



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

108 General effect of interim management orders: leases and licences granted by authority

- (1) This section applies in relation to any interest or right created by the authority under section 107(3)(c).
- (2) For the purposes of any enactment or rule of law—
 - (a) any interest created by the authority under section 107(3)(c)(i) is to be treated as if it were a legal lease, and
 - (b) any right created by the authority under section 107(3)(c)(ii) is to be treated as if it were a licence to occupy granted by the legal owner of the premises, despite the fact that the authority have no legal estate in the premises (see section 107(5)(a)).
- (3) Any enactment or rule of law relating to landlords and tenants or leases accordingly applies in relation to any interest created by the authority under section 107(3)(c)(i) as if the authority were the legal owner of the premises.
- (4) References to leases and licences—
 - (a) in this Chapter, and
 - (b) in any other enactment,

Changes to legislation: *Housing Act 2004, Section 108 is up to date with all changes known to be in force on or before 31 May 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*

accordingly include (where the context permits) interests and rights created by the authority under section 107(3)(c).

- (5) The preceding provisions of this section have effect subject to—
- (a) section 124(7) to (9), and
 - (b) any provision to the contrary contained in an order made by the appropriate national authority.
- (6) In section 107(5)(b) the reference to leasing does not include the creation of interests under section 107(3)(c)(i).
- (7) In this section—
- “enactment” has the meaning given by section 107(11);
 - “legal lease” means a term of years absolute (within section 1(1)(b) of the Law of Property Act 1925 (c. 20)).

Commencement Information

- II** [S. 108](#) wholly in force at 16.6.2006; [s. 108](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 108](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 108](#) 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\(3\)](#)