WELSH STATUTORY INSTRUMENTS

2006 No. 2822 (W.245)

HOUSING, WALES

Housing (Management Orders and Empty Dwelling Management Orders) (Supplemental Provisions) (Wales) Regulations 2006

Made - - - -	*25 October 2006*
Coming into force - -	*26 October 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by section 145 of the Housing Act 2004(**1**), hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Housing (Management Orders and Empty Dwelling Management Orders) (Supplemental Provisions) (Wales) Regulations 2006 and they come into force on 26 October 2006.

(2) These Regulations apply in Wales.

Interpretation

2. In these regulations —

(a) "the Act" means the Housing Act 2004;

(b) "order" means —

(i) an interim management order(**2**);

(ii) a final management order(**3**);

(iii) an interim EDMO(**4**); or

(iv) a final EDMO(**5**);

(**1**) 2004 c. 34. The power conferred by section 145 is exercisable, as respects Wales, by the National Assembly for Wales. *See* the definition of the "appropriate national authority" in section 261(1) of the Act.
(**2**) *See* section 101 (3) of the Act.
(**3**) *See* section 101 (4) of the Act.
(**4**) *See* section 132 (1)(a) and (2) of the Act.
(**5**) *See* section 132 (1)(b) and (3) of the Act.

(c) "premises" means a house(**6**), to which Chapter 1 of Part 4 of the Act applies or a dwelling(**7**) to which chapter 2 of Part 4 of the Act applies; and

(d) "the relevant person", in relation to a lease of premises (or part of premises), means the person who (apart from, as the case may be, section 107(5) or 116(5) of, or paragraph 2(6) or 10(6) of Schedule 7 to, the Act) is the lessee under the lease.

Supplementary provisions

3.—(1) Where, under —

(a) section 107(5) or 116(5) of the Act; or

(b) paragraph 2(6) or 10(6) of Schedule 7 to the Act,

a local housing authority is to be treated as a lessee of premises (or a part of premises) under a lease(**8**), the following paragraphs apply.

(2) As soon as an order is made the local housing authority making the order must serve on the immediate lessor of the relevant person ("the lessor") a notice with the following details —

(a) the type of order by reference to the relevant provision of the Act under which the order has been made;

(b) the date the order comes into force;

(c) a summary of the effect the order has on the validity of the lease, by reference to the relevant provision of the Act; and

(d) the name and address of the local housing authority and any person authorised to receive on their behalf any future demand for ground rent, service charges or other charges due, or any notices or other documents in respect of the premises.

(3) From the date the order comes into force neither the local housing authority nor the relevant person is to be liable for the payment of ground rent, service charges or other charges due under the lease, whether due before or after the date of the order if —

(a) the notice described in paragraph (2) has been served on the lessor; and

(b) the lessor fails to send the demand for such payment to the local housing authority and any person authorised in accordance with paragraph 3 (2) (d).

(4) Subject to paragraph 3 (3) from the date the order comes into force the local housing authority —

(a) are liable to pay any ground rent, service charges or other charges demanded of them that fall due under the lease in respect of a period after such date;

(b) may pay any outstanding ground rent, service charges or other charges due in respect of a period before such date;

(c) may challenge the reasonableness of any demands for such payments referred to in sub-paragraphs (a) or (b), whether on their own behalf or on behalf of the relevant person; and

(d) must send a copy of any demand for payment of ground rent, service charges or other charges, or any other notice or other document they receive from the lessor, to the relevant person (if the relevant person's whereabouts are known) within 10 days of receiving it.

(5) Where the relevant person receiving a copy of a demand, notice or other document under paragraph (4)(d) wishes to dispute any matter contained in it the local housing authority must provide such information and assistance as the relevant person may reasonably require.

(**6**) An interim or final empty dwelling management order may be made in respect of an HMO or a Part 3 house (*see* section 146 of the Act and sections 79 and 254).

(**7**) An interim or final empty dwelling management order may be made in respect of a dwelling (see section 132(4)(a) and (b)).

(**8**) For the meaning of "lease", "lessee" and "lessor" *see* section 262 (1) to (5) of the Act.