
Changes to legislation: Housing Act 2004, Paragraph 18 is up to date with all changes known to be in force on or before 17 September 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

SCHEDULES

SCHEDULE 7

FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

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 a dwelling in relation to which an interim EDMO or final EDMO is in force.
- (2) In this paragraph—
- “existing occupier” means a person other than the relevant proprietor who, at the time when the order comes into force—
 - (a) has the right to occupy the dwelling, but
 - (b) is not a new occupier within sub-paragraph (4);
 - “new occupier” means a person who, at a time when the order is in force, is occupying the dwelling under a lease or licence granted under paragraph 2(3)(c) or 10(3)(c).
- (3) Paragraphs 2 and 10 do not affect the rights or liabilities of an existing occupier under a lease or licence (whether in writing or not) under which he has the right to occupy the dwelling at the commencement date.
- (4) Paragraph 10 does not affect the rights and liabilities of a new occupier who, in the case of a final EDMO, is occupying the dwelling at the time when the order comes into force.
- (5) The provisions mentioned in sub-paragraph (6) do not apply to a lease or agreement under which a new occupier has the right to occupy or is occupying the dwelling.
- (6) The provisions are—
- (a) the provisions which exclude local authority lettings from the Rent Acts, namely—
 - (i) sections 14 to 16 of the Rent Act 1977 (c. 42), and
 - (ii) those sections as applied by Schedule 2 to the Rent (Agriculture) Act 1976 (c. 80) and section 5(2) to (4) of that Act; and
 - (b) section 1(2) of, and paragraph 12 of Part 1 of Schedule 1 to, the Housing Act 1988 (c. 50) (which exclude local authority lettings from Part 1 of that Act).
- (7) If, immediately before the coming into force of an interim EDMO or final EDMO, an existing occupier had the right to occupy the dwelling under—

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- (a) a protected or statutory tenancy within the meaning of the Rent Act 1977,
- (b) a protected or statutory tenancy within the meaning of the Rent (Agriculture) Act 1976, or
- (c) an assured tenancy or assured agricultural occupancy within the meaning of Part 1 of the Housing Act 1988,

nothing in this Chapter (except an order under paragraph 22 determining a lease or licence) prevents the continuance of that tenancy or occupancy or affects the continued operation of any of those Acts in relation to the tenancy or occupancy after the coming into force of the order.

- (8) In this paragraph “the commencement date” means the date on which the order came into force (or, if that order was preceded by one or more orders under this Chapter, the date when the first order came into force).

Commencement Information

- II** Sch. 7 para. 18 wholly in force at 16.6.2006; Sch. 7 para. 18 not in force at Royal Assent see s. 270(4) (5); Sch. 7 para. 18 in force for E. at 6.4.2006 by S.I. 2006/1060 , **art. 2(1)(a)** (with Sch.); Sch. 7 para. 18 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\(3\)](#)