

2012 No. 2625

HOUSING, ENGLAND

**The Housing (Empty Dwelling Management Orders)
(Prescribed Period of Time and Additional Prescribed
Requirements) (England) (Amendment) Order 2012**

<i>Made</i>	- - - -	<i>17th October 2012</i>
<i>Laid before Parliament</i>		<i>23rd October 2012</i>
<i>Coming into force</i>		<i>15th November 2012</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 134(5)(b) and (c) and 250 of the Housing Act 2004(a):

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Housing (Empty Dwelling Management Orders) (Prescribed Period of Time and Additional Prescribed Requirements) (England) (Amendment) Order 2012 and shall come into force on 15th November 2012.

(2) In this Order “the Act” means the Housing Act 2004.

(3) This Order shall apply in relation to England only.

Prescribed period of time

2. For the purposes of section 134(2)(a) of the Act, the prescribed period of time is 2 years.

Amendment to the Prescribed Requirements

3. Article 4 of the Housing (Empty Dwelling Management Orders)(Prescribed Exceptions and Requirements) (England) Order 2006(b) is amended as follows—

(a) after paragraph 1(a) insert—

“(aa) it has—

(i) notified the relevant proprietor in writing of its decision to make an application under section 134 of the Act to the residential property tribunal for authorisation of an interim empty dwelling management order no less than 3 months before it makes such an application, or

(a) 2004 c. 34. The powers conferred by section 134 of the Act are exercisable, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales; see the definition of appropriate national authority in section 261(1) of the Act. Under paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), functions formerly exercised by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(b) SI 2006/367.

- (ii) made all reasonable efforts to comply with subparagraph (aa)(i) before the commencement of that 3 month period”;
- (b) at the end of paragraph (1)(b)(iv) delete “and”;
- (c) at the end of paragraph (1)(b)(v) delete “and” and insert—
 - “(vi) all information they have that suggests that the dwelling has been causing a nuisance for the community; and
 - (vii) all information they have that suggests that the community supports the proposed making of the interim empty dwelling management order by the local housing authority; and”.

Transitional Provision

4. The provisions in Articles 2 and 3 shall not have effect in relation to applications submitted to the residential property tribunal prior to the day on which this Order was commenced.

Signed by the authority of the Secretary of State for Communities and Local Government

Mark Prisk
Minister of State

17th October 2012

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Chapter 2 of Part 4 of the Housing Act 2004 (“the Act”) deals with the making of interim and final empty dwelling management orders which may be made by local housing authorities in respect of dwellings which are wholly unoccupied.

An interim empty dwelling management order is an order made by a local housing authority to enable it to take steps for the purpose of securing that a dwelling becomes and continues to be occupied. A final empty dwelling management order is made in succession to an interim empty dwelling management order for the purpose of securing that a dwelling is occupied (section 132 of the Act).

Section 133 of the Act sets out the basis upon which a local housing authority may make an interim empty dwelling management order, which includes authorisation of the making of the Order by a residential property tribunal under section 134 of the Act. Section 134 sets out the matters upon which the residential property tribunal must be satisfied before it authorises the making of an interim empty dwelling management order; these include that the dwelling has been wholly unoccupied for at least 6 months or such longer period as may be prescribed and that other prescribed requirements have been complied with by the local housing authority.

The Housing (Empty Dwelling Management Orders) (Prescribed Exceptions and Requirements) (England) Order 2006, (SI 2006/367), prescribes requirements that a local housing authority must have complied with when making an application to a residential property tribunal for authorisation of an interim empty dwelling management order.

Article 2 of this Order prescribes a period of time of at least two years for which the dwelling must be wholly unoccupied, in substitution for the period of at least 6 months specified in section 134(2)(a) of the Act.

Article 3 of this Order prescribes additional requirements that must be complied with before a residential property tribunal may authorise the interim empty dwelling management order.

Article 4 of this Order provides the transitional provision that Article 2 and 3 will not apply to applications submitted to the residential property tribunal prior to the day on which this Order is commenced.

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STATUTORY INSTRUMENTS

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