

Status: Point in time view as at 27/11/2003.

Changes to legislation: Local Government and Housing Act 1989, Paragraph 49 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

AMENDMENTS OF PARTS VI, IX, XI, XVII AND XVIII OF THE HOUSING ACT 1985

PART III

AMENDMENTS OF PART XI

- 49 (1) In section 352 (power to require execution of works to render premises fit for number of occupants), in subsection (1) at the beginning there shall be inserted “ Subject to section 365 ” and for the words from “the condition of a house” onwards there shall be substituted—

“in the opinion of the authority, a house in multiple occupation fails to meet one or more of the requirements in paragraphs (a) to (e) of subsection (1A) and, having regard to the number of individuals or households or both for the time being accommodated on the premises, by reason of that failure the premises are not reasonably suitable for occupation by those individuals or households.

(1A) The requirements in respect of a house in multiple occupation referred to in subsection (1) are the following, that is to say,—

- (a) there are satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
- (b) it has an adequate number of suitably located water-closets for the exclusive use of the occupants;
- (c) it has, for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
- (d) subject to section 365, there are adequate means of escape from fire; and
- (e) there are adequate other fire precautions.”

- (2) In subsection (2) of that section, at the beginning there shall be inserted “ Subject to subsection (2A) ”, for the word “premises”, in both places where it occurs, there shall be substituted “ house ” and at the end of that subsection there shall be added — “ but the notice shall not specify any works to any premises outside the house ”

- (3) After that subsection there shall be inserted the following subsection—

“(2A) Where the authority have exercised or propose to exercise their powers under section 368 to secure that part of the house is not used for human habitation, they may specify in the notice such work only as in their opinion is required to meet such of the requirements in subsection (1A) as may be applicable if that part is not so used.”

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- (4) In subsection (3) of that section for paragraph (b) there shall be substituted—
- “(e) on the person managing the house;”; and in the words following that paragraph after the word “lessee” there shall be inserted “occupier”.
- (5) After subsection (5) of that section there shall be inserted the following subsections—
- “(5A) A notice served under this section is a local land charge.
- (5B) Each local housing authority shall—
- (a) maintain a register of notices served by the authority under subsection (1) after the coming into force of this subsection;
- (b) ensure the register is open to inspection by the public free of charge at all reasonable hours; and
- (c) on request, and on payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any person.”
- (6) Subsection (6) of that section shall cease to have effect.

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