
WELSH STATUTORY INSTRUMENTS

2006 No. 1712 (W.174)

HOUSING, WALES

**The Licensing of Houses in Multiple Occupation
(Prescribed Descriptions) (Wales) Order 2006**

Made - - - - 27 June 2006
Coming into force - - 30 June 2006

The National Assembly for Wales in exercise of the powers conferred upon it by section 55(3) of the Housing Act 2004(1), makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 and it comes into force on 30 June 2006.

(2) This Order applies to any HMO(2) in Wales other than a converted block of flats to which section 257 of the Act applies.

Interpretation

2. In this Order—

- (a) “the Act” (“*y Ddeddf*”) means the Housing Act 2004; and
- (b) “business premises” (“*mangre busnes*”) means premises, or any part of premises, which are not, or are not used in connection with, and as an integral part of, living accommodation.

Description of HMOs prescribed by the National Assembly for Wales

3.—(1) An HMO is of a prescribed description for the purpose of section 55(2)(a) of the Act where it satisfies the conditions described in paragraph (2).

(2) The conditions referred to in paragraph (1) are that—

- (a) the HMO or any part of it comprises three storeys or more;
- (b) it is occupied by five or more persons; and

(1) 2004 c. 34. The powers conferred by section 55(3) of the Act are exercisable, as respects Wales, by the National Assembly for Wales and, as respects England, by the Secretary of State. See the definition of the “appropriate national authority” in section 261(1).

(2) For the meaning of HMO see sections 77 and 254 to 259 of the Act.

- (c) it is occupied by persons living in two or more single households.
- (3) The following storeys must be taken into account when calculating whether the HMO or any part of it comprises three storeys or more—
- (a) any basement if—
 - (i) it is used wholly or partly as living accommodation;
 - (ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation;
 - (iii) it is being used in connection with, and as an integral part of, the HMO; or
 - (iv) it is the only or principal entry into the HMO from the street;
 - (b) any attic if—
 - (i) it is used wholly or partly as living accommodation;
 - (ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation, or
 - (iii) it is being used in connection with, and as an integral part of, the HMO;
 - (c) where the living accommodation is situated in a part of a building above business premises, each storey comprising the business premises;
 - (d) where the living accommodation is situated in a part of a building below business premises, each storey comprising the business premises;
 - (e) any mezzanine floor not used solely as a means of access between two adjoining floors if—
 - (i) it is used wholly or mainly as living accommodation; or
 - (ii) it is being used in connection with, and as an integral part of, the HMO; and
 - (f) any other storey that is used wholly or partly as living accommodation or in connection with, and as an integral part of, the HMO.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

27 June 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

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 Wales 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 3(2) sets out the conditions HMOs must satisfy in order to be of a description prescribed by article 3(1). One of the conditions is that all or part of an HMO comprises three or more storeys. Article 3(3) lists the storeys of an HMO that are to be taken into account when calculating whether the HMO or any part of it comprises three storeys or more.

A regulatory appraisal of the effects that this Order will have is available from the Private Sector Unit, department for Social Justice and Regeneration, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (telephone: 02920825111; e-mail HousingIntranet@wales.gsi.gov.uk).