



# Housing Act 1996

## 1996 CHAPTER 52

### PART II

#### HOUSES IN MULTIPLE OCCUPATION

##### *Registration schemes*

#### 65 Making and approval of registration schemes.

- (1) In Part XI of the <sup>M1</sup>Housing Act 1985 (houses in multiple occupation), for section 346 (registration schemes) substitute—

**“346 Registration schemes.**

- (1) A local housing authority may make a registration scheme authorising the authority to compile and maintain a register for their district of houses in multiple occupation.
- (2) A registration scheme need not be for the whole of the authority’s district and need not apply to every description of house in multiple occupation.
- (3) A registration scheme may vary or revoke a previous registration scheme; and the local housing authority may at any time by order revoke a registration scheme.

**346A Contents of registration scheme.**

- (1) A registration scheme shall make it the duty of such person as may be specified by the scheme to register a house to which the scheme applies and to renew the registration as and when required by the scheme.
- (2) A registration scheme shall provide that registration under the scheme—
  - (a) shall be for a period of five years from the date of first registration, and

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- (b) may on application be renewed, subject to such conditions as are specified in the scheme, for further periods of five years at a time.
- (3) A registration scheme may—
  - (a) specify the particulars to be inserted in the register,
  - (b) make it the duty of such persons as may be specified by the scheme to give the authority as regards a house all or any of the particulars specified in the scheme,
  - (c) make it the duty of such persons as may be specified by the scheme to notify the authority of any change which makes it necessary to alter the particulars inserted in the register as regards a house.
- (4) A registration scheme shall, subject to subsection (5)—
  - (a) require the payment on first registration of a reasonable fee of an amount determined by the local housing authority, and
  - (b) require the payment on any renewal of registration of half the fee which would then have been payable on a first registration of the house.
- (5) The Secretary of State may by order make provision as to the fee payable on registration—
  - (a) specifying the maximum permissible fee (whether by specifying an amount or a method for calculating an amount), and
  - (b) specifying cases in which no fee is payable.
- (6) An order under subsection (5)—
  - (a) may make different provision with respect to different cases or descriptions of case (including different provision for different areas), and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **346B Model schemes and confirmation of schemes.**

- (1) The Secretary of State may prepare model registration schemes.
- (2) Model registration schemes may be prepared with or without control provisions (see section 347) or special control provisions (see section 348B); and different model schemes may be prepared for different descriptions of authorities and for different areas.
- (3) A registration scheme which conforms to a model scheme—
  - (a) does not require confirmation by the Secretary of State, and
  - (b) comes into force on such date (at least one month after the making of the scheme) as may be specified in the scheme.
- (4) Any other registration scheme does not come into force unless and until confirmed by the Secretary of State.
- (5) The Secretary of State may if he thinks fit confirm such a scheme with or without modifications.
- (6) A scheme requiring confirmation shall not come into force before it has been confirmed but, subject to that, comes into force on such date as may

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be specified in the scheme or, if no date is specified, one month after it is confirmed.”.

- (2) In section 351(1) of the <sup>M2</sup>Housing Act 1985 (proof of matters relating to registration scheme), in paragraph (c) at the beginning insert “ that the scheme did not require confirmation by the Secretary of State or ”.

#### Commencement Information

- II** S. 65 wholly in force 3.3.1997: s. 65 not in force at Royal Assent, see s. 232(1)-(3); s. 65 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402, art. 4](#), and in force at 3.3.1997 so far as not already in force, by [S.I. 1997/350, art. 2](#)

#### Marginal Citations

- M1** 1985 c. 68.  
**M2** 1985 c. 68.

## 66 Registration schemes: control provisions.

In Part XI of the Housing Act 1985 (houses in multiple occupation), for sections 347 and 348 (registration schemes: control provisions) substitute—

### “347 Control provisions.

- (1) A registration scheme may contain control provisions, that is to say, provisions for preventing multiple occupation of a house unless—
- the house is registered, and
  - the number of households or persons occupying it does not exceed the number registered for it.
- (2) Control provisions may prohibit persons from permitting others to take up residence in a house or part of a house but shall not prohibit a person from taking up or remaining in residence in the house.
- (3) Control provisions shall not prevent the occupation of a house by a greater number of households or persons than the number registered for it if all of those households or persons have been in occupation of the house without interruption since before the number was first registered.

### 348 Control provisions: decisions on applications and appeals.

- (1) Control provisions may enable the local housing authority, on an application for first registration of a house or a renewal or variation of registration—
- to refuse the application on the ground that the house is unsuitable and incapable of being made suitable for such occupation as would be permitted if the application were granted;
  - to refuse the application on the ground that the person having control of the house or the person intended to be the person managing the house is not a fit and proper person;
  - to require as a condition of granting the application that such works as will make the house suitable for such occupation as would be permitted

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- if the application were granted are executed within such time as the authority may determine;
- (d) to impose such conditions relating to the management of the house during the period of registration as the authority may determine.
- (2) Control provisions shall provide that the local housing authority shall give an applicant a written statement of their reasons where they—
- (a) refuse to grant his application for first registration or for a renewal or variation of registration,
- (b) require the execution of works as a condition of granting such an application, or
- (c) impose conditions relating to the management of the house.
- (3) Where the local housing authority—
- (a) notify an applicant that they refuse to grant his application for first registration or for the renewal or variation of a registration,
- (b) notify an applicant that they require the execution of works as a condition of granting such an application,
- (c) notify an applicant that they intend to impose conditions relating to the management of the house, or
- (d) do not within five weeks of receiving the application, or such longer period as may be agreed in writing between the authority and the applicant, register the house or vary or renew the registration in accordance with the application,
- the applicant may, within 21 days of being so notified or of the end of the period mentioned in paragraph (d), or such longer period as the authority may in writing allow, appeal to the county court.
- (4) On appeal the court may confirm, reverse or vary the decision of the authority.
- (5) Where the decision of the authority was a refusal—
- (a) to grant an application for first registration of a house, or
- (b) for the renewal or variation of the registration,
- the court may direct the authority to grant the application as made or as varied in such manner as the court may direct.
- (6) For the purposes of subsections (4) and (5) an appeal under subsection (3)(d) shall be treated as an appeal against a decision of the authority to refuse the application.
- (7) Where the decision of the authority was to impose conditions relating to the management of the house, the court may direct the authority to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

### **348A Control provisions: other decisions and appeals.**

- (1) Control provisions may enable the local housing authority at any time during a period of registration (whether or not an application has been made)—
- (a) to alter the number of households or persons for which a house is registered or revoke the registration on the ground that the house is

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- unsuitable and incapable of being made suitable for such occupation as is permitted by virtue of the registration; or
- (b) to alter the number of households or persons for which a house is registered or revoke the registration unless such works are executed within a specified time as will make the house in question suitable for such occupation as is permitted by virtue of the registration.
- (2) Control provisions which confer on a local housing authority any such power as is mentioned in subsection (1) shall provide that the authority shall, in deciding whether to exercise the power, apply the same standards in relation to the circumstances existing at the time of the decision as were applied at the beginning of the period of registration.
- (3) Control provisions may enable the local housing authority to revoke a registration if they consider that—
- (a) the person having control of the house or the person managing it is not a fit and proper person, or
- (b) there has been a breach of conditions relating to the management of the house.
- (4) Control provisions shall also provide that the local housing authority shall—
- (a) notify the person having control of a house and the person managing it of any decision by the authority to exercise a power mentioned in subsection (1) or (3) in relation to the house, and
- (b) at the same time give them a written statement of the authority's reasons.
- (5) A person who has been so notified may within 21 days of being so notified, or such longer period as the authority may in writing allow, appeal to the county court.
- (6) On appeal the court may confirm, reverse or vary the decision of the authority.”.

#### Commencement Information

- I2** S. 66 wholly in force 3.3.1997: s. 66 not in force at Royal Assent, see s. 232(1)-(3); s. 66 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), [art. 4](#), and in force at 3.3.1997 so far as not already brought into force, by [S.I. 1997/350](#), [art. 2](#)

#### 67 Registration schemes: special control provisions.

- (1) In Part XI of the <sup>M3</sup>Housing Act 1985 (houses in multiple occupation), after section 348A (as inserted by section 66 above) insert—

##### “348B Special control provisions.

- (1) A registration scheme which contains control provisions may also contain special control provisions, that is, provisions for preventing houses in multiple occupation, by reason of their existence or the behaviour of their residents, from adversely affecting the amenity or character of the area in which they are situated.

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- (2) Special control provisions may provide for the refusal or revocation of registration, for reducing the number of households or persons for which a house is registered and for imposing conditions of registration.
- (3) The conditions of registration may include conditions relating to the management of the house or the behaviour of its occupants.
- (4) Special control provisions may authorise the revocation of registration in the case of—
  - (a) occupation of the house by more households or persons than the registration permits, or
  - (b) a breach of any condition imposed in pursuance of the special control provisions,
 which is due to a relevant management failure.
- (5) Special control provisions shall not authorise the refusal of—
  - (a) an application for first registration of a house which has been in operation as a house in multiple occupation since before the introduction by the local housing authority of a registration scheme with special control provisions, or
  - (b) any application for renewal of registration of a house previously registered under such a scheme,
 unless there has been a relevant management failure.
- (6) Special control provisions may provide that in any other case where an application is made for first registration of a house the local housing authority may take into account the number of houses in multiple occupation in the vicinity in deciding whether to permit or refuse registration.

### **348C Special control provisions: general provisions as to decisions and appeals.**

- (1) Special control provisions shall provide that the local housing authority shall give a written statement of their reasons to the applicant where they refuse to grant his application for first registration, or for a renewal or variation of a registration, or impose conditions of registration on such an application.
- (2) Special control provisions shall provide that the authority shall give written notice to the person having control of the house and the person managing it of any decision by the authority—
  - (a) to vary the conditions of registration (otherwise than on an application to which subsection (1) applies), or
  - (b) to revoke the registration of the house,
 and at the same time give them a written statement of the authority's reasons.
- (3) Where in accordance with special control provisions the local housing authority—
  - (a) notify an applicant that they refuse to grant his application for first registration or for the renewal or variation of a registration,
  - (b) notify such an applicant of the imposition of conditions of registration, or

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- (c) give notice to the person having control or the person managing the house of any such decision as is mentioned in subsection (2), that person may, within 21 days of being so notified, or such longer period as the authority may in writing allow, appeal to the county court.
- (4) If on appeal it appears to the court—
  - (a) that there has been any informality, defect or error in, or in connection with, the authority’s decision, or
  - (b) that the authority acted unreasonably,the court may reverse or vary the decision of the authority.
- (5) In so far as an appeal is based on the ground mentioned in subsection (4)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (6) Where the decision of the authority was a refusal—
  - (a) to grant an application for first registration of a house, or
  - (b) for the renewal or variation of the registration,the court may direct the authority to grant the application as made or as varied in such manner as the court may direct.
- (7) Where the decision of the authority was to impose conditions of registration, the court may direct the authority to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

#### **348D Special control provisions: occupancy directions.**

- (1) Special control provisions may provide that where the local housing authority decide that the registration of a house should be revoked the authority may direct that the level of occupation of the house be reduced, within such period of not less than 28 days as they may direct, to a level such that the registration scheme does not apply.

Such a direction is referred to in this Part as an “occupancy direction”.
- (2) Special control provisions shall provide that the authority shall only make an occupancy direction if it appears to the authority that there has been a relevant management failure resulting in a serious adverse effect on the amenity or character of the area in which the house is situated.
- (3) In considering whether to make an occupancy direction the authority shall take into account the interests of the occupants of the house and the person having control of the house as well as the interests of local residents and businesses.
- (4) Special control provisions may require the person having control of the house, and the person managing it, to take all reasonably practicable steps to comply with an occupancy direction.
- (5) Nothing in Part I of the <sup>M4</sup>Housing Act 1988 prevents possession being obtained by any person in order to comply with an occupancy direction.

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- (6) Nothing in this section affects any liability in respect of any other contravention or failure to comply with control provisions or special control provisions.

**348E Special control provisions: decisions and appeals relating to occupancy directions.**

- (1) Special control provisions shall provide that where the local housing authority make an occupancy direction in respect of a house they shall give written notice of the direction to the person having control of the house and the person managing it and at the same time give them a written statement of the authority's reasons.
- (2) A person aggrieved by an occupancy direction may, within 21 days after the date of the service of notice as mentioned in subsection (1), appeal to the county court.
- (3) If on appeal it appears to the court—
- (a) that there has been any informality, defect or error in, or in connection with, the authority's decision, or
  - (b) that the authority acted unreasonably,
- the court may make such order either confirming, quashing or varying the notice as it thinks fit.
- (4) In so far as an appeal is based on the ground mentioned in subsection (3)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (5) If an appeal is brought the direction does not become operative until—
- (a) a decision on the appeal confirming the direction (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
  - (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the direction (with or without variation).
- (6) For this purpose the withdrawal of an appeal has the same effect as a decision confirming the direction or decision appealed against.

**348F Special control provisions: “relevant management failure”.**

A “relevant management failure” for the purposes of sections 348B to 348E (special control provisions) means a failure on the part of the person having control of, or the person managing, a house in multiple occupation to take such steps as are reasonably practicable to prevent the existence of the house or the behaviour of its residents from adversely affecting the amenity or character of the area in which the house is situated, or to reduce any such adverse effect.”.

- (2) In section 400 of the <sup>M5</sup>Housing Act 1985 (index of defined expressions: Part XI), at the appropriate places insert—



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| “occupancy direction (in connection with special control provisions) | section 348D   |
| relevant management failure (for purposes of sections 348B to 348E)  | section 348F   |
| special control provisions   | section 348B”. |

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#### Marginal Citations

**M3** 1985 c. 68.

**M4** 1988 c. 50.

**M5** 1985 c. 68.

## 68 Offences in connection with registration schemes.

- (1) In Part XI of the Housing Act 1985, after section 348F (as inserted by section 67 above) insert—

### “348G Offences in connection with registration schemes.

- (1) A person who contravenes or fails to comply with a provision of a registration scheme commits an offence.
- (2) A person who commits an offence under this section consisting of a contravention of so much of control provisions as relates—
  - (a) to occupation to a greater extent than permitted under those provisions of a house which is not registered, or
  - (b) to occupation of a house which is registered by more households or persons than the registration permits,is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A person who commits an offence under this section consisting of a contravention of so much of special control provisions as requires all reasonably practicable steps to be taken to comply with an occupancy direction is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person who commits any other offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

- (2) In section 395(2) of the <sup>M6</sup>Housing Act 1985 (power of entry to ascertain if offence being committed), for “section 346(6)” substitute “ section 348G ”.

#### Marginal Citations

**M6** 1985 c. 68.

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## 69 Information requirements in connection with registration schemes.

- (1) In Part XI of the Housing Act 1985 (houses in multiple occupation), for section 349 (steps required to inform public about registration schemes) substitute—

### “349 Steps required to inform public about schemes.

- (1) Where a local housing authority intend to make a registration scheme which does not require confirmation by the Secretary of State, they shall publish notice of their intention at least one month before the scheme is made.

As soon as the scheme is made, the local housing authority shall publish a notice stating—

- (a) that a registration scheme which does not require confirmation has been made, and
- (b) the date on which the scheme is to come into force.

- (2) Where a local housing authority intend to submit to the Secretary of State a registration scheme which requires his confirmation, they shall publish notice of their intention at least one month before the scheme is submitted.

As soon as the scheme is confirmed, the local housing authority shall publish a notice stating—

- (a) that a registration scheme has been confirmed, and
- (b) the date on which the scheme is to come into force.

- (3) A notice under subsection (1) or (2) of the authority’s intention to make a scheme or submit a scheme for confirmation shall—

- (a) describe any steps which will have to be taken under the scheme by those concerned with registrable houses (other than steps which have only to be taken after a notice from the authority), and
- (b) name a place where a copy of the scheme may be seen at all reasonable hours.

- (4) After publication of notice under subsection (1) or (2) that a registration scheme has been made or confirmed, and for as long as the scheme is in force, the local housing authority—

- (a) shall keep a copy of the scheme, and of the register, available for public inspection at the offices of the authority free of charge at all reasonable hours, and
- (b) on request, and on payment of such reasonable fee as the authority may require, shall supply a copy of the scheme or the register, or of any entry in the register, to any person.

- (5) If the local housing authority revoke a registration scheme by order they shall publish notice of the order.

- (6) In this section “publish” means publish in one or more newspapers circulating in the district of the local housing authority concerned.”

- (2) In section 350(1) of the <sup>M7</sup>Housing Act 1985 (power to require information for purposes of scheme) for the words “a person” substitute “ the person having control of the house or the person managing the house or any person ”.

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**Marginal Citations**

M7 1985 c. 68.

**70 Existing registration schemes.**

- (1) The amendments made by sections 65 to 69 do not apply to registration schemes in force immediately before the coming into force of those sections.
- (2) The unamended provisions of Part XI of the Housing Act 1985 continue to apply to such schemes, subject as follows.
- (3) Any such scheme may be revoked—
  - (a) by a new scheme complying with the provisions of that Part as amended, or
  - (b) by order of the local housing authority.
- (4) If not so revoked any such scheme shall cease to have effect at the end of the period of two years beginning with the date on which the amendments come into force.

*Other amendments of Part XI of the Housing Act 1985*

**71 Restriction on notices requiring execution of works.**

- (1) In section 352 of the Housing Act 1985 (power to require execution of works to render premises fit for number of occupants), at end insert—
  - “(7) Where a local housing authority serve a notice under this section in respect of any of the requirements specified in subsection (1A), and the works specified in the notice are carried out, whether by the person on whom the notice was served or by the local housing authority under section 375, the authority shall not, within the period of five years from the service of the notice, serve another notice under this section in respect of the same requirement unless they consider that there has been a change of circumstances in relation to the premises.
  - (8) Such a change may, in particular, relate to the condition of the premises or the availability or use of the facilities mentioned in subsection (1A).”
- (2) The above amendment does not apply in relation to a notice served under section 352 of the <sup>M8</sup>Housing Act 1985 before this section comes into force.

**Marginal Citations**

M8 1985 c. 68.

**72 Recovery of expenses of notice requiring execution of works.**

- (1) After section 352 of the Housing Act 1985 insert—

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### “352A Recovery of expenses of notice under s.352.

- (1) A local housing authority may, as a means of recovering certain administrative and other expenses incurred by them in serving a notice under section 352, make such reasonable charge as they consider appropriate.
  - (2) The expenses are the expenses incurred in—
    - (a) determining whether to serve a notice under that section,
    - (b) identifying the works to be specified in the notice, and
    - (c) serving the notice.
  - (3) The amount of the charge shall not exceed such amount as is specified by order of the Secretary of State.
  - (4) A charge under this section may be recovered by the authority from any person on whom the notice under section 352 is served.
  - (5) The provisions of Schedule 10 apply to the recovery by the authority of a charge under this section as they apply to the recovery of expenses incurred by the authority under section 375 (expenses of carrying out works required by notice).
  - (6) An order under this section—
    - (a) may make different provision with respect to different cases or descriptions of case (including different provision for different areas), and
    - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
  - (7) This section has effect subject to any order under section 353(6) (power of court on appeal against s.352 notice).”
- (2) In section 353 of that Act (appeal against notice under section 352), after subsection (5) insert—
- “(6) Where the court allows an appeal under this section or makes an order under subsection (5), it may make such order as it thinks fit reducing, quashing or requiring the repayment of any charge under section 352A made in respect of the notice to which the appeal relates.”
- (3) The above amendments do not apply in relation to a notice served under section 352 of the <sup>M9</sup>Housing Act 1985 before this section comes into force.

#### Commencement Information

**I3** S. 72 wholly in force 3.3.1997: s. 72 not in force at Royal Assent, see s. 232(1)-(3); s. 72 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), [art. 4](#), and in force at 3.3.1997 so far as not already brought into force, by [S.I. 1997/350](#), [art. 2](#)

#### Marginal Citations

**M9** 1985 c. 68.

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PROSPECTIVE

**F173 Duty to keep premises fit for number of occupants.**

**Textual Amendments**

**F1** Ss. 65-79 repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with [Sch.](#)); [S.I. 2006/1535](#), art. 2(c) (with [Sch.](#))

**74 Section 354 direction to be local land charge.**

In section 354 of the Housing Act 1985 (power to limit number of occupants of house), at the end insert—

“(8) A direction under this section is a local land charge.”.

**75 Means of escape from fire.**

(1) Section 365 of the Housing Act 1985 (means of escape from fire: general provisions as to exercise of powers) is amended as follows.

(2) In subsection (1)(b) (ground for exercise of additional powers) after “paragraph (d)” insert “ or (e) ”.

(3) For subsection (3) (consultation requirements) substitute—

“(3) The local housing authority shall consult with the fire authority concerned before exercising any of the powers mentioned in subsection (2)—

- (a) where they are under a duty to exercise those powers, or
- (b) where they are not under such a duty but may exercise those powers and the house is of such description or is occupied in such manner as the Secretary of State may specify by order for the purposes of this subsection.”.

(4) In subsection (4) (orders) for “or (2A)” substitute “ , (2A) or (3) ”.

(5) In subsection (5) (other powers unaffected) omit “and (e)”.

**Commencement Information**

**I4** S. 75 wholly in force 3.3.1997: s. 75 not in force at Royal Assent, see s. 232(1)-(3); s. 75 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), [art. 4](#), and in force at 3.3.1997 so far as not already brought into force, by [S.I. 1997/350](#), [art. 2](#)

**76 Works notices: improvement of enforcement procedures.**

After section 377 of the <sup>M10</sup>Housing Act 1985 insert—

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*Status: Point in time view as at 18/11/2004. This version of this part contains provisions that are prospective.*

*Changes to legislation: Housing Act 1996, Part II is up to date with all changes known to be in force on or before 23 June 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)*

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**“377A Works notices: improvement of enforcement procedures.**

- (1) The Secretary of State may by order provide that a local housing authority shall act as specified in the order before serving a works notice.

In this section a “works notice” means a notice under section 352 or 372 (notices requiring the execution of works).

- (2) An order under this section may provide that the authority—
- (a) shall as soon as practicable give to the person on whom the works notice is to be served a written notice which satisfies the requirements of subsection (3); and
  - (b) shall not serve the works notice until after the end of such period beginning with the giving of a notice which satisfies the requirements of subsection (3) as may be determined by or under the order.
- (3) A notice satisfies the requirements of this subsection if it—
- (a) states the works which in the authority’s opinion should be undertaken, and explains why and within what period;
  - (b) explains the grounds on which it appears to the authority that the works notice might be served;
  - (c) states the type of works notice which is to be served, the consequences of serving it and whether there is a right to make representations before, or a right of appeal against, the serving of it.
- (4) An order under this section may also provide that, before the authority serves the works notice on any person, they—
- (a) shall give to that person a written notice stating—
    - (i) that they are considering serving the works notice and the reasons why they are considering serving the notice; and
    - (ii) that the person may, within a period specified in the written notice, make written representations to them or, if the person so requests, make oral representations to them in the presence of a person determined by or under the order; and
  - (b) shall consider any representations which are duly made and not withdrawn.
- (5) An order under this section may in particular—
- (a) make provision as to the consequences of any failure to comply with a provision made by the order;
  - (b) contain such consequential, incidental, supplementary or transitional provisions and savings as the Secretary of State considers appropriate (including provisions modifying enactments relating to the periods within which proceedings must be brought).
- (6) An order under this section—
- (a) may make different provision with respect to different cases or descriptions of case (including different provision for different areas), and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 18/11/2004. This version of this part contains provisions that are prospective.*

*Changes to legislation: Housing Act 1996, Part II is up to date with all changes known to be in force on or before 23 June 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)*

- (7) Nothing in any order under this section shall—
- (a) preclude a local housing authority from serving a works notice on any person, or from requiring any person to take immediate remedial action to avoid a works notice being served on him, in any case where it appears to them to be necessary to serve such a notice or impose such a requirement; or
  - (b) require such an authority to disclose any information the disclosure of which would be contrary to the public interest.”.

**Marginal Citations**

M10 1985 c. 68.

**77 Codes of practice.**

After section 395 of the <sup>M11</sup>Housing Act 1985 insert—

**“395A Codes of practice.**

- (1) The Secretary of State may by order—
- (a) approve any code of practice (whether prepared by him or another person) which, in his opinion, gives suitable guidance to any person in relation to any matter arising under this Part;
  - (b) approve any modification of such a code; or
  - (c) withdraw such a code or modification.
- (2) The Secretary of State shall only approve a code of practice or a modification of a code if he is satisfied that—
- (a) the code or modification has been published (whether by him or by another person) in such manner as he considers appropriate for the purpose of bringing the code or modification to the notice of those likely to be affected by it; or
  - (b) arrangements have been made for the code or modification to be so published.
- (3) The Secretary of State may approve—
- (a) more than one code of practice in relation to the same matter;
  - (b) a code of practice which makes different provision with respect to different cases or descriptions of case (including different provision for different areas).
- (4) A failure to comply with a code of practice for the time being approved under this section shall not of itself render a person liable to any civil or criminal proceedings; but in any civil or criminal proceedings—
- (a) any code of practice approved under this section shall be admissible in evidence, and
  - (b) any provision of any such code which appears to the court to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

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*Changes to legislation: Housing Act 1996, Part II is up to date with all changes known to be in force on or before 23 June 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)*

- (5) An order 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.
- (6) In this section references to a code of practice include references to a part of a code of practice.”.

**Marginal Citations**

**M11** 1985 c. 68.

**78 Increase of fines, &c.**

- (1) In section 350(2) of the <sup>M12</sup>Housing Act 1985 (information in relation to registration schemes)—
- (a) in paragraph (a) (failure to give information) for “level 2” substitute “ level 3 ”, and
  - (b) in paragraph (b) (mis-statement) for “level 3” substitute “ level 5 ”.
- (2) In section 355(2) of that Act (failure to comply with occupancy restrictions) for “level 4” substitute “ level 5 ”.
- (3) In section 356(2) of that Act (information in relation to occupation of house) for “level 2” substitute “ level 3 ”.
- (4) In section 364(2) of that Act (information in relation to overcrowding) for “level 2 on the standard scale” substitute “ , in the case of such failure, level 3 on the standard scale and, in the case of furnishing such a statement, level 5 on the standard scale ”.
- (5) In section 368(3) of that Act (use of house in contravention of undertaking) omit from “and if” to the end.
- (6) In section 369(5) of that Act (failure to comply with management code) for “level 3” substitute “ level 5 ”.
- (7) In section 376(1) and (2) of that Act (penalties for failures to execute works) for “level 4” substitute in each case “ level 5 ”.
- (8) In section 377(3) of that Act (failure to permit execution of works) for the words from “level 3” to the end substitute “ level 5 on the standard scale ”.
- (9) In section 387(5) of that Act (failure to permit carrying out of works) for the words from “level 3” to the end substitute “ level 5 on the standard scale ”.
- (10) In section 396(2) of that Act (penalty for obstruction) for the words “level 3” substitute “ level 4 ”.

**Marginal Citations**

**M12** 1985 c. 68.



*Status: Point in time view as at 18/11/2004. This version of this part contains provisions that are prospective.*

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## 79 Minor amendments.

- (1) In section 355(1) of the <sup>M13</sup>Housing Act 1985 (effect of direction limiting number of occupants) for the words from “the number” to the end substitute “ any individual to take up residence in that house or part unless the number of individuals or households then occupying the house or part would not exceed the limit specified in the direction.”.
- (2) In section 398 of the Housing Act 1985 for subsection (6) (meaning of “person managing”) substitute—
  - “(6) “Person managing”—
    - (a) means the person who, being an owner or lessee of the premises—
      - (i) receives, directly or through an agent or trustee, rents or other payments from persons who are tenants of parts of the premises, or who are lodgers, or
      - (ii) would so receive those rents or other payments but for having entered into an arrangement (whether in pursuance of a court order or otherwise) with another person who is not an owner or lessee of the premises by virtue of which that other person receives the rents or other payments, and
    - (b) includes, where those rents or other payments are received through another person as agent or trustee, that other person.”.
- (3) In Part IV of Schedule 13 to the Housing Act 1985 (control order followed by compulsory purchase order), in paragraph 22 (application of provisions where compulsory purchase order is made within 28 days of a control order), for “28 days” substitute “ eight weeks ”.

### Marginal Citations

M13 1985 c. 68.

### *Common lodging houses*

## 80 Repeal of Part XII of the Housing Act 1985.

- (1) Part XII of the Housing Act 1985 (common lodging houses) is hereby repealed.
- (2) In consequence of the above repeal—
  - (a) in section 619(2) of the Housing Act 1985, for “The other provisions of this Act” substitute “ The provisions of Parts I to XI and XIII to XVIII of this Act ”; and
  - (b) in section 65(2)(a) of the <sup>M14</sup>Housing Act 1988, for “XII” substitute “ XI ”.
- (3) The Secretary of State may by order make such consequential amendments or repeals in any local Act as he considers necessary or expedient.

Any such order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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#### **Commencement Information**

**I5** S. 80 wholly in force 3.3.1997: s. 80 not in force at Royal Assent, see s. 232(1)-(3); S. 80(3) in force at 1.10.1996 by [S.I. 1996/2402](#), [art. 3](#) (with transitional provisions and savings in the [Sch.](#)); s. 80 in force at 3.3.1997 so far as not already brought into force, by [S.I. 1997/350](#), [art. 2](#)

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#### **Marginal Citations**

**M14** [1988 c. 50](#).

**Status:**

Point in time view as at 18/11/2004. This version of this part contains provisions that are prospective.

**Changes to legislation:**

Housing Act 1996, Part II is up to date with all changes known to be in force on or before 23 June 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.