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STATUTORY INSTRUMENTS

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**2006 No. 373**

**The Licensing and Management of Houses  
in Multiple Occupation and Other Houses  
(Miscellaneous Provisions) (England) Regulations 2006**

**Persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act**

5.—(1) A person is to be treated as occupying a building or part of a building as his only or main residence for the purposes of section 254 of the Act if he is—

- (a) a migrant worker or a seasonal worker—
    - (i) whose occupation of the building or part is made partly in consideration of his employment within the United Kingdom, whether or not other charges are payable in respect of that occupation; and
    - (ii) where the building or part is provided by, or on behalf of, his employer or an agent or employee of his employer; or
  - (b) an asylum seeker or a dependent of an asylum seeker who has been provided with accommodation under section 95 of the Immigration and Asylum Act 1999<sup>(1)</sup> and which is funded partly or wholly by the National Asylum Support Service<sup>(2)</sup>.
- (2) In this regulation—
- (a) “a migrant worker” is—
    - (i) a person who is a national of a member State of the European Economic Area or Switzerland who has taken up an activity as an employed person in the United Kingdom under Council Regulation (EEC) No 1612/68 on Freedom of Movement for Workers Within the Community<sup>(3)</sup>, as extended by the EEA Agreement or the Switzerland Agreement; or
    - (ii) any person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;
  - (b) “EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993;
  - (c) “Switzerland agreement” means the agreement between the European Community and its Member States of the one part and the Swiss Confederation of the other on the Free Movement of Persons signed at Luxembourg on 21st June 1999 and which came into force on 1st June 2002;
  - (d) “seasonal worker” means a person who carries out for an employer or undertaking employment of a seasonal character—

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(1) 1999 c. 33.

(2) The National Asylum Support Service is a department within the Home Office.

(3) O.J. L257, 19th October 1968, as amended by EEC 312/76 (O.J. L 39, 14th February 1976) and EEC 2434/92 (O.J.L.245, 26th August 1992).

- (i) the nature of which depends on the cycle of the seasons and recurs automatically each year; and
- (ii) the duration of which cannot exceed eight months;
- (e) “immigration rules” means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971<sup>(4)</sup> and
- (f) “asylum seeker” has the meaning given to that expression in section 94 of Immigration and Asylum Act 1999.

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<sup>(4)</sup> 1971 c. 77.