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## SCHEDULES

### SCHEDULE 14

Section 254

#### BUILDINGS WHICH ARE NOT HMOs FOR PURPOSES OF THIS ACT (EXCLUDING PART 1)

*Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)*

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
- (2) In this Schedule “building” includes a part of a building.

*Buildings controlled or managed by public sector bodies etc.*

- 2 (1) A building where the person managing or having control of it is—
- (a) a local housing authority,
  - [<sup>F1</sup>(aa) a non-profit registered provider of social housing,]
  - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
  - [<sup>F2</sup>(c) a police and crime commissioner,
  - (d) the Mayor's Office for Policing and Crime,
  - (e) a fire and rescue authority, or
  - (f) a health service body within the meaning of [<sup>F3</sup>section 9 of the National Health Service Act 2006].
- (2) In sub-paragraph (1)(e) “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

#### Textual Amendments

- F1** Sch. 14 para. 2(1)(aa) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), **Sch. 2 para. 133(2)** (with art. 6, Sch. 3)
- F2** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 335**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 76)
- F3** Words in Sch. 14 para. 2(1)(f) substituted (1.3.2007) by virtue of [National Health Service \(Consequential Provisions\) Act 2006](#), ss. 2, 8, {Sch. 1 para. 269} (with Sch. 3 Pt. 1)

- [<sup>F4</sup>2A. A building—
- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
  - (b) where the person managing or having control of it is a profit-making registered provider of social housing.]

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#### Textual Amendments

- F2** Sch. 14 para. 2(1)(c)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 335](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 76)
- F4** Sch. 14 para. 2A inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 1(2), [Sch. 2 para. 133\(3\)](#) (with art. 6, Sch. 3)

#### *Buildings controlled or managed by a co-operative society*

[<sup>F5</sup>2B (1) A building where—

- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
- (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.

(2) The conditions are—

- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
- (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,
- (c) that each member has equal voting rights at such a meeting, and
- (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.

(3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—

- (a) [<sup>F6</sup>is registered as a co-operative society under the 2014 Act or is a pre-commencement society (within the meaning of that Act) that meets the condition in section 2(2)(a)(i) of that Act, ]and
- (b) is neither—
  - (i) a non-profit registered provider of social housing, nor
  - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.

(4) In this paragraph—

[<sup>F7</sup>“the 2014 Act” means the Co-operative and Community Benefit Societies Act 2014;]  
 “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;  
 “protected tenancy” has the same meaning as in the Rent Act 1977;  
 “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.]

#### Textual Amendments

- F5** Sch. 14 para. 2B and cross-heading inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 185\(1\), 240\(2\)](#) (with s. 185(2)-(4)); S.I. 2012/628, art. 6(e) (with arts. 9, 11, 14, 15, 17)
- F6** Sch. 14 para. 2B(3)(a), apart from the word 'and', substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 91\(2\)](#) (with Sch. 5)

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- F7** Words in Sch. 14 para. 2B(4) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 91\(3\)](#) (with [Sch. 5](#))

*Buildings regulated otherwise than under this Act*

- 3 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

*Buildings occupied by students*

- 4 (1) Any building—
- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
  - (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.
- (2) In sub-paragraph (1) “ specified ” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—
- (a) a particular educational establishment, or
  - (b) a particular description of educational establishments.
- (4) The appropriate national authority may have regard to the extent to which, in its opinion—
- (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
  - (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice,
- as the case may be.
- (5) In sub-paragraph (4) “ occupied for connected educational purposes ”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

**Commencement Information**

- II** Sch. 14 para. 4 wholly in force at 18.1.2005; Sch. 14 para. 4 in force at Royal Assent for specified purposes and otherwise at 18.1.2005 see s. 270

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*Buildings occupied by religious communities*

- 5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

*Buildings occupied by owners*

- 6 (1) Any building which is occupied only by persons within the following paragraphs—
- (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
  - (b) any member of the household of such a person or persons;
  - (c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

**Commencement Information**

- I2** Sch. 14 wholly in force at 18.1.2005; Sch. 14 para. 6 in force at Royal Assent for specified purposes and otherwise at 18.1.2005 and Sch. 14 in force at 18.1.2005 see s. 270

*Buildings occupied by two persons*

- 7 Any building which is occupied only by two persons who form two households.]

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