



# 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

#### *Introductory*

#### **132 Empty dwelling management orders: introductory**

- (1) This Chapter deals with the making by a local housing authority of—
  - (a) an interim empty dwelling management order (an “interim EDMO”), or
  - (b) a final empty dwelling management order (a “final EDMO”),in respect of a dwelling.
- (2) An interim EDMO is an order made to enable a local housing authority, with the consent of the relevant proprietor, to take steps for the purpose of securing that a dwelling becomes and continues to be occupied.
- (3) A final EDMO is an order made, in succession to an interim EDMO or a previous final EDMO, for the purpose of securing that a dwelling is occupied.
- (4) In this Chapter—
  - (a) “dwelling” means—
    - (i) a building intended to be occupied as a separate dwelling, or
    - (ii) a part of a building intended to be occupied as a separate dwelling which may be entered otherwise than through any non-residential accommodation in the building;

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**Changes to legislation:** *Housing Act 2004, Section 132 is up to date with all changes known to be in force on or before 17 September 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*

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- (b) any reference to “the dwelling”, in relation to an interim EDMO or a final EDMO, is a reference to the dwelling to which the order relates;
  - (c) “relevant proprietor”, in relation to a dwelling, means—
    - (i) if the dwelling is let under one or more leases with an unexpired term of 7 years or more, the lessee under whichever of those leases has the shortest unexpired term; or
    - (ii) in any other case, the person who has the freehold estate in the dwelling;
  - (d) “third party”, in relation to a dwelling, means any person who has an estate or interest in the dwelling (other than the relevant proprietor and any person who is a tenant under a lease granted under paragraph 2(3)(c) or 10(3)(c) of Schedule 7); and
  - (e) any reference (however expressed) to rent or other payments in respect of occupation of a dwelling, includes any payments that the authority receive from persons in respect of unlawful occupation of the dwelling.
- (5) In subsection (4)(c), the reference to an unexpired term of 7 years or more of a lease of a dwelling is—
- (a) in relation to a dwelling in respect of which the local housing authority are considering making an interim EDMO, a reference to the unexpired term of the lease at the time the authority begin taking steps under section 133(3),
  - (b) in relation to a dwelling in respect of which an interim EDMO has been made, a reference to the unexpired term of the lease at the time the application for authorisation to make the interim EDMO was made under subsection (1) of that section, or
  - (c) in relation to a dwelling in respect of which a local housing authority are considering making or have made a final EDMO, a reference to the unexpired term of the lease at the time the application for authorisation to make the preceding interim EDMO was made under subsection (1) of that section.
- “Preceding interim EDMO”, in relation to a final EDMO, means the interim EDMO that immediately preceded the final EDMO or, where there has been a succession of final EDMOs, the interim EDMO that immediately preceded the first of them.
- (6) Schedule 7 (which makes further provision regarding EDMOs) has effect.

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**Commencement Information**

- II** S. 132 wholly in force at 16.6.2006; s. 132 not in force at Royal Assent see s. 270(4)(5); s. 132 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 132 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

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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\(3\)](#)