

Annex 2: Enforcement Options Available to Tackle Empty Properties

The main legislation used to deal with empty homes through enforcement action is as follows:

Environmental Protection Act 1990

Abatement Notices can be served under section 80 of the Environmental Protection Act 1990 in respect of statutory nuisances caused by a property's structure or associated land.

Prevention Of Damage By Pests Act 1949

Section 4 of the Prevention of Damage by Pests Act 1949 enables the Council to serve Notices on the owner or occupier of the land to ensure the premises are free from rodents.

Building Act 1984

The Building Act 1984 can be used to deal with several different situations where there is a building defect, danger or where a property is in a ruinous or dilapidated condition that is seriously detrimental to the amenities of the neighbourhood.

Local Government (Miscellaneous Provisions) Act 1982

Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 enables the Council to undertake work on an unoccupied property to secure it against unauthorised entry.

Town And Country Planning Act 1990

Where an owner fails to maintain their property and its condition is considered to be detrimental to the amenities of the neighbourhood, the Local Authority can serve a Notice on the owner requiring work to be carried out to improve its appearance.

Housing Act 2004, Part 1: The Housing, Health And Safety Rating System (HHSRS)

The Housing Act 2004 stipulates the requirement of a housing inspection and completing an HHSRS which is a risk assessment of 29 defined hazards that may be found in a property.

The Law Of Property Act 1925: Enforced Sale

Where there is a financial charge of over £500 owed for works in default of certain legal notices detailed above and recorded on the Local Land Charges Register; the Local Authority can take action under the Law of Property Act 1925 to enforce the sale to recover our debts.

Housing Act 1985: Compulsory Purchase Orders

Section 17 of the Housing Act 1985 enables Local Authorities to compulsorily purchase a property for the provision of a housing accommodation.

Housing Act 1985: Demolition Orders

Section 265 of the Housing Act 1985 allows the Local Authority to make a demolition order.

Housing Act 2004: Empty Dwelling Management Orders (EDMO)

Part 4, Chapter 2 of the Housing Act 2004 allows the Local Authority, on approval by an Independent Residential Property Tribunal, to take over the day-to-day management of a property with the view to taking steps to ensure the property becomes, and continues to be, occupied. An Empty Dwelling Management Order (EDMO) gives the Local Authority possession of the property without taking ownership.

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