



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 5

MISCELLANEOUS

Overcrowding

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- (1) The appropriate national authority may by order make such provision as it considers appropriate for and in connection with—
 - (a) determining whether a dwelling is overcrowded for the purposes of Part 10 of the Housing Act 1985 (c. 68) (overcrowding);
 - (b) introducing for the purposes of Chapter 3 of Part 4 of this Act a concept of overcrowding similar to that applying for the purposes of Part 10 (and accordingly removing the discretion of local housing authorities to decide particular issues arising under those sections);
 - (c) securing that overcrowding in premises to which Chapter 3 of Part 4 of this Act would otherwise apply, or any description of such premises, is regulated only by provisions of Part 10.
- (2) An order under this section may, in particular, make provision for regulating the making by local housing authorities of determinations as to whether premises are overcrowded, including provision prescribing—
 - (a) factors that must be taken into account by such authorities when making such determinations;
 - (b) the procedure that is to be followed by them in connection with making such determinations.

Status: This is the original version (as it was originally enacted).

- (3) An order under this section may modify any enactment (including this Act).
- (4) In this section—
 - (a) any reference to Part 10 of the Housing Act 1985 includes a reference to Part 10 as modified by an order under this section; and
 - (b) “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act [1978 \(c. 30\)](#)).