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**Changes to legislation:** *Housing Act 2004, Part 1 is up to date with all changes known to be in force on or before 11 August 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*

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## SCHEDULES

### SCHEDULE 2

#### PROCEDURE AND APPEALS RELATING TO PROHIBITION ORDERS

##### PART 1

##### SERVICE OF COPIES OF PROHIBITION ORDERS

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###### Modifications etc. (not altering text)

- C1** Sch. 2 Pt. 1 applied by [Housing Act 1985 \(c. 68\), s. 300\(5\)\(b\)](#) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\), ss. 265\(1\), 270\(4\)\(5\)\(f\)](#), [Sch. 15 para. 20](#)); [S.I. 2006/1060, art. 2\(1\)\(d\)](#) (with [Sch.](#)); [S.I. 2006/1535, art. 2\(b\)](#) (with [Sch.](#))

###### *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 specified premises are a dwelling or HMO which is not a flat.
- (2) The authority must serve copies of the order on every person who, to their knowledge, is—
- (a) an owner or occupier of the whole or part of the specified premises;
  - (b) authorised to permit persons to occupy the whole or part of those premises; or
  - (c) a mortgagee of the whole or part of those premises.
- (3) The copies required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the order is made.
- (4) A copy of the order is to be regarded as having been served on every occupier in accordance with sub-paragraphs (2)(a) and (3) if a copy of the order is fixed to some conspicuous part of the specified premises within the period of seven days mentioned in sub-paragraph (3).

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###### Commencement Information

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

###### *Service on owners and occupiers of building containing flats etc.*

- 2 (1) This paragraph applies to a prohibition order where the specified premises consist of or include the whole or any part of a building containing one or more flats or any common parts of such a building.

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- (2) The authority must serve copies of the order on every person who, to their knowledge, is—
- (a) an owner or occupier of the whole or part of the building;
  - (b) authorised to permit persons to occupy the whole or part of the building; or
  - (c) a mortgagee of the whole or part of the building.
- (3) Where the specified premises consist of or include any external common parts of such a building, the authority must, in addition to complying with sub-paragraph (2), serve copies of the order on every person who, to their knowledge, is an owner or mortgagee of the premises in which the common parts are comprised.
- (4) The copies required to be served under sub-paragraph (2) or (3) must be served within the period of seven days beginning with the day on which the order is made.
- (5) A copy of the order is to be regarded as having been served on every occupier in accordance with sub-paragraphs (2)(a) and (4) if a copy of the order is fixed to some conspicuous part of the building within the period of seven days mentioned in sub-paragraph (4).

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**Commencement Information**

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

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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\(3\)](#)