



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 2

IMPROVEMENT NOTICES, PROHIBITION ORDERS AND HAZARD AWARENESS NOTICES

Enforcement: prohibition orders

32 Offence of failing to comply with prohibition order etc.

- (1) A person commits an offence if, knowing that a prohibition order has become operative in relation to any specified premises, he—
 - (a) uses the premises in contravention of the order, or
 - (b) permits the premises to be so used.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction—
 - (a) to a fine not exceeding level 5 on the standard scale, and
 - (b) to a further fine not exceeding £20 for every day or part of a day on which he so uses the premises, or permits them to be so used, after conviction.
- (3) In proceedings against a person for an offence under subsection (1) it is a defence that he had a reasonable excuse for using the premises, or (as the case may be) permitting them to be used, in contravention of the order.

Changes to legislation: Housing Act 2004, Cross Heading: Enforcement: prohibition orders is up to date with all changes known to be in force on or before 24 April 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

Modifications etc. (not altering text)

- C1** S. 32(1) modified (6.4.2017 for specified purposes, 6.4.2018 in so far as not already in force) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 40(4)**, 216(3); S.I. 2017/281, **reg. 4(a)** (with **reg. 5**); S.I. 2018/393, **reg. 2(a)**

Commencement Information

- I1** S. 32 wholly in force at 16.6.2006; s. 32 not in force at Royal Assent see [s. 270\(4\)\(5\)](#); s. 32 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), **art. 2(1)(a)** (with **Sch.**); s. 32 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), **art. 2(a)** (with **Sch.**)

33 Recovery of possession of premises in order to comply with order

Nothing in—

- (a) the Rent Act 1977 (c. 42) or the Rent (Agriculture) Act 1976 (c. 80), ^{F1}...
- (b) Part 1 of the Housing Act 1988 (c. 50), [^{F2}or]
- [^{F3}(c) Part 9 of the Renting Homes (Wales) Act 2016 ([anaw 1](#)),]

prevents possession being obtained by the owner of any specified premises in relation to which a prohibition order is operative if possession of the premises is necessary for the purpose of complying with the order.

Textual Amendments

- F1** Word in [s. 33\(a\)](#) omitted (1.12.2022) by virtue of [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), **regs. 1(1)**, **28(2)(a)** (with savings and transitional provisions in [S.I. 2022/1172](#), **regs. 9, 19**)
- F2** Word in [s. 33\(b\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), **regs. 1(1)**, **28(2)(b)** (with savings and transitional provisions in [S.I. 2022/1172](#), **regs. 9, 19**)
- F3** [S. 33\(c\)](#) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), **regs. 1(1)**, **28(2)(c)** (with savings and transitional provisions in [S.I. 2022/1172](#), **regs. 9, 19**)

Commencement Information

- I2** S. 33 wholly in force at 16.6.2006; s. 33 not in force at Royal Assent see [s. 270\(4\)\(5\)](#); s. 33 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), **art. 2(1)(a)** (with **Sch.**); s. 33 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), **art. 2(a)** (with **Sch.**)

34 Power of tribunal to determine or vary lease

- (1) Subsection (2) applies where—
 - (a) a prohibition order has become operative, and
 - (b) the whole or part of any specified premises form the whole or part of the subject matter of a lease.
- (2) The lessor or the lessee may apply to [^{F4}the appropriate tribunal] for an order determining or varying the lease.
- (3) On such an application the tribunal may make an order determining or varying the lease, if it considers it appropriate to do so.

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- (4) Before making such an order, the tribunal must give any sub-lessee an opportunity of being heard.
- (5) An order under this section may be unconditional or subject to such terms and conditions as the tribunal considers appropriate.
- (6) The conditions may, in particular, include conditions about the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.
- (7) In deciding what is appropriate for the purposes of this section, the tribunal must have regard to the respective rights, obligations and liabilities of the parties under the lease and to all the other circumstances of the case.
- (8) In this section “lessor” and “lessee” include a person deriving title under a lessor or lessee.

Textual Amendments

- F4** Words in s. 34(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 151](#) (with Sch. 3)

Commencement Information

- I3** S. 34 wholly in force at 16.6.2006; s. 34 not in force at Royal Assent see s. 270(4)(5); s. 34 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); s. 34 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\(3\)](#)