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**Changes to legislation:** Housing Act 2004, Cross Heading: Additional conditions to be included in licences under Part 2: floor area etc is up to date with all changes known to be in force on or before 18 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 4

#### LICENCES UNDER PARTS 2 AND 3: MANDATORY CONDITIONS

*<sup>F1</sup>Additional conditions to be included in licences under Part 2: floor area etc*

##### Textual Amendments

**F1** Sch. 4 paras. 1A-1C inserted (1.10.2018) by The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (S.I. 2018/616), regs. 1(1), 2 (with reg. 1(2))

- 1A. (1) Where the HMO is in England, a licence under Part 2 must include the following conditions.
- (2) Conditions requiring the licence holder—
- (a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
  - (b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
  - (c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
  - (d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- (3) Conditions requiring the licence holder to ensure that—
- (a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
  - (b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
  - (c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.
- (4) Conditions which apply if—
- (a) any of the conditions imposed pursuant to sub-paragraph (2) or (3) have been breached in relation to the HMO,
  - (b) the licence holder has not knowingly permitted the breach, and

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- (c) the local housing authority have notified the licence holder of the breach, and which require the licence holder to rectify the breach within the specified period.
- (5) In sub-paragraph (4) the specified period means the period, of not more than 18 months beginning with the date of the notification, which is specified in the notification.
- (6) Conditions requiring the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.
- (7) In this paragraph a reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.
- (8) For the purposes of this paragraph a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- (9) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.
- (10) This paragraph does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—
- (a) is a night shelter, or
  - (b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)