Changes to legislation: *Housing Act 2004 is up to date with all changes known to be in force on or before 19 May 2024. 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*

Housing Act 2004

CHAPTER 34

HOUSING ACT 2004

PART 1

HOUSING CONDITIONS

CHAPTER 1

ENFORCEMENT OF HOUSING STANDARDS: GENERAL

New system for assessing housing conditions

1 New system for assessing housing conditions and enforcing housing standards
2 Meaning of "category 1 hazard" and "category 2 hazard"

Procedure for assessing housing conditions

3 Local housing authorities to review housing conditions in their districts
4 Inspections by local housing authorities to see whether category 1 or 2 hazards exist

Enforcement of housing standards

5 Category 1 hazards: general duty to take enforcement action
6 Category 1 hazards: how duty under section 5 operates in certain cases
7 Category 2 hazards: powers to take enforcement action
8 Reasons for decision to take enforcement action
9 Guidance about inspections and enforcement action
10 Consultation with fire and rescue authorities in certain cases

CHAPTER 2

IMPROVEMENT NOTICES, PROHIBITION ORDERS AND HAZARD AWARENESS NOTICES

Improvement notices

11 Improvement notices relating to category 1 hazards: duty of authority to serve notice
12 Improvement notices relating to category 2 hazards: power of authority to serve notice
13 Contents of improvement notices
14 Suspension of improvement notices
15 Operation of improvement notices
16 Revocation and variation of improvement notices
17 Review of suspended improvement notices
18 Service of improvement notices etc. and related appeals
19 Change in person liable to comply with improvement notice

Prohibition orders

20 Prohibition orders relating to category 1 hazards: duty of authority to make order
21 Prohibition orders relating to category 2 hazards: power of authority to make order
22 Contents of prohibition orders
23 Suspension of prohibition orders
24 Operation of prohibition orders
25 Revocation and variation of prohibition orders
26 Review of suspended prohibition orders
27 Service of copies of prohibition orders etc. and related appeals

Hazard awareness notices

28 Hazard awareness notices relating to category 1 hazards: duty of authority to serve notice
29 Hazard awareness notices relating to category 2 hazards: power of authority to serve notice

Enforcement: improvement notices

30 Offence of failing to comply with improvement notice
31 Enforcement action by local housing authorities

Enforcement: prohibition orders

32 Offence of failing to comply with prohibition order etc.
33 Recovery of possession of premises in order to comply with order
34 Power of tribunal to determine or vary lease

Enforcement: improvement notices and prohibition orders

35 Power of court to order occupier or owner to allow action to be taken on premises
36 Power of court to authorise action by one owner on behalf of another

Supplementary provisions

37 Effect of improvement notices and prohibition orders as local land charges
38 Savings for rights arising from breach of covenant etc.
39 Effect of Part 4 enforcement action and redevelopment proposals

CHAPTER 3

EMERGENCY MEASURES

Emergency remedial action

40 Emergency remedial action
41 Notice of emergency remedial action
42 Recovery of expenses of taking emergency remedial action

Emergency prohibition orders

43 Emergency prohibition orders
44 Contents of emergency prohibition orders

Appeals

45 Appeals relating to emergency measures

CHAPTER 4

DEMOLITION ORDERS AND SLUM CLEARANCE DECLARATIONS

Demolition orders

46 Demolition orders

Slum clearance declarations

47 Clearance areas

Appeals

48 Transfer of jurisdiction in respect of appeals relating to demolition orders etc.

CHAPTER 5

GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO ENFORCEMENT ACTION

Recovery of expenses relating to enforcement action

49 Power to charge for certain enforcement action
50 Recovery of charge under section 49

Repeals

51 Repeal of power to improve existing enforcement procedures
52 Repeal of provisions relating to demolition of obstructive buildings
53 Miscellaneous repeals etc. in relation to fire hazards

Index

54 Index of defined expressions: Part 1

PART 2

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Introductory

55 Licensing of HMOs to which this Part applies

Designation of additional licensing areas

56 Designation of areas subject to additional licensing
57 Designations under section 56: further considerations
58 Designation needs confirmation or general approval to be effective
59 Notification requirements relating to designations
60 Duration, review and revocation of designations

HMOs required to be licensed

61 Requirement for HMOs to be licensed
62 Temporary exemption from licensing requirement

Grant or refusal of licences

63 Applications for licences
64 Grant or refusal of licence
65 Tests as to suitability for multiple occupation
66 Tests for fitness etc. and satisfactory management arrangements
67 Licence conditions
68 Licences: general requirements and duration

Variation and revocation of licences

69 Variation of licences
70 Power to revoke licences
70A Duty to revoke licence in banning order cases

Procedure and appeals

71 Procedural requirements and appeals against licence decisions

Enforcement

72 Offences in relation to licensing of HMOs
73 Other consequences of operating unlicensed HMOs: rent repayment orders
74 Further provisions about rent repayment orders
75 Other consequences of operating unlicensed HMOs: restriction on terminating tenancies (England)
75A Other consequences of operating unlicensed HMOs: restriction on terminating tenancies (Wales)

Supplementary provisions

76 Transitional arrangements relating to introduction and termination of licensing
77 Meaning of "HMO"
78 Index of defined expressions: Part 2

PART 3

SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

Introductory

79 Licensing of houses to which this Part applies

Designation of selective licensing areas

80 Designation of selective licensing areas
81 Designations under section 80: further considerations
82 Designation needs confirmation or general approval to be effective
83 Notification requirements relating to designations
84 Duration, review and revocation of designations

Houses required to be licensed

85 Requirement for Part 3 houses to be licensed
86 Temporary exemption from licensing requirement

Grant or refusal of licences

87 Applications for licences
88 Grant or refusal of licence
89 Tests for fitness etc. and satisfactory management arrangements
90 Licence conditions
91 Licences: general requirements and duration

Variation and revocation of licences

92 Variation of licences
93 Power to revoke licences
93A Duty to revoke licence in banning order cases

Procedure and appeals

94 Procedural requirements and appeals against licence decisions

Enforcement

95 Offences in relation to licensing of houses under this Part
96 Other consequences of operating unlicensed houses: rent repayment orders
97 Further provisions about rent repayment orders
98 Other consequences of operating unlicensed houses: restriction on terminating tenancies (England)
98A Other consequences of operating unlicensed houses: restriction on terminating tenancies (Wales)

Supplementary provisions

99 Meaning of "house" etc.
100 Index of defined expressions: Part 3

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 1

INTERIM AND FINAL MANAGEMENT ORDERS

Introductory

101 Interim and final management orders: introductory

Interim management orders: making and operation of orders

102 Making of interim management orders
103 Special interim management orders
104 The health and safety condition
105 Operation of interim management orders
106 Local housing authority's duties once interim management order in force
107 General effect of interim management orders
108 General effect of interim management orders: leases and licences granted by authority
109 General effect of interim management orders: immediate landlords, mortgagees etc.
110 Financial arrangements while order is in force

Interim management orders: variation and revocation

111 Variation of interim management orders
112 Revocation of interim management orders

Final management orders: making and operation of orders

113 Making of final management orders
114 Operation of final management orders
115 Local housing authority's duties once final management order in force
116 General effect of final management orders
117 General effect of final management orders: leases and licences granted by authority
118 General effect of final management orders: immediate landlords, mortgagees etc.
119 Management schemes and accounts
120 Enforcement of management scheme by relevant landlord

Final management orders: variation and revocation

121 Variation of final management orders
122 Revocation of final management orders

Interim and final management orders: procedure and appeals

123 Procedural requirements and appeals

Interim and final management orders: other general provisions

124 Effect of management orders: occupiers
125 Effect of management orders: agreements and legal proceedings
126 Effect of management orders: furniture
127 Management orders: power to supply furniture
128 Compensation payable to third parties
129 Termination of management orders: financial arrangements
130 Termination of management orders: leases, agreements and proceedings
131 Management orders: power of entry to carry out work

CHAPTER 2

INTERIM AND FINAL EMPTY DWELLING MANAGEMENT ORDERS

Introductory

132 Empty dwelling management orders: introductory

Interim empty dwelling management orders

133 Making of interim EDMOs
134 Authorisation to make interim EDMOs
135 Local housing authority's duties once interim EDMO in force

Final empty dwelling management orders

136 Making of final EDMOs
137 Local housing authority's duties once final EDMO in force

Compensation

138 Compensation payable to third parties

CHAPTER 3

OVERCROWDING NOTICES

139 Service of overcrowding notices
140 Contents of overcrowding notices
141 Requirement as to overcrowding generally
142 Requirement as to new residents
143 Appeals against overcrowding notices
144 Revocation and variation of overcrowding notices

CHAPTER 4

SUPPLEMENTARY PROVISIONS

145 Supplementary provisions
146 Interpretation and modification of this Part
147 Index of defined expressions: Part 4

PART 5

Preliminary

148 Meaning of "residential property" and "home information pack"
149 Meaning of "on the market" and related expressions
150 Acting as estate agent

Responsibility for marketing residential properties

151 Responsibility for marketing: general
152 Responsibility of person acting as estate agent
153 Responsibility of the seller

Duties of a responsible person where a property is on the market

154 Application of sections 155 to 158
155 Duty to have a home information pack
156 Duty to provide copy of home information pack on request
157 Section 156 (1) duty: imposition of conditions
158 Duty to ensure authenticity of documents in other situations

Other duties of person acting as estate agent

159 Other duties of person acting as estate agent

Exceptions from the duties

160 Residential properties not available with vacant possession
161 Power to provide for further exceptions
162 Suspension of duties under sections 155 to 159

Contents of home information packs

163 Contents of home information packs
164 Home condition reports

Register of home condition reports

165 Register of home condition reports

Enforcement

166 Enforcement authorities
167 Power to require production of home information packs
168 Penalty charge notices
169 Offences relating to enforcement officers
170 Right of private action

Supplementary

171 Application of Part to sub-divided buildings
172 Power to require estate agents to belong to a redress scheme
173 Approval of redress schemes
174 Withdrawal of approval of redress schemes
175 Office of Fair Trading
176 Grants

177 Interpretation of Part 5
178 Index of defined expressions: Part 5

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 1

SECURE TENANCIES

Introductory tenancies

179 Extension of introductory tenancies

Right to buy: when exercisable

180 Extension of qualifying period for right to buy
181 Exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies
182 Exceptions to the right to buy: houses due to be demolished
183 Right to buy: claim suspended or terminated by demolition notice
184 Landlord's notice to complete

Right to buy: discounts

185 Repayment of discount: periods and amounts applicable
186 Repayment of discount: increase attributable to home improvements to be disregarded
187 Deferred resale agreements

Right to buy: landlord's right of first refusal

188 Right of first refusal for landlord etc.

Right to buy: information

189 sInformation to help tenants decide whether to exercise right to buy etc.

Right to buy: termination of rent to mortgage scheme

190 Termination of rent to mortgage scheme

Suspension of certain rights in connection with anti-social behaviour

191 Secure tenancies: withholding of consent to mutual exchange
192 Right to buy: suspension by court order
193 Right to buy: suspension of landlord's obligation to complete
194 Disclosure of information as to orders etc. in respect of anti-social behaviour

CHAPTER 2

DISPOSALS ATTRACTING DISCOUNTS OTHER THAN UNDER RIGHT TO BUY

Disposals by local authorities

195 Repayment of discount: periods and amounts applicable

196 Repayment of discount: increase attributable to home improvements to be disregarded
197 Local authority's right of first refusal
198 Deferred resale agreements

Disposals by registered social landlords

199 Repayment of discount: periods and amounts payable
200 Registered social landlord's right of first refusal
201 Deferred resale agreements
202 Right of assured tenant to acquire dwelling not affected by collective enfranchisement

Disposals by housing action trusts

203 Repayment of discount: periods and amounts payable
204 Housing action trust's right of first refusal
205 Deferred resale agreements

CHAPTER 3

MOBILE HOMES

Site agreements

206 Particulars of site agreements to be given in advance
207 Implied terms relating to termination of agreements or disposal of mobile homes
208 Power to amend terms implied in site agreements

Protection from eviction etc.

209 Protected sites to include sites for gypsies
210 Extension of protection from harassment for occupiers of mobile homes
211 Suspension of eviction orders

CHAPTER 4

TENANCY DEPOSIT SCHEMES

212 Tenancy deposit schemes
212A Provision of information to local authorities
213 Requirements relating to tenancy deposits
214 Proceedings relating to tenancy deposits
215 Sanctions for non-compliance
215A Statutory periodic tenancies: deposit received before 6 April 2007
215B Shorthold tenancies: deposit received on or after 6 April 2007
215C Sections 215A and 215B: transitional provisions

CHAPTER 5

MISCELLANEOUS

Overcrowding

216 Overcrowding

Energy efficiency

217 Energy efficiency of residential accommodation: England

Registered social landlords

218 Amendments relating to registered social landlords
219 Disclosure of information to registered social landlords for the purposes of section 1 of the Crime and Disorder Act 1998

Other provisions relating to social housing

220 Additional power to give grants for social housing
221 Extension of right to acquire
222 Rights of pre-emption in connection with assured tenancies
223 Allocation of housing accommodation by local authorities

Disabled facilities grant

224 Disabled facilities grant: caravans

Accommodation needs of gypsies and travellers

225 Duties of local housing authorities in England : accommodation needs of gypsies and travellers
226 Guidance in relation to section 225

Annual reports by local housing authorities

227 Removal of duty on local housing authorities to send annual reports to tenants etc.

Social Housing Ombudsman for Wales

228 Social Housing Ombudsman for Wales

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Residential property tribunals

229 Residential property tribunals
230 Powers and procedure of residential property tribunals
231 Appeals from residential property tribunals

First-tier Tribunal and Upper Tribunal

231A Additional Powers of First-tier Tribunal and Upper Tribunal
231B Transfer from court to First-tier Tribunal
231C Appeals from the First-tier Tribunal
231D Enforcement

Register of licences and management orders

232 Register of licences and management orders

Codes of practice and management regulations relating to HMOs etc.

233 Approval of codes of practice with regard to the management of HMOs etc.
234 Management regulations in respect of HMOs

Information provisions

235 Power to require documents to be produced
236 Enforcement of powers to obtain information
237 Use of information obtained for certain other statutory purposes
238 False or misleading information

Enforcement

239 Powers of entry
240 Warrant to authorise entry
241 Penalty for obstruction
242 Additional notice requirements for protection of owners

Authorisations

243 Authorisations for enforcement purposes etc.

Documents

244 Power to prescribe forms
245 Power to dispense with notices
246 Service of documents
247 Licences and other documents in electronic form
248 Timing and location of things done electronically
249 Proof of designations

Financial penalties as alternative to prosecution

249A Financial penalties for certain housing offences in England

Other supplementary provisions

250 Orders and regulations
251 Offences by bodies corporate
252 Power to up-rate level of fines for certain offences
253 Local inquiries

Meaning of "house in multiple occupation"

254 Meaning of "house in multiple occupation"
255 HMO declarations
256 Revocation of HMO declarations
257 HMOs: certain converted blocks of flats
258 HMOs: persons not forming a single household
259 HMOs: persons treated as occupying premises as only or main residence

260 HMOs: presumption that sole use condition or significant use condition is met

Other general interpretation provisions

261 Meaning of "appropriate national authority", "local housing authority" etc.
262 Meaning of "lease", "tenancy", "occupier" and "owner" etc.
263 Meaning of "person having control" and "person managing" etc.
264 Calculation of numbers of persons

Final provisions

265 Minor and consequential amendments
266 Repeals
267 Devolution: Wales
268 The Isles of Scilly
269 Expenses
270 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Procedure and appeals relating to improvement notices
Part 1 — SERVICE OF IMPROVEMENT NOTICES

Service of improvement notices: premises licensed under Part 2 or 3

1 (1) This paragraph applies where the specified premises in the...

Service of improvement notices: premises which are neither licensed under Part 2 or 3 nor flats

2 (1) This paragraph applies where the specified premises in the...

Service of improvement notices: flats which are not licensed under Part 2 or 3

3 (1) This paragraph applies where any specified premises in the...

Service of improvement notices: common parts

4 (1) This paragraph applies where any specified premises in the...

Service of copies of improvement notices

5 (1) In addition to serving an improvement notice in accordance...
Part 2 — SERVICE OF NOTICES RELATING TO REVOCATION OR VARIATION OF IMPROVEMENT NOTICES

Notice of revocation or variation

6 (1) This paragraph applies where the local housing authority decide...
7 A notice under paragraph 6 must set out—

Notice of refusal to revoke or vary notice

8 (1) This paragraph applies where the local housing authority refuse...

9 A notice under paragraph 8 must set out—

Part 3 — APPEALS RELATING TO IMPROVEMENT NOTICES

Appeal against improvement notice

10 (1) The person on whom an improvement notice is served...
11 (1) An appeal may be made by a person under...
12 (1) An appeal may be made by a person under...

Appeal against decision relating to variation or revocation of improvement notice

13 (1) The relevant person may appeal to the appropriate tribunal...

Time limit for appeal

14 (1) Any appeal under paragraph 10 must be made within...

Powers of ... tribunal on appeal under paragraph 10

15 (1) This paragraph applies to an appeal to the appropriate...
16 (1) This paragraph applies where the grounds of appeal consist...
17 (1) This paragraph applies where the grounds of appeal consist...

Powers of ... tribunal on appeal under paragraph 13

18 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of section 15(5)

19 (1) This paragraph defines "the operative time" for the purposes...

"The operative time" for the purposes of section 16(7)

20 (1) This paragraph defines "the operative time" for the purposes...

SCHEDULE 2 — Procedure and appeals relating to prohibition orders

Part 1 — SERVICE OF COPIES OF PROHIBITION ORDERS

Service on owners and occupiers of dwelling or HMO which is not a flat

1 (1) This paragraph applies to a prohibition order where the...

Service on owners and occupiers of building containing flats etc.

2 (1) This paragraph applies to a prohibition order where the...

Part 2 — SERVICE OF NOTICES RELATING TO REVOCATION OR VARIATION OF PROHIBITION ORDERS

Notice of revocation or variation

3 (1) This paragraph applies where the local housing authority decide...
4 A notice under paragraph 3 must set out—

Notice of refusal to revoke or vary order

5 (1) This paragraph applies where the local housing authority refuse...
6 A notice under paragraph 5 must set out—

Part 3 — APPEALS RELATING TO PROHIBITION ORDERS

Appeal against prohibition order

7 (1) A relevant person may appeal to the appropriate tribunal...
8 (1) An appeal may be made by a person under...

Appeal against decision relating to revocation or variation of prohibition order

9 A relevant person may appeal to the appropriate tribunal against—...

Time limit for appeal

10 (1) Any appeal under paragraph 7 must be made within...

Powers of ... tribunal on appeal under paragraph 7

11 (1) This paragraph applies to an appeal to the appropriate...
12 (1) This paragraph applies where the grounds of appeal consist...

Powers of ... tribunal on appeal under paragraph 9

13 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of section 24(5)

14 (1) This paragraph defines "the operative time" for the purposes...

"The operative time" for the purposes of section 25(7)

15 (1) This paragraph defines "the operative time" for the purposes...

Meaning of "relevant person"

16 (1) In this Part of this Schedule "relevant person", in...

SCHEDULE 3 — Improvement notices: enforcement action by local housing authorities

Part 1 — ACTION TAKEN BY AGREEMENT

Power to take action by agreement

1 (1) The local housing authority may, by agreement with the...

Expenses of taking action by agreement

2 Any action taken by the local housing authority under paragraph...

Part 2 — POWER TO TAKE ACTION WITHOUT AGREEMENT

Power to take action without agreement

3 (1) The local housing authority may themselves take the action...

Notice requirements in relation to taking action without agreement

4 (1) The local housing authority must serve a notice under...

Obstruction of action taken without agreement

5 (1) If, at any relevant time— (a) the person on...

Expenses in relation to taking action without agreement

6 (1) Part 3 of this Schedule applies with respect to...

Part 3 — RECOVERY OF CERTAIN EXPENSES

Introductory

7 This Part of this Schedule applies for the purpose of...

Recovery of expenses

8 (1) The expenses are recoverable by the local housing authority...

Service of demand

9 (1) A demand for expenses recoverable under paragraph 8, together...

Interest

10 Expenses in respect of which a demand is served carry...

Appeals

11 (1) A person on whom a demand for the recovery...

Expenses and interest recoverable from occupiers

12 (1) Where a demand becomes operative by virtue of paragraph...

Expenses and interest to be a charge on the premises

13 (1) Until recovered, the expenses recoverable by the local housing...

Recovery of expenses and interest from other persons profiting from taking of action

14 (1) Sub-paragraph (2) applies if, on an application to the...

SCHEDULE 4 — Licences under Parts 2 and 3: mandatory conditions

Conditions to be included in licences under Part 2 or 3

1 (1) A licence under Part 2 or 3 must include...

Additional conditions to be included in licences under Part 2: floor area etc

1A (1) Where the HMO is in England, a licence under...

Time for compliance with conditions under paragraph 1A(2) and (3)

1B (1) This paragraph applies in relation to an HMO in...

Additional conditions to be included in licences under Part 2: household waste

1C Where the HMO is in England, a licence under Part...

Additional conditions to be included in licences under Part 3

2 A licence under Part 3 must include conditions requiring the...

Power to prescribe conditions

3 The appropriate national authority may by regulations amend this Schedule...

Interpretation

4 In this Schedule "the house" means the HMO or Part...

SCHEDULE 5 — Licences under Parts 2 and 3: procedure and appeals

Part 1 — PROCEDURE RELATING TO GRANT OR REFUSAL OF LICENCES

Requirements before grant of licence

1 Before granting a licence, the local housing authority must—
2 The notice under paragraph 1 must state that the authority...
3 (1) This paragraph applies if, having considered representations made in...
4 The notice under paragraph 3 must set out—

Requirements before refusal to grant licence

5 Before refusing to grant a licence, the local housing authority...
6 The notice under paragraph 5 must state that the local...

Requirements following grant or refusal of licence

7 (1) This paragraph applies where the local housing authority decide...
8 (1) This paragraph applies where the local housing authority refuse...

Exceptions from requirements in relation to grant or refusal of licences

9 The requirements of paragraph 3 (and those of paragraph 1)...
10 The requirements of paragraph 3 (and those of paragraph 1)...
11 Paragraphs 5, 6 and 8 do not apply to a...
11A The requirements of paragraph 5 do not apply where the...

Meaning of "the end of the consultation period"

12 (1) In this Part of this Schedule "the end of...

Meaning of "licence" and "relevant person"

13 (1) In this Part of this Schedule "licence" means a...

Part 2 — PROCEDURE RELATING TO VARIATION OR REVOCATION OF LICENCES

Variation of licences

14 Before varying a licence, the local housing authority must—
15 The notice under paragraph 14 must state that the local...
16 (1) This paragraph applies where the local housing authority decide...

Exceptions from requirements of paragraph 14

17 The requirements of paragraph 14 do not apply if—
18 The requirements of paragraph 14 do not apply if the...

Refusal to vary a licence

19 Before refusing to vary a licence, the local housing authority...
20 The notice under paragraph 19 must state that the authority...
21 (1) This paragraph applies where the local housing authority refuse...

Revocation of licences

22 Before revoking a licence, the local housing authority must—
23 The notice under paragraph 22 must state that the authority...
24 (1) This paragraph applies where the local housing authority decide...

Exception from requirements of paragraph 22

25 The requirements of paragraph 22 do not apply if the...
25A The requirements of paragraph 22 do not apply if the...

Refusal to revoke a licence

26 Before refusing to revoke a licence, the local housing authority...
27 The notice under paragraph 26 must state that the authority...
28 (1) This paragraph applies where the local housing authority refuse...

Meaning of "the end of the consultation period"

29 (1) In this Part of this Schedule "the end of...

Meaning of "licence" and "relevant person"

30 (1) In this Part of this Schedule "licence" means a...

Part 3 — APPEALS AGAINST LICENCE DECISIONS

Right to appeal against refusal or grant of licence

31 (1) The applicant or any relevant person may appeal to...

Right to appeal against decision or refusal to vary or revoke licence

32 (1) The licence holder or any relevant person may appeal...

No rights of appeal where banning order involved

32A (1) The right of appeal under paragraph 31(1)(a) does not...

Time limits for appeals

33 (1) Any appeal under paragraph 31 against a decision to...

Powers of ... tribunal hearing appeal

34 (1) This paragraph applies to appeals to the appropriate tribunal...

"The operative time" for the purposes of section 69(6), 70(8), 92(3) or 93(5)

35 (1) This paragraph defines "the operative time" for the purposes...

Meaning of "licence" and "relevant person"

36 (1) In this Part of this Schedule "licence" means a...

SCHEDULE 6 — Management orders: procedure and appeals

Part 1 — PROCEDURE RELATING TO MAKING OF MANAGEMENT ORDERS

Requirements before making final management order

1 Before making a final management order, the local housing authority...
2 The notice under paragraph 1 must state that the authority...
3 (1) This paragraph applies if, having considered representations made in...
4 The notice under paragraph 3 must set out—

Exceptions from requirements relating to making of final management order

5 The requirements of paragraph 3 (and those of paragraph 1)...
6 The requirements of paragraph 3 (and those of paragraph 1)...

Requirements following making of interim or final management order

7 (1) This paragraph applies where the local housing authority make...

Meaning of "the end of the consultation period" and "relevant person"

8 (1) In this Part of this Schedule "the end of...

Part 2 — PROCEDURE RELATING TO VARIATION OR REVOCATION OF MANAGEMENT ORDERS

Variation of management orders

9 Before varying an interim or final management order, the local...
10 The notice under paragraph 9 must state that the authority...
11 (1) This paragraph applies where the local housing authority decide...

Exceptions from requirements of paragraph 9

12 The requirements of paragraph 9 do not apply if the...
13 The requirements of paragraph 9 do not apply if the...

Refusal to vary interim or final management order

14 Before refusing to vary an interim or final management order,...
15 The notice under paragraph 14 must state that the authority...
16 (1) This paragraph applies where the local housing authority refuse...

Revocation of management orders

17 Before revoking an interim or final management order, the local...
18 The notice under paragraph 17 must state that the authority...
19 (1) This paragraph applies where the local housing authority decide...

Refusal to revoke management order

20 Before refusing to revoke an interim or final management order,...
21 The notice under paragraph 20 must state that the authority...
22 (1) This paragraph applies where the local housing authority refuse...

Meaning of "the end of the consultation period" and "relevant person"

23 (1) In this Part of this Schedule "the end of...

Part 3 — APPEALS AGAINST DECISIONS RELATING TO MANAGEMENT ORDERS

Right to appeal against making of order etc.

24 (1) A relevant person may appeal to the appropriate tribunal...

Time limits for appeals under paragraph 24

25 (1) This paragraph applies in relation to an appeal under...

Powers of ... tribunal on appeal under paragraph 24

26 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of section 114(2)

27 (1) This paragraph defines "the operative time" for the purposes...

Right to appeal against decision or refusal to vary or revoke interim management order

28 A relevant person may appeal to the appropriate tribunal against—...

Time limits for appeals under paragraph 28

29 (1) This paragraph applies in relation to an appeal under...

Powers of ... tribunal on appeal under paragraph 28

30 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of section 111(2), 112(2), 121(2) or 122(2)

31 (1) This paragraph defines "the operative time" for the purposes...

Right to appeal against decision in respect of compensation payable to third parties

32 (1) This paragraph applies where a local housing authority have...

Time limits for appeals under paragraph 32

33 (1) This paragraph applies in relation to an appeal under...

Powers of ... tribunal on appeal under paragraph 32

34 (1) This paragraph applies in relation to an appeal under...

Meaning of "relevant person"

35 In this Part of this Schedule "relevant person" means—

SCHEDULE 7 — Further provisions regarding empty dwelling management orders

Part 1 — INTERIM EDMOS

Operation of interim EDMOs

1 (1) This paragraph deals with the time when an interim...

General effect of interim EDMOs

2 (1) This paragraph applies while an interim EDMO is in...

General effect of interim EDMOs: leases and licences granted by authority

3 (1) This paragraph applies in relation to any interest or...

General effect of interim EDMOs: relevant proprietor, mortgagees etc.

4 (1) This paragraph applies in relation to—

Financial arrangements while order is in force

5 (1) This paragraph applies to relevant expenditure of a local...

Variation or revocation of interim EDMOs

6 (1) The local housing authority may vary an interim EDMO...
7 (1) The local housing authority may revoke an interim EDMO...
8 (1) Part 2 of Schedule 6 applies in relation to...

Part 2 — FINAL EDMOS

Operation of final EDMOs

9 (1) This paragraph deals with the time when a final...

General effect of final EDMOs

10 (1) This paragraph applies while a final EDMO is in...

General effect of final EDMOs: leases and licences granted by authority

11 (1) This paragraph applies in relation to any interest or...

General effect of final EDMOs: relevant proprietor, mortgagees etc.

12 (1) This paragraph applies in relation to—

Management scheme and accounts

13 (1) A final EDMO must contain a management scheme.

Application to residential property tribunal in respect of breach of management scheme

14 (1) An affected person may apply to the appropriate tribunal...

Variation or revocation of final EDMOs

15 (1) The local housing authority may vary a final EDMO...
16 (1) The local housing authority may revoke a final EDMO...
17 (1) Part 2 of Schedule 6 applies in relation to...

Part 3 — INTERIM AND FINAL EDMOS: GENERAL PROVISIONS (OTHER THAN PROVISIONS RELATING TO APPEALS)

Effect of EDMOs: persons occupying or having a right to occupy the dwelling

18 (1) This paragraph applies to existing and new occupiers of...

Effect of EDMOs: agreements and legal proceedings

19 (1) An agreement or instrument within sub-paragraph (2) has effect,...

Effect of EDMOs: furniture

20 (1) Sub-paragraph (2) applies where, on the date on which...

EDMOs: power to supply furniture

21 (1) The local housing authority may supply the dwelling to...

Power of a ... tribunal to determine certain leases and licences

22 (1) The appropriate tribunal may make an order determining a...

Termination of EDMOs: financial arrangements

23 (1) This paragraph applies where an interim EDMO or final...

Termination of EDMOs: leases, agreements and proceedings

24 (1) This paragraph applies where— (a) an interim EDMO or...

EDMOs: power of entry to carry out work

25 (1) The right mentioned in sub-paragraph (2) is exercisable by...

Part 4 — APPEALS

Appeals: decisions relating to EDMOs

26 (1) A relevant person may appeal to the appropriate tribunal...

Appeals: time limits for appeals under paragraph 26

27 (1) This paragraph applies in relation to an appeal under...

Appeals: powers of ... tribunal on appeal under paragraph 26

28 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of paragraph 9(2)

29 (1) This paragraph defines "the operative time" for the purposes...

Right to appeal against decision or refusal to vary or revoke EDMO

30 A relevant person may appeal to the appropriate tribunal against—...

Time limits for appeals under paragraph 30

31 (1) This paragraph applies in relation to an appeal under...

Powers of ... tribunal on appeal under paragraph 30

32 (1) This paragraph applies to an appeal to the appropriate...

"The operative time" for the purposes of paragraphs 6, 7, 15 and 16

33 (1) This paragraph defines "the operative time" for the purposes...

Right to appeal against decision in respect of compensation payable to third parties

34 (1) This paragraph applies where a local housing authority have...

Time limits for appeals under paragraph 34

35 (1) This paragraph applies in relation to an appeal under...

Powers of ... tribunal on appeal under paragraph 34

36 (1) This paragraph applies in relation to an appeal under...

Meaning of "relevant person" for the purposes of this Part

37 In this Part of this Schedule "relevant person" means any...

SCHEDULE 8 — Penalty charge notices under section 168
1 Penalty charge notices under section 168
2 Penalty charge notices under section 168
3 Penalty charge notices under section 168
4 Penalty charge notices under section 168
5 Penalty charge notices under section 168
6 Penalty charge notices under section 168
7 Penalty charge notices under section 168
8 Penalty charge notices under section 168
9 Penalty charge notices under section 168
10 Penalty charge notices under section 168
11 Penalty charge notices under section 168

SCHEDULE 9 — New Schedule 5A to the Housing Act 1985: initial demolition notices

SCHEDULE 10 — Provisions relating to tenancy deposit schemes

Schemes to be custodial schemes or insurance schemes

1 (1) A tenancy deposit scheme must be either—

Provisions applying to custodial and insurance schemes

2 (1) A custodial scheme must conform with the following provisions—...

Custodial Schemes:general

3 (1) This paragraph applies to a custodial scheme.

Custodial schemes: termination of tenancies

4 (1) A custodial scheme must make provision—

Custodial schemes: termination of tenancies - absent or un-cooperative landlord or tenant

4A (1) The provision made by a custodial scheme for the...
4B (1) The provision made by a custodial scheme for the...
4C (1) Immediately upon receipt of— (a) a duly completed application...

Insurance schemes: general

5 (1) This paragraph applies to an insurance scheme.

Requirements where deposit is to cease to be retained under an insurance scheme

5A (1) This paragraph applies in relation to—

Insurance schemes: termination of tenancies

6 (1) An insurance scheme must make provision in accordance with...

Notice to be sent to landlord when a direction under paragraph 6(3) is given

6A (1) This paragraph applies where the scheme administrator of an...

Insurance schemes – supplementary provisions

7 (1) The designated account held by the scheme administrator must...
8 (1) The scheme must make provision for preventing double recovery...

Notifications to tenants

9 (1) Every custodial scheme or insurance scheme must provide for...

Dispute resolution procedures

10 (1) Every custodial scheme or insurance scheme must provide for...

Service of documents: general

10A A tenancy deposit scheme may make provision as to the...

Service of documents by scheme administrator on landlords

10B (1) The provision made by a tenancy deposit scheme under...
10C (1) The provision made by a tenancy deposit scheme under...

Power to amend

11 The Secretary of State may by order make such amendments...

Interpretation

12 In this Schedule references to tenants under shorthold tenancies include...

SCHEDULE 11 — Registered social landlords

Housing Associations Act 1985 (c. 69)

1 In section 87 of the Housing Associations Act 1985 (financial...

Housing Act 1988 (c. 50)

2 The Housing Act 1988 is amended as follows.
3 Registered social landlords
4 In section 52(2) (recovery etc. of grants) omit the words...
5 Omit section 55 (surplus rental income).

6 In section 59(1A) (interpretation) for “55” substitute “ 54 ”....

Housing Act 1996 (c. 52)

7 The Housing Act 1996 is amended as follows.
8 In section 18(2) (social housing grants) omit the words from...
9 In section 20(3) (purchase grant where right to acquire exercised)...
10 In section 21(3) (purchase grant in respect of other disposals)...
11 Registered social landlords
12 (1) In section 31(2) (offence of intentionally altering etc. document...
13 (1) Section 36 (issue of guidance by the Relevant Authority)...
14 In paragraph 1(2) of Schedule 1 (payments by way of...
15 (1) Paragraph 15 of Schedule 1 (transfer of net assets...
16 After paragraph 15 insert— Transfer of net assets on termination...
17 (1) Paragraph 16 of Schedule 1 (general requirements as to...
18 After paragraph 16 of Schedule 1 insert— Companies exempt from...
19 For paragraph 17 of Schedule 1 (appointment of auditors by...
20 (1) Paragraph 18 of Schedule 1 (accounting and audit requirements...
21 After paragraph 18 of Schedule 1 insert— Charities exempt from...
22 (1) Paragraph 19 of Schedule 1 (responsibility for securing compliance...
23 After paragraph 19 of Schedule 1 insert— Disclosure of information...
24 (1) Paragraph 20 of Schedule 1 (inquiry into affairs of...
25 After paragraph 20 of Schedule 1 insert— Evidence (1) For the purposes of an inquiry the person or...
26 (1) Paragraph 21 of Schedule 1 (power of appointed person...

SCHEDULE 12 — New Schedule 2A to the Housing Act 1996
. . . .

SCHEDULE 13 — Residential property tribunals: procedure

Procedure regulations

1 (1) The Welsh Ministers may make regulations about the procedure...

Applications and appeals

2 (1) Procedure regulations may include provision, in relation to applications...

Transfers

3 (1) This paragraph applies where, in any proceedings before a...

Parties etc.

4 (1) Procedure regulations may include provision enabling persons to be...

Information

5 (1) Procedure regulations may include— (a) provision relating to the...

Pre-trial reviews etc.

6 (1) Procedure regulations may include provision for the holding of...

Interim orders

7 Procedure regulations may include provision empowering tribunals to make orders,...

Additional relief

8 (1) Procedure regulations may include provision as to—

Dismissal

9 Procedure regulations may include provision empowering tribunals to dismiss applications,...

Determination without hearing

10 (1) Procedure regulations may include provision for the determination of...

Fees

11 (1) Procedure regulations may include provision requiring the payment of...

Costs

12 (1) A tribunal may determine that a party to proceedings...

Enforcement

13 Procedure regulations may provide for decisions of tribunals to be...

SCHEDULE 13A — Financial penalties under section 249A

Notice of intent

1 Before imposing a financial penalty on a person under section...
2 (1) The notice of intent must be given before the...
3 The notice of intent must set out—

Right to make representations

4 (1) A person who is given a notice of intent...

Final notice

5 After the end of the period for representations the local...
6 If the authority decides to impose a financial penalty on...
7 The final notice must require the penalty to be paid...
8 The final notice must set out— (a) the amount of...

Withdrawal or amendment of notice

9 (1) A local housing authority may at any time—

Appeals

10 (1) A person to whom a final notice is given...

Recovery of financial penalty

11 (1) This paragraph applies if a person fails to pay...

Guidance

12 A local housing authority must have regard to any guidance...

SCHEDULE 14 — Buildings which are not HMOs for purposes of this Act (excluding Part 1)

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excludingPart 1)

1 (1) The following paragraphs list buildings which are not houses...

Buildings controlled or managed by public sector bodies etc.

2 (1) A building where the person managing or having control...
2A A building— (a) which is social housing within the meaning...
2B Buildings controlled or managed by a co-operative society

Buildings regulated otherwise than under this Act

3 Any building whose occupation is regulated otherwise than by or...

Buildings occupied by students

4 (1) Any building— (a) which is occupied solely or principally...

Buildings occupied by religious communities

5 (1) Any building which is occupied principally for the purposes...

Buildings occupied by owners

6 (1) Any building which is occupied only by persons within...

Buildings occupied by two persons

7 Any building which is occupied only by two persons who...

SCHEDULE 15 — Minor and consequential amendments

Parliamentary Commissioner Act 1967 (c. 13)

1 Minor and consequential amendments

Land Compensation Act 1973 (c. 26)

2 The Land Compensation Act 1973 has effect subject to the...
3 (1) Section 29 (right to home loss payment where person...
4 (1) Section 33D (loss payments: exclusions) is amended as follows....
5 (1) Section 37 (disturbance payments for persons with compensatable interests)...

6 (1) Section 39 (duty to rehouse residential occupiers) is amended...

Local Government Act 1974 (c. 7)

7 Minor and consequential amendments

Greater London Council (General Powers) Act 1981 (c. xvii)

8 In section 9(1) of the Greater London Council (General Powers)...

Mobile Homes Act 1983 (c. 34)

9 In section 2 of the Mobile Homes Act 1983 (terms...

Housing Act 1985 (c. 68)

10 The Housing Act 1985 has effect subject to the following...
11 In section 8(2) (periodical review of housing needs) for "section...
12 For section 252(c) (definition of "house in multiple occupation" for...
13 For section 268 (service of notice of demolition and closing...
14 In section 269(1) (right of appeal against demolition or closing...
15 After section 269 insert— Appeals suggesting certain other courses of...
16 In section 274 (demolition orders: power to permit reconstruction of...
17 After section 274 insert— Effect of certain enforcement action under...
18 For section 275 (demolition orders: substitution of closing orders) substitute—...
19 (1) Section 289 (declaration of clearance area) is amended as...
20 For section 300 (purchase of houses liable to be demolished...
21 For section 304 (closing orders in relation to listed buildings)...
22 In section 307(1) (saving for rights arising from breach of...
23 In section 308(3) (approval of owner's proposals for re-development)—
24 Omit section 310 (certificate of fitness for human habitation resulting...
25 In section 318(1)(a) (power of court to authorise execution of...
26 For section 322 substitute— Minor definitions (1) In this Part the following expressions have the same...
27 In section 323 (index of defined expressions: Part 9) insert...
28 In section 439 (requirements as to fitness of premises before...
29 In section 582 (compulsory purchase orders: restriction on recovery of...
30 For section 584A (compensation payable in case of closing and...
31 For section 584B (repayment on revocation of demolition or closing...

Landlord and Tenant Act 1985 (c. 70)

32 (1) Section 20C of the Landlord and Tenant Act 1985...

Housing Act 1988 (c. 50)

33 In paragraph 47 of Schedule 17 to the Housing Act...

Local Government and Housing Act 1989 (c. 42)

34 In section 100 of the Local Government and Housing Act...
35 In section 195(2) of that Act (short title, commencement and...

Water Industry Act 1991 (c. 56)

36 For paragraph 2(2) of Schedule 4A to the Water Industry...

Health Service Commissioners Act 1993 (c. 46)

37 Minor and consequential amendments

Home Energy Conservation Act 1995 (c. 10)

38 For paragraph (aa)(i) of the definition of "residential accommodation" in...

Gas Act 1995 (c. 45)

39 In paragraph 2 of Schedule 4 to the Gas Act...

Housing Act 1996 (c. 52)

40 The Housing Act 1996 has effect subject to the following...
41 In section 52(1) (general provisions as to orders) after "17,"...
42 Minor and consequential amendments
43 In section 210 (homelessness: suitability of accommodation)—

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

44 In section 24 of the Housing Grants, Construction and Regeneration...

Government of Wales Act 1998 (c. 38)

45 Minor and consequential amendments

Freedom of Information Act 2000 (c. 36)

46 Minor and consequential amendments

Local Government Act 2003 (c. 26)

47 In section 87 of the Local Government Act 2003 (housing...

SCHEDULE 16 — Repeals

Changes to legislation:
Housing Act 2004 is up to date with all changes known to be in force on or before 19 May 2024. 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.
View outstanding changes

Changes and effects yet to be applied to :

- s. 63(6)(c) words inserted by 2016 c. 22 s. 125(2)
- s. 66(2)(c) words inserted by 2016 c. 22 s. 125(3)(b)
- s. 70(2) words substituted by 2016 c. 22 s. 125(4)(a)
- s. 70(2) words substituted by 2016 c. 22 s. 125(4)(b)
- s. 87(6)(c) words inserted by 2016 c. 22 s. 125(5)
- s. 89(2)(c) words inserted by 2016 c. 22 s. 125(6)(b)
- s. 93(2) words substituted by 2016 c. 22 s. 125(7)(a)
- s. 93(2) words substituted by 2016 c. 22 s. 125(7)(b)
- s. 139(7) words omitted by 2016 c. 22 s. 127(2)

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)