



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

Final empty dwelling management orders

136 Making of final EDMOs

- (1) A local housing authority may make a final EDMO to replace an interim EDMO made under section 133 if—
 - (a) they consider that, unless a final EDMO is made in respect of the dwelling, the dwelling is likely to become or remain unoccupied;
 - (b) where the dwelling is unoccupied, they have taken all such steps as it was appropriate for them to take under the interim EDMO with a view to securing the occupation of the dwelling.
- (2) A local housing authority may make a new final EDMO so as to replace a final EDMO made under this section if—
 - (a) they consider that unless a new final EDMO is made in respect of the dwelling, the dwelling is likely to become or remain unoccupied; and
 - (b) where the dwelling is unoccupied, they have taken all such steps as it was appropriate for them to take under the existing final EDMO with a view to securing the occupation of the dwelling.
- (3) In deciding whether to make a final EDMO in respect of a dwelling, the authority must take into account—
 - (a) the interests of the community, and

Status: This is the original version (as it was originally enacted).

- (b) the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties.
- (4) Before making a final EDMO under this section, the authority must consider whether compensation should be paid by them to any third party in respect of any interference in consequence of the order with the rights of the third party.
- (5) Part 1 of Schedule 6 applies in relation to the making of a final EDMO in respect of a dwelling as it applies in relation to the making of a final 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 to Part 4 of Schedule 7, and
 - (ii) paragraph (b) is to be read as referring instead to paragraph 27(2) of Schedule 7;
 - (d) paragraph 7(6) in addition is to be read as requiring the notice under paragraph 7(5) also to contain—
 - (i) the decision of the authority as to whether to pay compensation to any third party,
 - (ii) the amount of any such compensation to be paid, and
 - (iii) information about the right of appeal against the decision under paragraph 34 of Schedule 7;
 - (e) 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) or 10(3)(c) of Schedule 7).