

SCHEDULE

PART 2

MEASURES RELATING TO HOUSES IN MULTIPLE OCCUPATION UNDER PART 11 OF THE HOUSING ACT 1985

Control Orders

11.—(1) This paragraph applies to a control order made under section 379(1) of the 1985 Act before the first commencement date.

(2) The repeal of sections 379 to 397 of, and Schedule 13 to, the 1985 Act shall not have effect in relation to a control order to which this paragraph applies.

(3) For so long as a control order to which this paragraph applies continues in force on and after the first commencement date, the provisions of Part 2 and 3 and Chapter 1 of Part 4 of the 2004 Act shall not have effect in relation to the house which is subject to the order.

(4) This sub-paragraph applies to a house which is subject to a control order to which this paragraph applies if, on the date, or immediately before the date, the order expires or is revoked in accordance with section 392 of the 1985 Act, the house is—

(a) a HMO which is required to be licensed under Part 2 or 3 of the 2004 Act but is not so licensed and the local housing authority consider either—

(i) that there is no reasonable prospect of it being so licensed in the near future, or

(ii) that the health and safety condition described in section 104 of the 2004 Act is satisfied; or

(b) is a house other than one which is required to be licensed under Part 2 of the 2004 Act but in relation to which the local housing authority considers that that condition is satisfied.

(5) The local housing authority shall not be required to make an interim management order under section 102 of the 2004 Act before making a final management order under section 113 of that Act in respect of a house to which sub-paragraph (4) applies.

(6) Section 113 of the 2004 Act shall have effect for the purpose of the making of a final management order in respect of a house to which sub-paragraph (4) applies as if—

(a) in subsection (1) the words “who have made an interim management order in respect of a house under section 102(“the IMO)” were omitted; and

(b) in subsections (2) and (3)—

(i) references to the IMO were construed as references to the control order to which this paragraph applies; and

(ii) references to the expiry date of the IMO were construed as references to the date mentioned in sub-paragraph (4).

(7) Section 114 of the 2004 Act shall have effect for the purpose of the making of a final management order in respect of a house to which sub-paragraph (4) applies as if—

(a) references to a “new final management order” were references to a final management order made under section 113 of that Act as modified by sub-paragraph (6); and

(b) references to the “existing order” in subsections (5) to (7) were references to the control orders to which this paragraph applies.

(8) A control order to which sub-paragraph 4 applies shall remain in force until—

(a) an interim management order under section 102 of the 2004 Act is made;

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- (b) a final management order under section 113 of the 2004 Act is made; or
- (c) the local housing authority decide that neither type of order described in paragraphs (a) or (b) of this sub-paragraph should be made.