

2009 No. 724

HOUSING, ENGLAND

**The Houses in Multiple Occupation (Management) (England)
Regulations 2009**

<i>Made</i> - - - -	<i>16th March 2009</i>
<i>Laid before Parliament</i>	<i>20th March 2009</i>
<i>Coming into force</i> - -	<i>13th April 2009</i>

The Secretary of State, in exercise of the powers conferred by section 234 of the Housing Act 2004(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Houses in Multiple Occupation (Management) (England) Regulations 2009 and shall come into force on 13th April 2009.

(2) These Regulations apply to HMOs(b) in England.

Amendment of the Management of Houses in Multiple Occupation (England) Regulations 2006

2.—(1) The Management of Houses in Multiple Occupation (England) Regulations 2006(c) are amended in accordance with paragraph (2).

(2) In regulation 6 (duty of manager to supply and maintain gas and electricity) for paragraph (2) substitute—

“(2) In paragraph (1), “recognised engineer” means an engineer approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998(d)”.

Amendment of the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

3.—(1) The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007(e) are amended in accordance with paragraph (2).

(2) In regulation 7 (duty of manager to supply and maintain gas and electricity) for paragraph (2) substitute—

(a) 2004 c. 34. The powers conferred by section 234(1) of the Housing Act 2004 are exercisable, as respects England, by the Secretary of State. *See* the definition of the appropriate national authority in section 261(1) of the Act. As respects Wales, these powers are now vested in the Welsh Ministers. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(b) For the meaning of “HMO” *see* sections 254 to 259 of the Housing Act 2004.

(c) S.I. No. 2006/372.

(d) S.I. No. 1998/2451.

(e) S.I. No. 2007/1903.

“(2) In paragraph (1), “recognised engineer” means an engineer approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998”.

Signed by authority of the Secretary of State for Communities and Local Government

Iain Wright

Parliamentary Under Secretary of State

Department for Communities and Local Government

16th March 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to houses in multiple occupation (as defined in sections 254 to 259 of the Housing Act 2004) (“HMOs”) in England. Under the Management of Houses in Multiple Occupation (England) Regulations 2006 (“the 2006 Regulations”), which apply in relation to all HMOs except those to which section 257 (HMOs: certain converted blocks of flats) of the Housing Act 2004 applies, a manager of an HMO is required to carry out certain duties in respect of the management of the HMO. One of those duties is to supply to the local housing authority within 7 days of receiving a request in writing from the authority the latest gas appliance test certificate the manager has received in relation to the testing by a “recognised engineer” of any gas appliance at the HMO. Under the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (“the 2007 Regulations”) the same duty applies in relation to managers of HMOs to which section 257 of the Housing Act 2004 applies.

These Regulations replace the definition of “recognised engineer” in the 2006 Regulations and the 2007 Regulations. The new definition refers to an engineer who is approved under regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

No impact assessment has been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

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