Improvement Notice
Housing Act 2004 Section 11 / 10 (category < > Hazard)

To:

Of:

Take notice that the *(the council)* is of the opinion that:
a category < 1 / 2 > hazard exists at <
> which is a residential property within the area for which it is the local housing authority

The council has received a report from a duly authorised officer under section 4(6) of the Housing Act 2004 and < is under a duty to / may > take action in respect of that report, which confirms the existence of (a) hazard(s) defined under the Housing Health and Safety Rating System, and no management order is in force in relation to the premises.
The hazard(s) identified by the report are listed under Schedule 1a-( ) of this notice.
The council has determined that the best course of action in relation to this / these hazard(s) is the service of this Order – Statement of Reasons attached -
The defects contributing to the cause of the hazard(s) are listed in Schedule 2a –( ) of this notice

You are required to carry out the works listed in schedule(s) 3a-( ) of this notice and to start those works no later than < > and finish them no later than < >
i.e. Within <** > days < after the suspension of the notice as set out below>
You have the right of appeal to the Residential Property Tribunal within 21 days of the service of this notice please see "notes" on the last page of this notice

You should be aware that if the works listed in schedule 3a –( ), or suitable alternative works* are not completed by the date stated in this notice the council or their instructed agents may carry out or complete the works themselves and charge you with the full cost of such works which may include all associated administrative costs entailed with the enforcement of this notice
Furthermore failing to comply with this notice is an offence under section 30 Housing Act 2004 and the person or persons who commit this offence may be liable upon summary conviction to a fine not exceeding level 5 on the standard scale.
It should be noted that the obligation to carry out any incomplete works specified in schedule 2 continues despite the fact that the period allowed for compliance under this notice has expired.

Dated…….. Signed……..
(The person authorised for this purpose)

This notice < has > <has not > been suspended < until: >

*which will equally reduce the hazard to a level acceptable to a suitably qualified inspector authorised to assess hazards under Housing Health and Safety Rating System
** Must be 28 days or more from the date of service of this notice and related to the suspension requirements (if applicable)

Schedule 1a

Schedule 2a

Schedule 3a

Schedule 1b

Schedule 2b

Schedule 3b

Schedule 1c

Schedule 2c

Schedule 3c

Schedule 1d

Schedule 2d

Schedule 3d

Notes

Category of hazard under HHSRS:
As detailed under part 1 of Housing Act 2004. A hazard assessed as having a score of greater than a level set by the appropriate national authority shall be a category 1 hazard. A local housing authority has a duty to take appropriate action when notified of a category 1 hazard which exists at a residential premises, whether or not that premises is occupied at the time of that notification, this action may include the service of a notice to remedy that hazard. *Sec 11 H.Act 2004*
A hazard assessed as having a score of less than a level set by the appropriate national authority shall be a category 2 hazard. A local housing authority has the power to take appropriate action when notified of a category 2 hazard which exists at a residential premises, whether or not that premises is occupied at the time of that notification, this action may include the service of a notice to remedy that hazard. *Sec10 H Act 2004*

Houses in Multiple Occupation (HMO), Flats and Common parts
The notice may require action to be taken in respect of the dwelling on which it is served, or a HMO which contains the dwelling in which the Hazard exists or the common parts of that HMO. If the premises are a flat within a building containing one or more flats the notice may require action to be taken on any part of that building, including any common parts *Sec11(3)b, 12(3) H Act 2004*

Appeal
A person who receives a notice under sections 10 or 11 of the Housing Act 2004 has the right of appeal against the service of the notice to the Residential Property Tribunal (RPT) within 21 days of the service of the notice. *Schedule 1 pt3 H Act 2004*

Insert Address of Head Office and Local RPT, include phone and email details

An appeal against the service of the notice may relate to one or more the following reasons:
1) That there is a major defect inconsistency or error in connection with the notice such that the notice is invalid
2) That the person on whom the notice is served is not the person who should be in receipt of the notice
3) That one or more other persons, as an owner or owners of the premises, ought to
   (a) take the action concerned; or
   (b) pay the whole or part of the cost of taking that action
4) That one of the courses of action (i) to (iii) below is the best course of action in relation to the hazard for which this notice is served
   (i) Making a prohibition order under Section 20 or 21 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 Housing Act 1985 (*c.68*)
5) That the works detailed in the notice are unnecessary
6) That the works detailed in the notice are over proscriptive and that the Council has unreasonably refused to accept alternative works.
7) That the time given in the notice for compliance is unreasonable or insufficient to for the purposes of compliance with the requirements notice (other notices, requiring work, served upon the same property within the same time period may be taken into consideration by the RPT)

Schedule 1 pt3 H Act 2004

Variation or Revocation by the Local Authority
The local authority must revoke an improvement notice if they are satisfied that the requirements of the notice have been complied with
The local authority may revoke an improvement notice under section 10 or 11 of this Act if they consider there are any special circumstances which make it appropriate to revoke the notice.
Where a notice relates to more than one hazard; each hazard and any associated requirements exclusive to that hazard may be treated separately and if, as a result, the authority revokes part of a notice, the remainder remains in force and may be varied as appropriate

Schedule 1 pt3 H Act 2004

Variation or Revocation - appeals
The person on whom the notice was served or the person who applied for a variation or revocation (the relevant person) may appeal within 28 days to the RPT against:
1) A decision by the local authority to vary an improvement notice, or
2) A decision by a local authority to refuse to revoke or vary an improvement notice.

Schedule 1 pt3 H Act 2004

Appeal times
The RPT may allow an appeal outside of the appeal times stated above if it is satisfied that there is good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time)

Schedule 1 pt3 H Act 2004

Withdrawal of appeal
The withdrawal of an appeal has the same effect as a decision by the RPT to confirm the notice.

Operative times and Effect
If an appeal is brought to the RPT against an improvement notice which is not suspended, and a decision is given to confirm the notice, the operative time is as follows:
(a) If the period allowed for appeal to the RPT expires without such an appeal being brought – the "operative time" is the end of that period
(b) If an appeal to the RPT is brought, the "operative time" is the time when a decision is given on the appeal to confirm the notice
If the notice becomes "operative" the notice may be registered as a local land charge until the notice is satisfied. It must then be revoked by the local authority and subsequently removed from the register of local land charges

Schedule 1 pt3 H Act 2004

Residential Property Tribunal – powers
The RPT may by order, Confirm, Quash or Vary an improvement notice and, when an appeal concerns other persons who should have received such a notice, vary such a notice to allow action to be taken by any other such owner or responsible person or persons who is/are mentioned in the appeal

Suspended notices
The operation of an improvement notice may be suspended by a local authority until a set of circumstances are satisfied, a set time has elapsed or until any other state ceases to have an effect. Any dates within the notice may be fixed with reference to when the suspension ends.

Sec 16 H Act 2004

A local authority may at any time review an improvement notice whose operation is suspended and may vary or revoke either the qualifications for the suspension of the notice or part thereof or the notice itself in whole or in part.
A local authority must undertake a review of each improvement notice whose operation is suspended, not later than one year from the date after the service of the notice and at subsequent intervals of not more than one year *Sec 16 H Act 2004*

E & OE – users of this notice are advised to check with their own legal advisors regarding suitability and/or accuracy as no specific warranty is offered by the vendor