



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Documents

246 Service of documents

- (1) Subsection (2) applies where the local housing authority is, by virtue of any provision of Parts 1 to 4 or this Part, under a duty to serve a document on a person who, to the knowledge of the authority, is—
 - (a) a person having control of premises,
 - (b) a person managing premises, or
 - (c) a person having an estate or interest in premises,or a person who (but for an interim or final management order under Chapter 1 of Part 4) would fall within paragraph (a) or (b).
- (2) The local housing authority must take reasonable steps to identify the person or persons falling within the description in that provision.
- (3) A person having an estate or interest in premises may for the purposes of any provision to which subsections (1) and (2) apply give notice to the local housing authority of his interest in the premises.
- (4) The local housing authority must enter a notice under subsection (3) in its records.
- (5) A document required or authorised by any of Parts 1 to 4 or this Part to be served on a person as—
 - (a) a person having control of premises,
 - (b) a person managing premises,
 - (c) a person having an estate or interest in premises, or

Changes to legislation: Housing Act 2004, Section 246 is up to date with all changes known to be in force on or before 04 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

- (d) a person who (but for an interim or final management order under Chapter 1 of Part 4) would fall within paragraph (a) or (b),
 may, if it is not practicable after reasonable enquiry to ascertain the name or address of that person, be served in accordance with subsection (6).
- (6) A person having such a connection with any premises as is mentioned in subsection (5) (a) to (d) is served in accordance with this subsection if—
- (a) the document is addressed to him by describing his connection with the premises (naming them), and
 - (b) delivering the document to some person on the premises or, if there is no person on the premises to whom it can be delivered, by fixing it, or a copy of it, to some conspicuous part of the premises.
- (7) Subsection (1)(c) or (5)(c) applies whether the provision requiring or authorising service of the document refers in terms to a person having an estate or interest in premises or instead refers to a class of person having such an estate or interest (such as owners, lessees or mortgagees).
- (8) Where under any provision of Parts 1 to 4 or this Part a document is to be served on—
- (a) the person having control of premises,
 - (b) the person managing premises, or
 - (c) the owner of premises,
- and more than one person comes within the description in the provision, the document may be served on more than one of those persons.
- (9) Section 233 of the Local Government Act 1972 (c. 70) (service of notices by local authorities) applies in relation to the service of documents for any purposes of this Act by the authorities mentioned in section 261(2)(d) and (e) of this Act as if they were local authorities within the meaning of section 233.
- (10) In this section—
- (a) references to a person managing premises include references to a person authorised to permit persons to occupy premises; and
 - (b) references to serving include references to similar expressions (such as giving or sending).
- (11) In this section—
- “document” includes anything in writing;
- “premises” means premises however defined.

Modifications etc. (not altering text)

C1 S. 246 applied by [Housing Act 1985 \(c. 68\)](#), s. 268 (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. 13](#)); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with Sch.); S.I. 2006/1535, [art. 2\(b\)](#) (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\(3\)](#)