



2016 CHAPTER 22

PART 1

Meaning of “house in multiple occupation”

Meaning of “house in multiple occupation”

1.—(1) A building or part of a building is a “house in multiple occupation” if—

- (a) it is living accommodation (see section 2),
- (b) it is occupied by 3 or more persons as their only or main residence (see section 3),
- (c) those persons form more than two households (see section 4), and
- (d) rents are payable or other consideration is to be provided in respect of the occupation by at least one of those persons of the living accommodation.

(2) But a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 1 (exceptions).

(3) The Department may by regulations amend this section, sections 2 to 4 and Schedule 1 as it considers appropriate in order to provide that any building or part of a building of a description set out in the regulations is or is not to be a house in multiple occupation for the purposes of this Act, or for such purposes of this Act as are specified in the regulations.

Definition of living accommodation

2.—(1) A building or part of a building is living accommodation if—

- (a) it is, or is capable of being, occupied as a separate dwelling, or
- (b) both of the following conditions are met—

- (i) it is, or forms part of, any building or group of buildings which is in single ownership, and
 - (ii) its occupants share one or more basic amenities with each other.
- (2) For the purposes of subsection (1)(b)(i), a building or group of buildings is in “single ownership” if the whole of the building, or all the buildings in the group, are owned—
- (a) by one person, or
 - (b) by one person and that person’s associates (as defined in section 88), whether jointly or severally.
- (3) For this purpose, if—
- (a) a building or part of a building is owned by a body corporate, and
 - (b) the body corporate is controlled by a director of it (within the meaning given by section 255 of the Companies Act 2006),
- the building or part is to be treated as being owned by the director as well as by the body corporate.
- (4) For the purposes of subsection (1)(b)(ii), the “basic amenities” are—
- (a) a toilet,
 - (b) personal washing facilities, and
 - (c) facilities for the preparation or provision of cooked food.
- (5) References in this Act to “living accommodation” include—
- (a) any part of the living accommodation (including its structure and exterior) which is, and any common facilities relating to it which are, owned in common with others, and
 - (b) any yard, garden, garage, out-house or other area or structure which is, or which is capable of being, occupied or enjoyed together with the living accommodation or any part of it (solely or in common with others).

Cases where person is treated as occupying accommodation as only or main residence

3.—(1) This section sets out some cases where a person is, or is not, to be treated for the purposes of this Act as occupying living accommodation as their only or main residence.

(2) A person who occupies living accommodation during term time for the purpose of undertaking a full-time course of further or higher education is to be treated, at all times during that person’s residence there, as occupying that accommodation as the person’s only or main residence.

Status: This is the original version (as it was originally enacted).

(3) A person who occupies living accommodation for the purpose of engaging in seasonal work is to be treated, at all times during that person's residence there, as occupying that accommodation as the person's only or main residence.

(4) A person who occupies living accommodation that is—

- (a) managed by a voluntary organisation, and
- (b) used wholly or mainly for the temporary accommodation of persons who have left their homes as a result of—
 - (i) physical violence or mental abuse, or
 - (ii) threats of such violence or abuse,

is to be treated as occupying that accommodation as the person's only or main residence.

(5) The Department may make regulations setting out other circumstances in which a person is, or is not, to be treated as occupying living accommodation as his or her only or main residence.

Persons who are members of the same household

4.—(1) For the purposes of this Act persons are members of the same household only if—

- (a) they are members of the same family (as defined in section 88),
- (b) they are to be treated as being members of the same household by virtue of subsections (2) and (3), or
- (c) their circumstances are of a description set out in regulations made by the Department (as to which, see subsections (4) and (5)).

(2) Subsection (3) applies if—

- (a) a person (A) is engaged to provide domestic help or personal care to another person (B), and
- (b) the terms of that engagement require A to occupy the same living accommodation as B.

(3) A is to be treated as being a member of the same household as—

- (a) B, and
- (b) any member of B's family who also occupies that living accommodation.

(4) Regulations under subsection (1)(c) may, in particular, provide that a group of persons are to be regarded as being members of the same household only where each member of the group has a prescribed relationship, or at least one of a number of prescribed relationships, to any one or more of the others.

(5) In subsection (4) "prescribed relationship" means any relationship of a description set out in the regulations.

Notice regarding evidence of household

- 5.—(1) This section applies if—
- (a) it appears to a council that living accommodation is occupied by 3 or more persons, and
 - (b) the council believes, on reasonable grounds, that the occupants form more than two households.
- (2) The council may serve a notice which—
- (a) states the council’s belief mentioned in subsection (1)(b),
 - (b) states the grounds for that belief,
 - (c) invites the person on whom the notice is served to supply to the council, within the period of 28 days beginning with the date of service of the notice, evidence that the occupants form no more than two households, and
 - (d) informs the person of the effect of subsections (4) and (5).
- (3) The notice may be served on any or all of the following (as the council considers appropriate)—
- (a) any person appearing to the council to be the owner of the accommodation;
 - (b) any person appearing to the council to be a managing agent of the accommodation;
 - (c) the occupants of the accommodation.
- (4) Subsection (5) applies if, after a council has served a notice under subsection (2)—
- (a) no such evidence is provided within the period mentioned in subsection (2)(c), or
 - (b) such evidence is provided within that period, but it is not sufficient to cause the council to change its belief.
- (5) Where this subsection applies—
- (a) the council may serve a notice (a “household notice”) stating that the condition set out in paragraph (a) or, as the case may be, paragraph (b) of subsection (4) is met, and
 - (b) as from the date of service of that notice, the living accommodation is to be treated as if the occupants formed more than two households.
- (6) A household notice must be served on all the persons on whom the notice under subsection (2) was served.
- (7) Subsection (5)(b) ceases to apply if (whether or not as a result of an appeal under section 67) the council ceases to hold the belief mentioned in subsection (1)(b).

Notice regarding continuation of occupation

- 6.—(1) This section applies if—
- (a) it appears to a council that living accommodation—
 - (i) has been a house in multiple occupation, but
 - (ii) has ceased to be so because the number of occupants has reduced below 3, and
 - (b) the council believes, on reasonable grounds, that the accommodation is likely to become a house in multiple occupation again within 4 months of that cessation.
- (2) The council may serve a notice (a “continuation notice”) which—
- (a) states the council’s belief mentioned in subsection (1)(b),
 - (b) states the grounds for that belief, and
 - (c) informs the person on whom the notice is served of the effect of subsections (4) and (5).
- (3) The notice may be served on any or all of the following (as the council considers appropriate)—
- (a) any person appearing to the council to be the owner of the accommodation;
 - (b) any person appearing to the council to be a managing agent of the accommodation;
 - (c) the occupants of the accommodation.
- (4) A continuation notice has effect for a period of 4 months beginning with the date on which it is served (but this is subject to subsections (7) and (8)).
- (5) During that period, the accommodation is to be treated as if it were an HMO for the purposes of this Act, except for the purposes of the following sections—
- (a) section 5 (service of household notice);
 - (b) sections 15 to 17 (service and extension of temporary exemption notice);
 - (c) sections 44 to 48 (service of overcrowding notice and information notice);
 - (d) sections 50 to 53 (service of unsuitability notice).
- (6) A continuation notice must invite the person on whom the notice is served to supply to the council, within the period of 28 days beginning with the date of service of the notice—
- (a) evidence that the accommodation will not become a house in multiple occupation within the period of 4 months beginning with the date on which the notice was served, or
 - (b) evidence that, throughout the period of 4 months before the notice was served, the accommodation was not a house in multiple occupation.

(7) If evidence is provided, within the period mentioned in subsection (6), that is sufficient to satisfy the council—

- (a) that the accommodation will not become a house in multiple occupation within the period of 4 months beginning with the date on which the continuation notice was served, or
- (b) that the accommodation was a house in multiple occupation at no time in the period of 4 months before the notice was served,

the council must serve a notice cancelling the continuation notice.

(8) If evidence is supplied to the council in response to a continuation notice but the council decides that the evidence is not sufficient to satisfy the council as mentioned in subsection (7), the council must serve notice of that decision.

(9) A notice under subsection (7) or (8) must be served on all the persons on whom the continuation notice was served.

(10) Subsection (5) ceases to apply if (whether or not as a result of an appeal under section 67) the council ceases to hold the belief mentioned in subsection (1)(b).