



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

Interim empty dwelling management orders

133 Making of interim EDMOs

- (1) A local housing authority may make an interim EDMO in respect of a dwelling if—
 - (a) it is a dwelling to which this section applies, and
 - (b) on an application by the authority to [^{F1}the appropriate tribunal], the tribunal by order authorises them under section 134 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.
- (2) This section applies to a dwelling if—
 - (a) the dwelling is wholly unoccupied, and
 - (b) the relevant proprietor is not a public sector body.

“Wholly unoccupied” means that no part is occupied, whether lawfully or unlawfully.
- (3) Before determining whether to make an application to [^{F2}the appropriate tribunal] for an authorisation under section 134, the authority must make reasonable efforts—
 - (a) to notify the relevant proprietor that they are considering making an interim EDMO in respect of the dwelling under this section, and
 - (b) to ascertain what steps (if any) he is taking, or is intending to take, to secure that the dwelling is occupied.

Changes to legislation: Housing Act 2004, Section 133 is up to date with all changes known to be in force on or before 04 May 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

- (4) In determining whether to make an application to [^{F3}the appropriate tribunal] for an authorisation under section 134, the authority must take into account the rights of the relevant proprietor of the dwelling and the interests of the wider community.
- (5) The authority may make an interim EDMO in respect of the dwelling 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).
- (6) An application to [^{F4}the appropriate tribunal] under this section for authorisation to make an interim EDMO in respect of a dwelling may include an application for an order under paragraph 22 of Schedule 7 determining a lease or licence of the dwelling.
- (7) In this section “public sector body” means a body mentioned in any of paragraphs (a) to (f) of paragraph 2(1) of Schedule 14.
- (8) Part 1 of Schedule 6 applies in relation to the making of an interim EDMO in respect of a dwelling as it applies in relation to the making of an interim management order in respect of a house, subject to the following modifications—
- (a) paragraph 7(2) does not apply;
 - (b) paragraph 7(4)(c) is to be read as referring instead to the date on which the order is to cease to have effect in accordance with paragraph 1(3) and (4) or 9(3) to (5) of Schedule 7;
 - (c) in paragraph 7(6)—
 - (i) paragraph (a) is to be read as referring instead to Part 4 of Schedule 7; and
 - (ii) paragraph (b) does not apply;
 - (d) paragraph 8(4) is to be read as defining “relevant person” as any person who, to the knowledge of the local housing authority, is a person having an estate or interest in the dwelling (other than a person who is a tenant under a lease granted under paragraph 2(3)(c) of Schedule 7).

Textual Amendments

- F1** Words in s. 133(1)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 167](#) (with Sch. 3)
- F2** Words in s. 133(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 167](#) (with Sch. 3)
- F3** Words in s. 133(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 167](#) (with Sch. 3)
- F4** Words in s. 133(6) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 167](#) (with Sch. 3)

Commencement Information

- I1** S. 133 wholly in force at 16.6.2006; s. 133 not in force at Royal Assent see s. 270(4)(5); s. 133 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); s. 133 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\(3\)](#)