



# Housing Act 1985

## 1985 CHAPTER 68

### PART XI

#### HOUSES IN MULTIPLE OCCUPATION

##### *Standards of management*

#### **369 The management code.**

- (1) The Secretary of State may, with a view to providing a code for the management of houses in multiple occupation, by regulations make provision for ensuring that the person managing a house in multiple occupation observes proper standards of management.
- (2) [<sup>F1</sup>Subject to subsection (2A)] the regulations may, in particular, require the person managing the house to ensure the repair, maintenance, cleansing and good order of—
  - all means of water supply and drainage in the house,
  - [<sup>F2</sup>all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions;]
  - kitchens, bathrooms and water closets in common use,
  - sinks and wash-basins in common use,
  - common staircases, corridors and passage ways, and
  - outbuildings, yards and gardens in common use,and to make satisfactory arrangements for the disposal of refuse and litter from the house [<sup>F3</sup>and to ensure that all means of escape from fire are kept clear of obstructions].
- [<sup>F4</sup>(2A) The person managing the house shall only be liable by virtue of the regulations under subsection (2) to ensure the repair, maintenance, cleansing and good order of any premises outside the house if and to the extent that he has power or is otherwise liable to ensure those matters in respect of any such premises.]
- (3) The regulations may—
  - (a) make different provision for different types of house;

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- (b) .....<sup>F5</sup>
  - (c) impose duties on persons who have an estate or interest in a house or part of a house to which the regulations apply as to the giving of information to the local housing authority, . . .<sup>F6</sup>;
  - (d) impose duties on persons who live in the house for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations;
  - (e) authorise the local housing authority to obtain information as to the number of individuals or households accommodated in the house;
  - (f) . . .<sup>F5</sup>
  - (g) contain such other incidental and supplementary provisions as may appear to the Secretary of State to be expedient.
- (4) Regulations under this section may vary or replace for the purposes of this section and of the regulations made under it the definition given in section 398 of the “person managing” a house.
- (5) A person who knowingly contravenes or without reasonable excuse fails to comply with a regulation under this section . . .<sup>F7</sup> commits a summary offence and is liable on conviction to a fine not exceeding [<sup>F8</sup>level 5] on the standard scale.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(c\), Sch. 9 Pt. III para. 56\(1\)](#)
- F2** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(c\), Sch. 9 Pt. III para. 56\(1\)](#)
- F3** Words added by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), s. 165\(1\)\(c\), Sch. 9 Pt. III para. 56\(1\)](#)
- F4** [S. 369\(2A\)](#) inserted by [Local Government and Housing Act 1989 \(c.42, SIF 61\), s. 165\(1\)\(c\), Sch. 9 Pt. III para. 56\(2\)](#)
- F5** [S. 369\(3\)\(b\)\(f\)](#) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\), ss. 165\(1\)\(c\), 194\(4\), Sch. 9 Pt. III para. 56\(3\), Sch. 12 Pt. II](#)
- F6** Words repealed by [Local Government and Housing Act 1989 \(c.42, SIF 61\), ss. 165\(1\)\(b\), 194\(4\), Sch. 9 Pt. III para. 56\(3\), Sch. 12 Pt. II](#)
- F7** Words repealed by [Local Government and Housing Act 1989 \(c.42, SIF 61\), ss. 165\(1\)\(c\), 194\(4\), Sch. 9 Pt. III para. 56\(4\), Sch. 12 Pt. II](#)
- F8** Words in [s. 369\(5\)](#) substituted (3.3.1997) by [1996 c. 52, s. 78\(6\); S.I. 1997/350, art. 2](#)

**Modifications etc. (not altering text)**

- C1** By [S.I. 1990/830, arts. 2\(1\), 3](#) it is provided that for the purposes of section 369 of the Housing Act 1985 the definition of “person managing” in section 398(6) of the Act shall be varied by the insertion of the words “; and for the purposes of the foregoing paragraphs, where rents or other payments are received by means of a payment made on behalf of any person, they shall be treated as rents or other payments received from that person.”

**370,** <sup>F9</sup> .....  
**371.**

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#### Textual Amendments

- F9** Ss. 370, 371 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(c), 194(4), [Sch. 9 Pt. III para. 57](#), [Sch. 12 Pt. II](#) (subject to a saving in [S.I. 1990/1274](#), art. 3, [Sch. para. 2](#) in relation to certain applications approved before 1.7.1990)

### 372 Power to require execution of works to remedy neglect of management.

- (1) If in the opinion of the local housing authority the condition of a house . . . <sup>F10</sup> is defective in consequence of—
- (a) neglect to comply with the requirements imposed by regulations under section 369 (regulations prescribing management code), . . . <sup>F11</sup>
  - (b) . . . . . <sup>F11</sup>
- the authority may serve on the person managing the house a notice specifying the works which, in the opinion of the authority, are required to make good the neglect.
- (2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house, the notice may be served by addressing it to him by the description of “manager of the House” (naming the house to which it relates) and delivering it to some person on the premises.
- (3) The notice shall require the person on whom it is served to execute the works specified in the notice [<sup>F12</sup>as follows, namely,—
- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
  - (b) to complete those works within such reasonable period as is so specified.]
- (4) Where the authority serve a notice under this section on the person managing a house, they shall inform any other person who is to their knowledge an owner, lessee or mortgagee of the house of the fact that the notice has been served.
- (5) References in this section to the person managing a house have the same meaning as in section 369 (and accordingly are subject to amendment by regulations under that section).

#### Textual Amendments

- F10** Words repealed by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), ss. 165(1)(c), 194(4), [Sch. 9 Pt. III para. 58\(a\)](#), [Sch. 12 Pt. II](#) (subject to a saving in [S.I. 1990/1274](#), art. 3, [Sch. para. 2](#) in relation to certain applications approved before 1.7.1990)
- F11** Word “or” and s. 372(1)(b) repealed by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), ss. 165(1)(c), 194(4), [Sch. 9 Pt. III para. 58\(b\)](#), [Sch. 12 Pt. II](#) (subject to a saving in [S.I. 1990/1274](#), art. 3, [Sch. para. 2](#) in relation to certain applications approved before 1.7.1990)
- F12** Words beginning “as follows,” and s. 372(3)(a)(b) substituted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(c), [Sch 9 Pt. III para. 50\(b\)](#)

### 373 Appeal against notice under s. 372.

- (1) A person on whom a notice is served under section 372 (notice requiring works to remedy neglect of management), or any other person who is an owner, lessee or

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mortgagee of the house to which the notice relates, may, within 21 days from the service of the notice, or such longer period as the local housing authority may in writing allow, appeal to the county court.

- (2) The appeal may be on any of the following grounds—
  - (a) that the condition of the house did not justify the local housing authority in requiring the execution of the works specified in the notice;
  - (b) that there has been some informality, defect or error in or in connection with, the notice;
  - (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
  - [<sup>F13</sup>(cc) that the date specified for the beginning of the works is not reasonable]
  - (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
  - (e) that some other person is wholly or partly responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from their execution and ought to pay the whole or a part of the expenses of executing them.
- (3) In so far as an appeal is based on the ground mentioned in subsection (2)(b), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds on which an appeal is brought include the ground specified in subsection (2)(e), the appellant shall serve a copy of his notice of appeal on each other person referred to, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the payment to be made by any such other person to the appellant or, where the works are executed by the local housing authority, to the authority.

**Textual Amendments**  
**F13** S. 373(2)(cc) inserted by [Local Government and Housing Act 1989 \(c.42, SIF 61\)](#), s. 165(1)(c), **Sch. 9 Pt. III para. 59**

**Modifications etc. (not altering text)**  
**C2** S. 373(2) extended (3.3.1997) by [S.I. 1997/227](#), **art. 3**

374 <sup>F14</sup> .....

**Textual Amendments**  
**F14** S. 374 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), ss. 165(1)(c), 194(4), **Sch. 9 Pt. III para. 60, Sch. 12 Pt. II** (subject to a saving in [S.I. 1990/1274](#), **art. 3, Sch. para. 2** in relation to certain applications approved before 1.7.1990)

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