



# Housing Act 2004

## 2004 CHAPTER 34

### PART 1

#### HOUSING CONDITIONS

#### CHAPTER 5

##### GENERAL AND MISCELLANEOUS PROVISIONS RELATING TO ENFORCEMENT ACTION

##### *Recovery of expenses relating to enforcement action*

#### **49 Power to charge for certain enforcement action**

- (1) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering certain administrative and other expenses incurred by them in—
  - (a) serving an improvement notice under section 11 or 12;
  - (b) making a prohibition order under section 20 or 21;
  - (c) serving a hazard awareness notice under section 28 or 29;
  - (d) taking emergency remedial action under section 40;
  - (e) making an emergency prohibition order under section 43; or
  - (f) making a demolition order under section 265 of the Housing Act 1985 (c. 68).
- (2) The expenses are, in the case of the service of an improvement notice or a hazard awareness notice, the expenses incurred in—
  - (a) determining whether to serve the notice,
  - (b) identifying any action to be specified in the notice, and
  - (c) serving the notice.
- (3) The expenses are, in the case of emergency remedial action under section 40, the expenses incurred in—
  - (a) determining whether to take such action, and

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**Changes to legislation:** *Housing Act 2004, Section 49 is up to date with all changes known to be in force on or before 20 June 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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- (b) serving the notice required by subsection (7) of that section.
- (4) The expenses are, in the case of a prohibition order under section 20 or 21 of this Act, an emergency prohibition order under section 43 or a demolition order under section 265 of the Housing Act 1985, the expenses incurred in—
  - (a) determining whether to make the order, and
  - (b) serving copies of the order on persons as owners of premises.
- (5) A local housing authority may make such reasonable charge as they consider appropriate as a means of recovering expenses incurred by them in—
  - (a) carrying out any review under section 17 or 26, or
  - (b) serving copies of the authority’s decision on such a review.
- (6) The amount of the charge may not exceed such amount as is specified by order of the appropriate national authority.
- (7) Where a tribunal allows an appeal against the underlying notice or order mentioned in subsection (1), it may make such order as it considers appropriate reducing, quashing, or requiring the repayment of, any charge under this section made in respect of the notice or order.

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**Commencement Information**

- II** S. 49 wholly in force at 16.6.2006; s. 49 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 49 in force for E. at 6.4.2006 by S.I. 2006/1060, **art. 2(1)(a)** (with Sch.); s. 49 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\(3\)](#)