

LONDON BOROUGH OF.....
PROHIBITION ORDER
HOUSING ACT 2004
SECTION 21

To:
of:

1. You are the person having [control of][managing][licensee of] [owner of] the residential premises at:

2. In the opinion of the [*.....] Council, category 2 hazard/s exist within the residential premises as set out in Schedule 1 to this order and the Council is required to take action under section 5 of the Housing Act 2004 and no management order is in force under Chapter 1 or 2 of part 4.

3. In the opinion of the Council, the works specified in Schedule 2 to this notice will remedy the hazard.

4. Under Section 21 of the Act the Council prohibit the use of the residential premises/ part of the residential premises for the following purpose/s:
**

5. The residential premises/part of the residential premises mentioned above may not be used for any purpose not approved by the Council {, and approve the use of the residential/part residential premises for the following purpose(s): }

6. The order is operative 28 days beginning with the date this order is made.

SEE SCHEDULES 1 AND 2

Dated this day of 20...

Signed.....

****(Designated/Authorised Officer)

This matter is being dealt with by.....who can be contacted at:
Environmental Health Department
Council Offices
Tel: Fax:

Your attention is drawn to the notes regarding the appeal procedure which accompany this Notice.

* *Insert name of Local Authority* ** *Insert Premises or part of premises*
*** *Insert prohibition of use* ** *Insert name of Authorised Officer or Designated Officer*

NOTES TO NOTICE UNDER SECTION 20 HOUSING ACT 2004

(Statutory references are to the Housing Act 2004)

Right of Appeal against Prohibition Order

If you do not agree with this notice you may appeal against it to the Residential Property Tribunal but you must do this within 28 days from the date specified in the prohibition order or the date when the Local Authority's refusal to revoke or vary the order. Or such longer time as the Residential Property Tribunal may allow.

(Schedule 2 Part 3)

In addition an appeal may be on any of the following specific grounds:

- (a) the best course of action are:-
 - (i) Serving an improvement notice under section 11 or 12 of this Act
 - (ii) serving a hazard awareness notice under section 28 or 29 of this Act; and
 - (iii) making a demolition order under section 265 of the Housing Act 1985
- (b)
 - (i) a decision by the Local Housing Authority to vary a prohibition order
 - (ii) a decision by the Authority to refuse to revoke or vary the order

If you appeal the residential property tribunal may allow or dismiss the appeal. To revoke the Order or vary the list of works specified in Schedule 2 to the notice.

Effect of the Prohibition Order

- (a) The Prohibition Order becomes operative 28 days beginning with the date mentioned in the order.
(Section 24)

Penalties

Failure to comply with the order may make you liable on conviction to a fine not exceeding **level 5** on the standard scale and to a further fine not exceeding £20 for every day or part of the day the premises is used after conviction.
(Section 32)

If during the period in which the works are to be carried out the Council think that reasonable progress is not being made, they may do the works themselves and charge you with the cost.
Schedule 3

Before entering the house to do the works themselves, the Council must give you at least 7 days notice of their intention to do so.

If you do not comply with the notice, and the Council charge you with the cost of doing the works themselves, they may recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent direct to them, until their costs are recovered in full.

Land Charge

The notice is a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers will normally search this register.
Section 37

Residential Property Tribunal

If you decide to appeal you will need to apply to Residential Property Tribunal for your area (you can find the address and telephone number in the telephone directory). The Residential Property Tribunal staff will advise you how to word your request.

Revocation of Order

If the Council is satisfied there is a need they may Revoke or Vary the Order. Sec. 25

Grant

You may be entitled to a grant from the Council towards the cost of the works. The premises will have to satisfy the preliminary conditions of the grant in each case. You should contact the Council and apply to them for the grant before you start the works.

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

Health Warning: This specimen form is for use but only after you have sought and obtained legal advice.

SPECIMEN Prohibition Order

Section 21 Housing Act 2004 Schedule 1

Address:

Hazards:

Deficiency giving rise to the hazard

- 1.
- 2.
- 3.

Insert reasons for taking this course of enforcement action [section 8(2) & (3)]

Schedule2 Schedule of works to remedy hazard

Hazards

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