



# Housing Act 2004

## 2004 CHAPTER 34

### PART 4

#### ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

### CHAPTER 1

#### INTERIM AND FINAL MANAGEMENT ORDERS

##### *Interim management orders: making and operation of orders*

#### **107 General effect of interim management orders**

- (1) This section applies while an interim management order is in force in relation to a house.
- (2) The rights and powers conferred by subsection (3) are exercisable by the authority in performing their duties under section 106(1) to (3) in respect of the house.
- (3) The authority—
  - (a) have the right to possession of the house (subject to the rights of existing occupiers preserved by section 124(3));
  - (b) have the right to do (and authorise a manager or other person to do) in relation to the house anything which a person having an estate or interest in the house would (but for the order) be entitled to do;
  - (c) may create one or more of the following—
    - (i) an interest in the house which, as far as possible, has all the incidents of a leasehold, or
    - (ii) a right in the nature of a licence to occupy part of the house.
- (4) But the authority may not under subsection (3)(c) create any interest or right in the nature of a lease or licence unless consent in writing has been given by the person who (but for the order) would have power to create the lease or licence in question.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The authority—
- (a) do not under this section acquire any estate or interest in the house, and
  - (b) accordingly are not entitled by virtue of this section to sell, lease, charge or make any other disposition of any such estate or interest;
- but, where the immediate landlord of the house or part of it (within the meaning of section 109) is a lessee under a lease of the house or part, the authority is to be treated (subject to paragraph (a)) as if they were the lessee instead.
- (6) Any enactment or rule of law relating to landlords and tenants or leases applies in relation to—
- (a) a lease in relation to which the authority are to be treated as the lessee under subsection (5), or
  - (b) a lease to which the authority become a party under section 124(4),
- as if the authority were the legal owner of the premises (but this is subject to section 124(7) to (9)).
- (7) None of the following, namely—
- (a) the authority, or
  - (b) any person authorised under subsection (3)(b),
- is liable to any person having an estate or interest in the house for anything done or omitted to be done in the performance (or intended performance) of the authority's duties under section 106(1) to (3) unless the act or omission is due to the negligence of the authority or any such person.
- (8) References in any enactment to housing accommodation provided or managed by a local housing authority do not include a house in relation to which an interim management order is in force.
- (9) An interim management order which has come into force is a local land charge.
- (10) The authority may apply to the Chief Land Registrar for the entry of an appropriate restriction in the register of title in respect of such an order.
- (11) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).