



# Housing Act 2004

## 2004 CHAPTER 34

### PART 2 **E+W**

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Designation of additional licensing areas*

VALID FROM 15/06/2005

#### **56 Designation of areas subject to additional licensing **E+W****

- (1) A local housing authority may designate either—
  - (a) the area of their district, or
  - (b) an area in their district,as subject to additional licensing in relation to a description of HMOs specified in the designation, if the requirements of this section are met.
- (2) The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.
- (3) Before making a designation the authority must—
  - (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
  - (b) consider any representations made in accordance with the consultation and not withdrawn.
- (4) The power to make a designation under this section may be exercised in such a way that this Part applies to all HMOs in the area in question.
- (5) In forming an opinion as to the matter mentioned in subsection (2), the authority must have regard to any information regarding the extent to which any codes of practice

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approved under section 233 have been complied with by persons managing HMOs in the area in question.

(6) Section 57 applies for the purposes of this section.

#### Commencement Information

- II** S. 56 wholly in force at 25.11.2005; s. 56 not in force at Royal Assent see s. 270(4)(5); s. 56 in force for E. at 15.6.2005 by S.I. 2005/1451, **art. 3(b)**; s. 56 in force for W. at 25.11.2005 by S.I. 2005/3237, **art. 2(c)**

VALID FROM 15/06/2005

#### 57 Designations under section 56: further considerations **E+W**

- (1) This section applies to the power of a local housing authority to make designations under section 56.
- (2) The authority must ensure that any exercise of the power is consistent with the authority's overall housing strategy.
- (3) The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both—
  - (a) as regards combining licensing under this Part with other courses of action available to them, and
  - (b) as regards combining such licensing with measures taken by other persons.
- (4) The authority must not make a particular designation under section 56 unless—
  - (a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question, and
  - (b) they consider that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).
- (5) In this Act “anti-social behaviour” means conduct on the part of occupiers of, or visitors to, residential premises—
  - (a) which causes or is likely to cause a nuisance or annoyance to persons residing, visiting or otherwise engaged in lawful activities in the vicinity of such premises, or
  - (b) which involves or is likely to involve the use of such premises for illegal purposes.

#### Commencement Information

- II** S. 57 wholly in force at 25.11.2005; s. 57 not in force at Royal Assent see s. 270(4)(5); s. 57 in force for E. at 15.6.2005 by S.I. 2005/1451, **art. 3(b)**; s. 57 in force for W. at 25.11.2005 by S.I. 2005/3237, **art. 2(c)**

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VALID FROM 06/04/2006

## 58 Designation needs confirmation or general approval to be effective **E+W**

- (1) A designation of an area as subject to additional licensing cannot come into force unless—
  - (a) it has been confirmed by the appropriate national authority; or
  - (b) it falls within a description of designations in relation to which that authority has given a general approval in accordance with subsection (6).
- (2) The appropriate national authority may either confirm, or refuse to confirm, a designation as it considers appropriate.
- (3) If the appropriate national authority confirms a designation, the designation comes into force on the date specified for this purpose by that authority.
- (4) That date must be no earlier than three months after the date on which the designation is confirmed.
- (5) A general approval may be given in relation to a description of designations framed by reference to any matters or circumstances.
- (6) Accordingly a general approval may (in particular) be given in relation to—
  - (a) designations made by a specified local housing authority;
  - (b) designations made by a local housing authority falling within a specified description of such authorities;
  - (c) designations relating to HMOs of a specified description.  
“Specified” means specified by the appropriate national authority in the approval.
- (7) If, by virtue of a general approval, a designation does not need to be confirmed before it comes into force, the designation comes into force on the date specified for this purpose in the designation.
- (8) That date must be no earlier than three months after the date on which the designation is made.

### Commencement Information

- I3** [S. 58](#) wholly in force at 16.6.2006; [s. 58](#) not in force at Royal Assent see [s. 270\(4\)\(5\)](#); [s. 58](#) in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); [s. 58](#) in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

## 59 Notification requirements relating to designations **E+W**

- (1) This section applies to a designation—
  - (a) when it is confirmed under section 58, or
  - (b) (if it is not required to be so confirmed) when it is made by the local housing authority.

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- (2) As soon as the designation is confirmed or made, the authority must publish in the prescribed manner a notice stating—
  - (a) that the designation has been made,
  - (b) whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under section 58 applied to it (giving details of the approval in question),
  - (c) the date on which the designation is to come into force, and
  - (d) any other information which may be prescribed.
- (3) After publication of a notice under subsection (2), and for as long as the designation is in force, the local housing authority must make available to the public in accordance with any prescribed requirements—
  - (a) copies of the designation, and
  - (b) such information relating to the designation as is prescribed.
- (4) In this section “prescribed” means prescribed by regulations made by the appropriate national authority.

#### Commencement Information

**I4** S. 59 wholly in force at 16.6.2006; s. 59 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 59 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 59 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

## 60 Duration, review and revocation of designations E+W

- (1) Unless previously revoked under subsection (4), a designation ceases to have effect at the time that is specified for this purpose in the designation.
- (2) That time must be no later than five years after the date on which the designation comes into force.
- (3) A local housing authority must from time to time review the operation of any designation made by them.
- (4) If following a review they consider it appropriate to do so, the authority may revoke the designation.
- (5) If they do revoke the designation, the designation ceases to have effect at the time that is specified by the authority for this purpose.
- (6) On revoking a designation the authority must publish notice of the revocation in such manner as is prescribed by regulations made by the appropriate national authority.

#### Commencement Information

**I5** S. 60 wholly in force at 16.6.2006; s. 60 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 60 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 60 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

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