



# Housing Act 1985

## 1985 CHAPTER 68

### PART XII

#### COMMON LODGING HOUSES

##### *Regulation of common lodging houses*

**402 No person to keep a common lodging house unless registered.**

No person shall keep a common lodging house, or receive a lodger in a common lodging house, unless he is registered as the keeper of the house under this Part.

Provided that, when the registered keeper of a common lodging house dies, his widow or any other member of his family may, for a period not exceeding four weeks from his death or such longer period as the local housing authority may sanction, keep the common lodging house without being registered as the keeper.

**403 Register of common lodging house keepers and their houses.**

The local housing authority shall keep a register in which shall be entered—

- (a) the full names and the place of residence of every person registered as the keeper of a common lodging house;
- (b) the situation of every such lodging house;
- (c) the number of persons authorised to be received in the lodging house; and
- (d) the full names and places of residence of any persons who are to act as deputies of the keeper of the lodging house.

**404 Provisions with respect to registration.**

(1) Subject to the following provisions of this section, a local housing authority, on receiving from a person an application in writing—

- (a) for registration as a keeper of a common lodging house, or
- (b) for the renewal of his registration,

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shall register the applicant in respect of the common lodging house named in the application, or renew his registration in respect of it, and issue to him a certificate of registration or renewal

- (2) The authority shall not register an applicant until an officer of the authority has inspected the premises named in the application and has made a report on them.
- (3) The authority may refuse to register, or renew the registration of, an applicant if they are satisfied that—
  - (a) he, or a person employed or proposed to be employed by him at the common lodging house, as a deputy or otherwise, is not a fit person, whether by reason of his age or otherwise, to keep or to be employed at a common lodging house; or
  - (b) the premises are not suitable for use as a common lodging house or are not, as regards sanitation and water supply and in other respects, including means of escape in case of fire, suitably equipped for such use; or
  - (c) the use of the premises as a common lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.
- (4) The registration of a person as a keeper of a common lodging house remains in force for such period, not exceeding 13 months, as may be fixed by the authority, but may be renewed by them for a period not exceeding 13 months at any one time.
- (5) If a local housing authority refuse to grant or renew registration, they shall, if required by the applicant, give him a statement in writing of the grounds on which his application is refused.
- (6) A local housing authority shall at any time, on the application of a person registered as the keeper of a common lodging house—
  - (a) remove from the register the name of any person entered in it as a deputy of the keeper, or
  - (b) insert the name of any other person (being a person approved by the authority) whom the keeper proposes to employ as a deputy,
 and shall make any consequential alterations in the certificate of registration.

#### **405 Appeals against refusal of registration.**

- (1) A person aggrieved by the refusal of a local housing authority under section 404 to grant or renew registration may appeal to a magistrates' court.
- (2) The time within which an appeal may be brought is 21 days from the date on which notice of the authority's refusal was served on the person desiring to appeal; and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (3) Where such an appeal lies, the document notifying to the person concerned the decision of the authority in the matter shall state the right of appeal to a magistrates' court and the time within which such an appeal may be brought.
- (4) A person aggrieved by a decision of a magistrates' court on such an appeal may appeal to the Crown Court.

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- (5) Where on an appeal under this section a court varies or reverses the authority's decision, the authority shall make any necessary entry in the register and issue any necessary certificate.

#### **406 Byelaws as to common lodging houses.**

A local housing authority may, and if so required by the Secretary of State shall, make byelaws—

- (a) for fixing the number of persons who may be received into a common lodging house, and for the separation of the sexes in it;
- (b) for promoting cleanliness and ventilation in common lodging houses, and requiring the walls and ceilings of such lodging houses to be limewashed, or treated with some other suitable preparation, at specified intervals;
- (c) with respect to the taking of precautions when any case of infectious disease occurs in such a lodging house and
- (d) generally for the well-ordering of such lodging houses.

#### **407 Management and control of common lodging houses.**

- (1) The keeper of a common lodging house shall, if required by the local housing authority to do so, affix, and keep affixed and undefaced and legible, a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of the house.
- (2) Either the keeper of the lodging house, or a deputy registered under this Part, shall manage the lodging house and exercise supervision over persons using it, and either the keeper or a deputy so registered shall be at the lodging house continuously between the hours of nine o'clock in the evening and six o'clock in the morning of the following day.
- (3) The local housing authority may by notice require the keeper of a common lodging house in which beggars or vagrants are received to report daily to them, or to such persons as they may direct, every lodger who resorted to the house during the preceding day or night.
- (4) An authority who require such reports to be made shall supply to the keeper of the lodging house schedules to be filled up by him with the information required and to be transmitted by him in accordance with their notice.
- (5) The keeper of a common lodging house, and every other person having the care or taking part in the management of it, shall at all times, if required by an authorised officer of the local housing authority, allow him to have free access to all parts of the house.

#### **408 Offences.**

- (1) It is a summary offence for a person—
  - (a) to contravene or fail to comply with any of the provisions of this Part;
  - (b) being the registered keeper of a common lodging house, to fail to keep the premises suitably equipped for use as such;
  - (c) to apply to be registered as the keeper of a common lodging house at a time when he is, under section 409, disqualified from being so registered; or

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- (d) in an application for registration, or for the renewal of his registration, as the keeper of a common lodging house, to make a statement which he knows to be false.
- (2) A person committing such an offence is liable on conviction to a fine not exceeding [<sup>F1</sup>level 2] on the standard scale and, subject to subsection (3), to a further fine not exceeding [<sup>F2</sup>one-tenth of the amount corresponding to that level] for each day on which the offence continues after conviction.
- (3) The court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty is not recoverable in respect of any day before the period expires.

#### Textual Amendments

- F1** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 75\(a\)](#)
- F2** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 61\)](#), s. 194(1), [Sch. 11 para. 75\(b\)](#)

#### 409 Power of court on conviction to cancel registration and to disqualify for re-registration

Where the registered keeper of a common lodging house is convicted of—

- (a) an offence under this Part or a byelaw made under it, or
- (b) an offence under section 39(2) or 49(2) of the <sup>M1</sup>Public Health (Control of Disease) Act 1984 (failure to notify case of infectious disease or failure to comply with closing order made on account of notifiable disease),

the court by which he is convicted may cancel his registration as a common lodging house keeper and may order that he be disqualified for such period as the court thinks fit from being again registered as such a keeper.

#### Marginal Citations

- M1** 1984 c 22.

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