

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 - Additional Control Provisions in Relation to Residential Accommodation**

##### *Chapter 1: Interim and Final Management Orders*

##### *Section 104: The health and safety condition*

245. [Section 104](#) defines the "health and safety condition" for the purposes of Section 102. The condition is satisfied when it is necessary to make an IMO or FMO in order to protect the health, safety and welfare of the occupiers of the house or persons occupying or owning property in its vicinity.
246. The condition can be satisfied if there is a threat to evict occupiers in order to avoid licensing under Part 2. It cannot be met where the threat relates to a category 1 or 2 hazard under Part 1 and the appropriate course of action is to take enforcement action under that Part.