



Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 2

INTERIM AND FINAL EMPTY DWELLING MANAGEMENT ORDERS

Final empty dwelling management orders

136 Making of final EDMOs

- (1) A local housing authority may make a final EDMO to replace an interim EDMO made under section 133 if—
 - (a) they consider that, unless a final EDMO is made in respect of the dwelling, the dwelling is likely to become or remain unoccupied;
 - (b) where the dwelling is unoccupied, they have taken all such steps as it was appropriate for them to take under the interim EDMO with a view to securing the occupation of the dwelling.
- (2) A local housing authority may make a new final EDMO so as to replace a final EDMO made under this section if—
 - (a) they consider that unless a new final EDMO is made in respect of the dwelling, the dwelling is likely to become or remain unoccupied; and
 - (b) where the dwelling is unoccupied, they have taken all such steps as it was appropriate for them to take under the existing final EDMO with a view to securing the occupation of the dwelling.
- (3) In deciding whether to make a final EDMO in respect of a dwelling, the authority must take into account—
 - (a) the interests of the community, and

- (b) the effect that the order will have on the rights of the relevant proprietor and may have on the rights of third parties.
- (4) Before making a final EDMO under this section, the authority must consider whether compensation should be paid by them to any third party in respect of any interference in consequence of the order with the rights of the third party.
- (5) Part 1 of Schedule 6 applies in relation to the making of a final EDMO in respect of a dwelling as it applies in relation to the making of a final management order in respect of a house, subject to the following modifications—
- (a) paragraph 7(2) does not apply;
 - (b) paragraph 7(4)(c) is to be read as referring instead to the date on which the order is to cease to have effect in accordance with paragraph 1(3) and (4) or 9(3) to (5) of Schedule 7;
 - (c) in paragraph 7(6)—
 - (i) paragraph (a) is to be read as referring to Part 4 of Schedule 7, and
 - (ii) paragraph (b) is to be read as referring instead to paragraph 27(2) of Schedule 7;
 - (d) paragraph 7(6) in addition is to be read as requiring the notice under paragraph 7(5) also to contain—
 - (i) the decision of the authority as to whether to pay compensation to any third party,
 - (ii) the amount of any such compensation to be paid, and
 - (iii) information about the right of appeal against the decision under paragraph 34 of Schedule 7;
 - (e) paragraph 8(4) is to be read as defining “relevant person” as any person who, to the knowledge of the local housing authority, is a person having an estate or interest in the dwelling (other than a person who is a tenant under a lease granted under paragraph 2(3)(c) or 10(3)(c) of Schedule 7).

137 Local housing authority’s duties once final EDMO in force

- (1) A local housing authority who have made a final EDMO in respect of a dwelling must comply with the following provisions once the order has come into force (see paragraph 9 of Schedule 7).
- (2) The authority must take such steps as they consider appropriate for the purpose of securing that the dwelling is occupied.
- (3) The authority must also take such other steps as they consider appropriate with a view to the proper management of the dwelling in accordance with the management scheme contained in the order (see paragraph 13 of Schedule 7).
- (4) The authority must from time to time review—
 - (a) the operation of the order and in particular the management scheme contained in it,
 - (b) whether, if the dwelling is unoccupied, there are any steps which they could appropriately take under the order for the purpose of securing that the dwelling becomes occupied, and
 - (c) whether keeping the order in force in relation to the dwelling (with or without making any variations under paragraph 15 of Schedule 7) is necessary to secure that the dwelling becomes or remains occupied.

- (5) If on a review the authority consider that any variations should be made under paragraph 15 of Schedule 7, they must proceed to make those variations.
- (6) If the dwelling is unoccupied and on a review the authority conclude that either—
 - (a) there are no steps which they could appropriately take as mentioned in subsection (4)(b), or
 - (b) keeping the order in force is not necessary as mentioned in subsection (4)(c), they must proceed to revoke the order.
- (7) For the avoidance of doubt, the authority's duty under subsection (3) includes taking such steps as are necessary to ensure that, while the order is in force, reasonable provision is made for insurance of the dwelling against destruction or damage by fire or other causes.