation: *Housing Act 2004, Cross Heading: General effect of interim EDMOs is up to date with all changes known to be in force on or before 10 June 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*

SCHEDULES

SCHEDULE 7

FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

PART 1

INTERIM EDMOS

General effect of interim EDMOs

2 (1) This paragraph applies while an interim EDMO is in force in relation to a dwelling.

(2) The rights and powers conferred by sub-paragraph (3) are exercisable by the authority in performing their duties under section 135(1) to (3) in respect of the dwelling.

(3) The authority—

(a) have the right to possession of the dwelling (subject to the rights of existing occupiers preserved by paragraph 18(3));

(b) have the right to do (and authorise a manager or other person to do) in relation to the dwelling anything which the relevant proprietor of the dwelling would (but for the order) be entitled to do;

(c) may create one or more of the following—

(i) an interest in the dwelling which, as far as possible, has all the incidents of a leasehold, or

(ii) a right in the nature of a licence to occupy part of the dwelling;

(d) may apply to **[**[F1]the appropriate tribunal**]** for an order under paragraph 22 determining a lease or licence of the dwelling.

(4) But the authority may not under sub-paragraph (3)(c) create any interest or right in the nature of a lease or licence unless—

(a) consent in writing has been given by the relevant proprietor of the dwelling, and

(b) where the relevant proprietor is a lessee under a lease of the dwelling, the interest or right is created for a term that is less than the term of that lease.

(5) The authority—

(a) do not under this paragraph acquire any estate or interest in the dwelling, and

(b) accordingly are not entitled by virtue of this paragraph to sell, lease, charge or make any other disposition of any such estate or interest.

(6) But, where the relevant proprietor of the dwelling is a lessee under a lease of the dwelling, the authority are to be treated (subject to sub-paragraph (5)(a)) as if they were the lessee instead.

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(7) Any enactment or rule of law relating to landlords and tenants or leases applies in relation to—

(a) a lease in relation to which the authority are to be treated as the lessee under sub-paragraph (6), or

(b) a lease to which the authority become a party under paragraph 4(2),

as if the authority were the legal owner of the premises (but this is subject to paragraph 4(4) to (6)).

(8) None of the following, namely—

(a) the authority, or

(b) any person authorised under sub-paragraph (3)(b),

is liable to any person having an estate or interest in the dwelling for anything done or omitted to be done in the performance (or intended performance) of the authority's duties under section 135(1) to (3) unless the act or omission is due to negligence of the authority or any such person.

(9) An interim EDMO which has come into force is a local land charge.

(10) The authority may apply to the Chief Land Registrar for the entry of an appropriate restriction in the register of title in respect of such an order.

(11) In this paragraph "enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Textual Amendments

F1 Words in Sch. 7 para. 2(3)(d) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 186(a)** (with Sch. 3)

Commencement Information

I1 Sch. 7 para. 2 wholly in force at 16.6.2006; Sch. 7 para. 2 not in force at Royal Assent see s. 270(4)(5); Sch. 7 para. 2 in force for E. at 6.4.2006 by S.I. 2006/1060 , **art. 2(1)(a)** (with Sch.); Sch. 7 para. 2 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: General effect of interim EDMOs is up to date with all changes known to be in force on or before 10 June 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.
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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)