
Changes to legislation: Housing Act 2004, Cross Heading: Power of a ... tribunal to determine certain leases and licences is up to date with all changes known to be in force on or before 11 June 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](#)

SCHEDULES

SCHEDULE 7

FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

PART 3

INTERIM AND FINAL EDMOS: GENERAL PROVISIONS (OTHER THAN PROVISIONS RELATING TO APPEALS)

Power of a ^{F1}... tribunal to determine certain leases and licences

Textual Amendments

F1 Words in Sch. 7 para. 22 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 186\(d\)](#) (with Sch. 3)

- 22 (1) [^{F2}The appropriate tribunal] may make an order determining a lease or licence to which this paragraph applies if—
- (a) the case falls within sub-paragraph (3) or (4), and
 - (b) the tribunal are satisfied that the dwelling is not being occupied and that the local housing authority need to have the right to possession of the dwelling in order to secure that the dwelling becomes occupied.
- (2) This paragraph applies to the following leases and licences of a dwelling—
- (a) a lease of the dwelling in respect of which the relevant proprietor is the lessor,
 - (b) a sub-lease of any such lease, and
 - (c) a licence of the dwelling.
- (3) A case falls within this sub-paragraph if—
- (a) an interim or final EDMO is in force in respect of the dwelling, and
 - (b) the local housing authority have applied under paragraph 2(3)(d) or 10(3)(d) for an order determining the lease or licence.
- (4) A case falls within this sub-paragraph if—
- (a) the local housing authority have applied to the residential property tribunal under section 133 for an order authorising them to make an interim EDMO in respect of the dwelling and an order determining the lease or licence, and
 - (b) the [^{F3}appropriate tribunal] has decided to authorise the authority to make an interim EDMO in respect of the dwelling.
- (5) An order under this paragraph may include provision requiring the local housing authority to pay such amount or amounts to one or more of the lessor, lessee, licensor

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or licensee by way of compensation in respect of the determination of the lease or licence as the tribunal determines.

(6) Where—

- (a) a final EDMO is in force in respect of a dwelling, and
- (b) the tribunal makes an order requiring the local housing authority to pay an amount of compensation to a lessor, lessee, licensor or licensee in respect of the determination of a lease or licence of the dwelling,

the tribunal must make an order varying the management scheme contained in the final EDMO so as to make provision as to the payment of that compensation.

Textual Amendments

- F2** Words in Sch. 7 para. 22(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 186(b)** (with Sch. 3)
- F3** Words in Sch. 7 para. 22(4)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 186(c)** (with Sch. 3)
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Commencement Information

- I1** Sch. 7 para. 22 wholly in force at 16.6.2006; Sch. 7 para. 22 not in force at Royal Assent see s. 270(4)(5); Sch. 7 para. 22 in force for E. at 6.4.2006 by [S.I. 2006/1060](#) , **art. 2(1)(a)** (with Sch.); Sch. 7 para. 22 in force for W. at 16.6.2006 by [S.I. 2006/1535](#) , **art. 2(a)** (with Sch.)

Changes to legislation:

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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\(3\)](#)