

**Changes to legislation:** Housing and Planning Act 2016, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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

## SCHEDULES

### SCHEDULE 3

Section 26

#### MANAGEMENT ORDERS FOLLOWING BANNING ORDER

1 The Housing Act 2004 is amended as follows.

##### Commencement Information

**II** Sch. 3 para. 1 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 2 (1) Section 101 (interim and final management orders) is amended as follows.
- (2) In subsection (1), at the end insert “ or property let in breach of a banning order under section 16 of the Housing and Planning Act 2016 ”.
- (3) In subsection (3)(b), omit “the grant of a licence under Part 2 or 3 in respect of the house or”.
- (4) In subsection (5), after “section 102(7)” insert “ or (7A) ”.
- (5) After subsection (6) insert—
- “(6A) In this Chapter any reference to “the house”, in relation to an interim or final management order that relates to property let in breach of a banning order under section 16 of the Housing and Planning Act 2016, means the property let in breach of that order.
- (6B) In this Chapter any reference to property that is let in breach of a banning order under section 16 of the Housing and Planning Act 2016 includes property in respect of which a breach is (or would be) caused by a licence to occupy.
- (6C) When determining for the purposes of this Chapter whether property is let in breach of a banning order disregard any exception included in the banning order in reliance on section 17 of the Housing and Planning Act 2016.”

##### Commencement Information

**I2** Sch. 3 para. 2 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 3 (1) Section 102 (making of interim management orders) is amended as follows.
- (2) In subsection (1)(b), for “or (7)” substitute “ , (7) or (7A) ”.
- (3) After subsection (7) insert—
- “(7A) The authority may make an interim management order in respect of any property let in breach of a banning order under section 16 of the Housing and Planning Act 2016.”

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- (4) In subsection (9), after “the making of an interim management order” insert “ under subsection (2), (3), (4) or (7) ”.

#### Commencement Information

**I3** Sch. 3 para. 3 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 4 (1) Section 105 (operation of interim management orders) is amended as follows.
- (2) After subsection (7) insert—
- “(7A) An order under section 102(7A) ceases to have effect (if it has not already ceased to have effect) when the ban on letting housing in England ceases to have effect.
- (7B) In subsection (7A) “the ban on letting housing in England” means the ban on letting contained in the banning order mentioned in section 102(7A).”
- (3) In subsection (8), for “and” substitute “ to ”.
- (4) After subsection (9) insert—
- “(9A) If—
- (a) the IMO was made under section 102(7A), and
- (b) the date on which the FMO or another interim management order comes into force in relation to the house (or part of it) following the disposal of the appeal is later than the date on which the IMO would cease to have effect apart from this subsection,
- the IMO continues in force until that later date.”

#### Commencement Information

**I4** Sch. 3 para. 4 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 5 (1) Section 110 (financial arrangements while order is in force) is amended as follows.
- (2) In subsection (4), at the beginning insert “ If the interim management order is not made under section 102(7A), ”.
- (3) After subsection (5) insert—
- “(5A) The Secretary of State may by regulations make provision about how local authorities are to deal with any surplus in a case where the interim management order was made under section 102(7A).
- (5B) In subsection (5A) “surplus” means any amount of rent or other payments collected or recovered as mentioned in subsection (3) that remains after deductions to meet relevant expenditure and any amounts of compensation payable as mentioned in that subsection.”

#### Commencement Information

**I5** Sch. 3 para. 5(1)(2) in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

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**16** Sch. 3 para. 5(3) in force at 3.11.2017 by S.I. 2017/1052, reg. 2(d)

6 In section 112 (revocation of interim management orders), after subsection (2) insert—

“(2A) An interim management order may not be revoked under this section if—

- (a) the immediate landlord is subject to a banning order under section 16 of the Housing and Planning Act 2016,
- (b) there is in force an agreement which, under section 108, has effect as a lease or licence granted by the authority, and
- (c) revoking the interim management order would cause the immediate landlord to breach the banning order because of the effect of section 130(2)(b).”

#### Commencement Information

**17** Sch. 3 para. 6 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

7 (1) Section 113 (making of final management orders) is amended as follows.

(2) In subsection (1), for “section 102” substitute “ any provision of section 102 other than subsection (7A) of that section ”.

(3) After subsection (3) insert—

“(3A) A local housing authority who have made an interim management order under section 102(7A) may make a final management order so as to replace the interim management order as from its expiry date if the authority consider that making the final management order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.”

(4) In subsection (4), after “under” insert “ subsection (2), (3), (5) or (6) of ”.

(5) After subsection (6) insert—

“(6A) A local housing authority who have made a final management order in respect of a house under subsection (3A) or this subsection (“the existing order”) may make a new final management order so as to replace the existing order as from its expiry date if the authority consider that making the new order is necessary for the purpose of protecting, on a long-term basis, the health, safety or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity.”

#### Commencement Information

**18** Sch. 3 para. 7 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

8 (1) Section 114 (operation of final management orders) is amended as follows.

(2) After subsection (4) insert—

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“(4A) An order under section 113(3A) or (6A) ceases to have effect (if it has not already ceased to have effect) when the relevant ban on letting housing in England ceases to have effect.

(4B) In subsection (4A) “the relevant ban on letting housing in England” means the ban on letting contained in the banning order mentioned in section 102(7A).”

(3) In subsection (5), for “and” substitute “to”.

(4) After subsection (6) insert—

“(6A) If—

- (a) the existing order was made under section 113(3A) or (6A), and
- (b) the date on which the new order comes into force in relation to the house (or part of it) following the disposal of the appeal is later than the date on which the existing order would cease to have effect apart from this subsection,

the existing order continues in force until that later date.”

#### Commencement Information

**I9** Sch. 3 para. 8 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

9 In section 119 (management schemes and accounts), after subsection (4) insert—

“(4A) Subsection (4)(f) and (g) does not apply in a case where the final management order was made under section 113(3A) or (6A).

(4B) The Secretary of State may by regulations make provision about how local authorities are to deal with any surplus in a case where the final management order was made under section 113(3A) or (6A).

(4C) In subsection (4B) “surplus” means any amount of rent or other payments that the authority have collected or recovered, by virtue of this Chapter, that remains after deductions to meet relevant expenditure and any amounts of compensation payable as mentioned in subsection (2)(d).”

#### Commencement Information

**I10** Sch. 3 para. 9 in force at 3.11.2017 by S.I. 2017/1052, reg. 2(e)

10 In section 122 (revocation of final management orders), after subsection (2) insert—

“(2A) A final management order may not be revoked under this section at a time when—

- (a) the immediate landlord is subject to a banning order under section 16 of the Housing and Planning Act 2016,
- (b) there is in force an agreement which, under section 117, has effect as a lease or licence granted by the authority, and
- (c) revoking the final management order would cause the immediate landlord to breach the banning order because of the effect of section 130(2)(b).”

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#### Commencement Information

**I11** Sch. 3 para. 10 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 11 In section 129 (termination of management orders: financial arrangements), in subsection (2), after “order” insert “ that is not made under section 102(7A) ”.

#### Commencement Information

**I12** Sch. 3 para. 11 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 12 (1) Schedule 6 (management orders: procedure and appeals) is amended as follows.
- (2) In paragraph 7(4)(c), for “section 105(4) and (5) or 114(3) and (4)” substitute “ section 105(4), (5) or (7A) or 114(3), (4) or (4A) ”.
- (3) In paragraph 26, after sub-paragraph (4) insert—
- “(4A) An interim management order may not be revoked under this paragraph if—
- (a) the immediate landlord is subject to a banning order under section 16 of the Housing and Planning Act 2016,
  - (b) there is in force an agreement which, under section 108, has effect as a lease or licence granted by the authority, and
  - (c) revoking the interim management order specified in the order would cause the immediate landlord to breach the banning order because of the effect of section 130(2)(b).
- (4B) In a case where sub-paragraph (4A) would otherwise prevent the tribunal from revoking the order with effect from a particular date, the tribunal may require the local housing authority to exercise any power it has to bring an agreement mentioned in that sub-paragraph to an end.”
- (4) In paragraph 30, after sub-paragraph (4) insert—
- “(5) In a case where subsection (2A) of section 112 or 122 would otherwise prevent the tribunal from revoking the order with effect from a particular date, the tribunal may require the local housing authority to exercise any power it has to bring an agreement mentioned in that subsection to an end.”

#### Commencement Information

**I13** Sch. 3 para. 12 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)