

1990 No. 447

**HOUSING, ENGLAND AND WALES**

**The Housing (Prescribed Forms) Regulations 1990**

<i>Made</i> - - - -	<i>5th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of their powers under sections 294(3), 330(3), 332(1)(a) and 614 of the Housing Act 1985(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**Citation commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing (Prescribed Forms) Regulations 1990 and shall come into force on 1st April 1990.

(2) In these Regulations, “the Act” means the Housing Act 1985.

**Prescribed Forms**

2.—(1) The forms set out in the Schedule, or forms substantially to the like effect, shall be the forms to be used for the following purposes of the Act—

- (a) Form 1 for the order under section 294 (extinguishment of public rights of way over land acquired)(b);
- (b) Form 3 for the licence of a local housing authority under section 330 (overcrowding);
- (c) Form 4 for the information to be contained in rent books under section 332 (provisions regarding overcrowding).

**Manner of publishing right of way extinguishment order**

3. The local housing authority shall on the same date

- (a) publish in one or more local newspapers circulating in their district a notice in the form set out in the Schedule as Form 2, or in a form substantially to the like effect, and
- (b) cause a copy of the same notice to be displayed in a prominent position at each end of the public right of way to which the order relates.

**Revocation and amendment**

4.—(1) The Housing Act (Overcrowding and Miscellaneous Forms) Regulations 1937(c), the Housing Act (Form of Charging Order) Regulations 1939(d), the Housing (Prescribed Forms) (Amendment etc.) Regulations 1974(e), the Housing (Prescribed Forms)

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(a) 1985 c.68.

(b) Section 294 is amended by paragraph 27 of Schedule 9 to the Local Government and Housing Act 1989 (c.42).

(c) S.R. & O. 1937/80.

(d) S.R. & O. 1939/563.

(e) S.I. 1974/1511.

(Amendment) Regulations 1975(a), the Housing (Prescribed Forms) (Amendment) Regulations 1981(b) and the Housing (Prescribed Forms) (Repair Notices etc.) Regulations 1988(c) are hereby revoked.

(2) The Housing Act (Extinguishment of Public Right of Way) Regulations 1937(d) shall not have effect in relation to an order made under section 294 of the Act on or after the coming into force of these Regulations.

(3) The Housing (Prescribed Forms) Regulations 1972(e) shall be amended by the omission of Forms 1 to 42 and 47 to 70 from Schedule 2 to those Regulations and the omission of references to those Forms from the list in Schedule 1 to those Regulations.

5th March 1990

*Chris Patten*  
Secretary of State for the Environment

Signed by authority of the Secretary of State for Wales

5th March 1990

*Ian Grist*  
Parliamentary Under-Secretary of State,  
Welsh Office

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## SCHEDULE

Regulations 2 and 3

### FORM 1

#### HOUSING ACT 1985

##### SECTION 294

###### *Order extinguishing a public right of way*

1. The Council have [acquired] [resolved to purchase] under section 290 of the Housing Act 1985 land at which is shown coloured pink on the map marked "Map referred to in the [name of authority and name or reference of right of way] Right of Way Extinguishment Order 19 " and deposited at the offices of the Council.

2. A public right of way shown edged black on that map and described in the Schedule to this order exists over the land.

3. The Council under section 294 of the Housing Act 1985 hereby order that the said public right of way shall be extinguished as from such date as the Secretary of State in approving the order may direct.

4. This order may be cited as the [name of authority and name or reference of right of way] Right of Way Extinguishment Order 19

## SCHEDULE

### DESCRIPTION OF RIGHT OF WAY TO BE EXTINGUISHED

[Give name or reference of right of way and describe its location, direction, length and width as indicated on the map.]

### FORM 2

#### HOUSING ACT 1985

##### SECTION 294

###### *Notice of the making of an order extinguishing a public right of way*

Notice is hereby given that the Council have made the [name of authority and name or reference of right of way] Right of Way Extinguishment Order 19 under section 294 of the Housing Act 1985 and are about to submit it to the Secretary of State for [the Environment] [Wales] for his approval.

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(a) S.I. 1975/500.

(b) S.I. 1981/1347.

(c) S.I. 1988/2189.

(d) S.R. & O. 1937/79.

(e) S.I. 1972/228.

The order extinguishes the right of way described in the Schedule to this notice as from such date as the Secretary of State in approving the order may direct.

A copy of the order and the map referred to in it may be inspected at all reasonable hours at

Any objections to the order should be addressed to the Secretary of State at [insert address of Regional Office of the Department of the Environment or, as appropriate, the address of the Welsh Office].

If any objection to the order is made to the Secretary of State before the expiration of four weeks from its publication, he shall not approve the order until he has caused a public local inquiry to be held into the matter. The Secretary of State may, however, dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

The period of four weeks from the publication of the order expires on [insert the date four weeks from the date of publication].

## SCHEDULE

[Give a description of the right of way which should be sufficient to enable the reader to identify it without having to refer to a map]

[Date and signature]

### FORM 3

#### HOUSING ACT 1985

##### SECTION 330

##### OVERCROWDING

##### *Licence authorising more than permitted number to sleep in a dwelling*

To

[the occupier] [the intending occupier] of the premises known as (" the dwelling ").

1. On you applied to the Council under section 330 of the Housing Act 1985 for a licence authorising you to permit a number of persons in excess of the permitted number under section 326 of that Act to sleep in the dwelling.

2. It appears to the Council that there are exceptional circumstances and that it is expedient to grant such a licence.

3. You are authorised to permit person(s) in excess of the permitted number to sleep in the dwelling.

4. [This licence is granted unconditionally.]

OR

[This licence is granted subject to the following condition(s):—

]

5. Unless previously revoked, this licence continues in force for the period from to

[Date and signature]

## NOTES

(STATUTORY REFERENCES ARE TO THE HOUSING ACT 1985)

### *Effect of licence*

1. The permitted number of persons for the dwelling is and so this licence authorises a total of persons to sleep there.

### *Duration of licence*

2. The period specified in paragraph 5 of the licence must not be more than 12 months.  
(section 330(5))

*Revocation of licence*

3. The Council may revoke the licence at their discretion by notice in writing served on the occupier and specifying a period (at least one month from the date of service) at the end of which the licence will cease to be in force.

(section 330(4))

*The landlord*

4. If the dwelling is let to the occupier or intending occupier, the Council are required to serve a copy of this licence and of any notice of revocation on the landlord of the dwelling and this must be done within 7 days of the issue of the licence or the service of the notice of revocation on the occupier, as the case may be.

(section 330(6))

**FORM 4**

**HOUSING ACT 1985**

**SECTION 332**

*Information to be contained in rent book or similar document*

*Causing or permitting overcrowding*

1. An occupier who causes or permits his dwelling to be overcrowded is liable to prosecution for an offence under the Housing Act 1985, and, if convicted, to a fine of up to level 2 on the standard scale, and a further fine of up to one-tenth of that level in respect of every day on which the offence continues after conviction. Any part of a house which is occupied by a separate household is a "dwelling".

2. A dwelling is overcrowded if the number of persons sleeping in it is more than the "permitted number", or is such that two or more of those persons, being ten years old or over, of opposite sexes (not being persons living together as husband and wife), must sleep in the same room.

3. The "permitted number" for the dwelling to which this [\*] relates is \_\_\_\_\_ person(s).

In counting the number of persons each child under ten counts as half a person, and a child of less than a year is not counted at all.

\*insert suitable description of the document used in relation to the dwelling.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Regulation 2 prescribes new forms for use by local housing authorities for the purposes of an order extinguishing a public right of way under section 294 of the Housing Act 1985 and for the purposes of Part X (overcrowding) of that Act.

Regulation 3 prescribes the manner of publishing an order under section 294.

Regulation 4 revokes or amends all the Regulations which prescribe forms for the purposes of the Housing Act 1985. The revocation of the Housing Act (Extinguishment of Public Right of Way) Regulations 1937 does not have effect in relation to an order made under section 294 before 1st April 1990.

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