



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 5

GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO ENFORCEMENT ACTION

Recovery of expenses relating to enforcement action

50 Recovery of charge under section 49

- (1) This section relates to the recovery by a local housing authority of a charge made by them under section 49.
- (2) In the case of—
 - (a) an improvement notice under section 11 or 12, or
 - (b) a hazard awareness notice under section 28 or 29,the charge may be recovered from the person on whom the notice is served.
- (3) In the case of emergency remedial action under section 40, the charge may be recovered from the person served with the notice required by subsection (7) of that section.
- (4) In the case of—
 - (a) a prohibition order under section 20 or 21,
 - (b) an emergency prohibition order under section 43, or
 - (c) a demolition order under section 265 of the Housing Act 1985 (c. 68),the charge may be recovered from any person on whom a copy of the order is served as an owner of the premises.

Changes to legislation: *Housing Act 2004, Section 50 is up to date with all changes known to be in force on or before 20 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*

- (5) A demand for payment of the charge must be served on the person from whom the authority seek to recover it.
- (6) The demand becomes operative, if no appeal is brought against the underlying notice or order, at the end of the period of 21 days beginning with the date of service of the demand.
- (7) If such an appeal is brought and a decision is given on the appeal which confirms the underlying notice or order, the demand becomes operative at the time when—
 - (a) the period within which an appeal to the [^{F1}Upper Tribunal] may be brought expires without such an appeal having been brought, or
 - (b) a decision is given on such an appeal which confirms the notice or order.
- (8) For the purposes of subsection (7)—
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice or order, and
 - (b) references to a decision which confirms the notice or order are to a decision which confirms it with or without variation.
- (9) As from the time when the demand becomes operative, the sum recoverable by the authority is, until recovered, a charge on the premises concerned.
- (10) The charge takes effect at that time as a legal charge which is a local land charge.
- (11) For the purpose of enforcing the charge the authority have the same powers and remedies under the Law of Property Act 1925 (c. 20) and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (12) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.
- (13) The appropriate national authority may by regulations prescribe the form of, and the particulars to be contained in, a demand for payment of any charge under section 49.

Textual Amendments

- F1** Words in s. 50(7)(a) substituted (1.6.2009) by [Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 273** (with Sch. 5)

Commencement Information

- II** [S. 50](#) wholly in force at 16.6.2006; [s. 50](#) in force for certain purposes at Royal Assent see [s. 270\(2\)\(b\)](#); [s. 50](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); [s. 50](#) 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\(3\)](#)