



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Codes of practice and management regulations relating to HMOs etc.

233 Approval of codes of practice with regard to the management of HMOs etc.

- (1) The appropriate national authority may by order—
 - (a) approve a code of practice (whether prepared by that authority or another person) laying down standards of conduct and practice to be followed with regard to the management of houses in multiple occupation or of excepted accommodation;
 - (b) approve a modification of such a code; or
 - (c) withdraw the authority's approval of such a code or modification.
- (2) Before approving a code of practice or a modification of a code of practice under this section the appropriate national authority must take reasonable steps to consult—
 - (a) persons involved in the management of houses in multiple occupation or (as the case may be) excepted accommodation of the kind in question and persons occupying such houses or accommodation, or
 - (b) persons whom the authority considers to represent the interests of those persons.
- (3) The appropriate national authority may only approve a code of practice or a modification of a code if satisfied that—
 - (a) the code or modification has been published (whether by the authority or by another person) in a manner that the authority considers appropriate for the purpose of bringing the code or modification to the attention of those likely to be affected by it; or
 - (b) arrangements have been made for the code or modification to be so published.

Status: This is the original version (as it was originally enacted).

- (4) The appropriate national authority may approve a code of practice which makes different provision in relation to different cases or descriptions of case (including different provision for different areas).
- (5) A failure to comply with a code of practice for the time being approved under this section does not of itself make a person liable to any civil or criminal proceedings.
- (6) In this section “excepted accommodation” means such description of living accommodation falling within any provision of Schedule 14 (buildings which are not HMOs for purposes of provisions other than Part 1) as is specified in an order under subsection (1).

234 Management regulations in respect of HMOs

- (1) The appropriate national authority may by regulations make provision for the purpose of ensuring that, in respect of every house in multiple occupation of a description specified in the regulations—
 - (a) there are in place satisfactory management arrangements; and
 - (b) satisfactory standards of management are observed.
- (2) The regulations may, in particular—
 - (a) impose duties on the person managing a house in respect of the repair, maintenance, cleanliness and good order of the house and facilities and equipment in it;
 - (b) impose duties on persons occupying a house for the purpose of ensuring that the person managing the house can effectively carry out any duty imposed on him by the regulations.
- (3) A person commits an offence if he fails to comply with a regulation under this section.
- (4) In proceedings against a person for an offence under subsection (3) it is a defence that he had a reasonable excuse for not complying with the regulation.
- (5) A person who commits an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.