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## EXPLANATORY NOTE

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

This Order prescribes a description of a house in multiple occupation (“HMO”) to which Part 2 of the Housing Act 2004 (“the Act”) applies. Under section 61(1) of the Act every HMO to which Part 2 of the Act applies must be licensed unless it is subject to either a temporary exemption notice under section 62 of the Act or an interim or final management order under Chapter 1 of Part 4 of the Act.

The Order applies to HMOs in England but does not apply to converted blocks of flats, to which section 257 of the Act applies. These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

Article 1 makes a commencement provision.

Article 4 prescribes a description of HMOs for the purpose of section 55(2)(a) of the Act. The standard test relates to HMOs which comprise of one or more units of living accommodation which do not consist of a self-contained flat or flats. The self-contained flat test relates to HMOs which comprise of a self-contained, purpose-built flat situated in a block comprising of no more than two self-contained flats (whether or not the block also contains non-residential premises). The converted building test relates to HMOs which are converted buildings.

Article 5 makes a transitional provision.

Article 6 revokes The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 which this Order replaces.

Article 7 makes provision for the review of these Regulations at the end of the period of 5 years beginning with the date on which they come into force.

An impact assessment has been prepared in relation to this Order. The assessment will be placed in the Library of each House of Parliament and made available on [www.gov.uk](http://www.gov.uk). Copies may be obtained from the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.