



Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 1

INTERIM AND FINAL MANAGEMENT ORDERS

Interim management orders: making and operation of orders

102 Making of interim management orders

- (1) A local housing authority—
 - (a) are under a duty to make an interim management order in respect of a house in a case within subsection (2) or (3), and
 - (b) have power to make an interim management order in respect of a house in a case within subsection (4) or (7).
- (2) The authority must make an interim management order in respect of a house if—
 - (a) it is an HMO or a Part 3 house which is required to be licensed under Part 2 or Part 3 (see section 61(1) or 85(1)) but is not so licensed, and
 - (b) they consider either—
 - (i) that there is no reasonable prospect of its being so licensed in the near future, or
 - (ii) that the health and safety condition is satisfied (see section 104).
- (3) The authority must make an interim management order in respect of a house if—
 - (a) it is an HMO or a Part 3 house which is required to be licensed under Part 2 or Part 3 and is so licensed,
 - (b) they have revoked the licence concerned but the revocation is not yet in force, and

Status: This is the original version (as it was originally enacted).

- (c) they consider either—
 - (i) that, on the revocation coming into force, there will be no reasonable prospect of the house being so licensed in the near future, or
 - (ii) that, on the revocation coming into force, the health and safety condition will be satisfied (see section 104).

- (4) The authority may make an interim management order in respect of a house if—
 - (a) it is an HMO other than one that is required to be licensed under Part 2, and
 - (b) on an application by the authority to a residential property tribunal, the tribunal by order authorises them to make such an order, either in the terms of a draft order submitted by them or in those terms as varied by the tribunal;

and the authority may make such an order despite any pending appeal against the order of the tribunal (but this is without prejudice to any order that may be made on the disposal of any such appeal).

- (5) The tribunal may only authorise the authority to make an interim management order under subsection (4) if it considers that the health and safety condition is satisfied (see section 104).

- (6) In determining whether to authorise the authority to make an interim management order in respect of an HMO under subsection (4), the tribunal must have regard to the extent to which any applicable code of practice approved under section 233 has been complied with in respect of the HMO in the past.

- (7) The authority may make an interim management order in respect of a house if—
 - (a) it is a house to which section 103 (special interim management orders) applies, and
 - (b) on an application by the authority to a residential property tribunal, the tribunal by order authorises them to make such an order, either in the terms of a draft order submitted by them or in those terms as varied by the tribunal;

and the authority may make such an order despite any pending appeal against the order of the tribunal (but this is without prejudice to any order that may be made on the disposal of any such appeal).

Subsections (2) to (6) of section 103 apply in relation to the power of a residential property tribunal to authorise the making of an interim management order under this subsection.

- (8) The authority may make an interim management order which is expressed not to apply to a part of the house that is occupied by a person who has an estate or interest in the whole of the house.

In relation to such an order, a reference in this Chapter to “the house” does not include the part so excluded (unless the context requires otherwise, such as where the reference is to the house as an HMO or a Part 3 house).

- (9) Nothing in this section requires or authorises the making of an interim management order in respect of a house if—
 - (a) an interim management order has been previously made in respect of it, and
 - (b) the authority have not exercised any relevant function in respect of the house at any time after the making of the interim management order.

- (10) In subsection (9) “relevant function” means the function of—
 - (a) granting a licence under Part 2 or 3,

- (b) serving a temporary exemption notice under section 62 or section 86, or
- (c) making a final management order under section 113.