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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1715 (W.177)**

**HOUSING, WALES**

**The Licensing and Management of Houses  
in Multiple Occupation and Other Houses  
(Miscellaneous Provisions) (Wales) Regulations 2006**

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

The National Assembly for Wales, in exercise of the powers conferred on it by sections 59(2), (3) and (4), 60(6), 63(5) and (6), 65(3) and (4), 83(2), (3) and (4), 84(6), 87(5) and (6), 232(3) and (7), 250(2), 258(2)(b), (5) and (6), 259(2)(c) of, and paragraphs 3 and 6(1)(c) of Schedule 14 to, the Housing Act 2004(1), makes the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 and they come into force on 30 June 2006.

(2) These Regulations apply in relation to any HMO(2) in Wales, other than a converted block of flats to which section 257 of the Act applies, and to any house(3) in Wales to which Part 3 of the Act applies(4).

**Interpretation**

2. In these Regulations “the Act” (“*y Ddeddf*”) means the Housing Act 2004.

**Persons to be regarded as forming a single household for the purposes of section 254 of the Act: employees**

3.—(1) Where—

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- (1) 2004 c. 34. The powers conferred by sections 59(2), (3) and (4), 60(6), 63(5) and (6), 65(3) and (4), 83(2), (3) and (4), 84(6), 87(5) and (6), 232(3) and (7), 250(2), 258(2)(b), (5) and (6), 259(2)(c) of, and paragraphs 3 and 6(1)(c) of Schedule 14 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 “appropriate national authority” in section 261(1).
- (2) For the meaning of “HMO” see sections 77 and 254 to 259 of the Act.
- (3) For the meaning of “house” (“*tŷ*”) see section 99 of the Act.
- (4) See section 79(2) of the Act.

- (a) a person (“person A”) occupies living accommodation in a building or part of a building; and
- (b) another person (“person B”) and any member of person B’s family living with person B occupy living accommodation in the same building or part,

those persons are only to be regarded as forming a single household for the purposes of section 254 of the Act if their circumstances are those described in paragraph (2).

(2) The circumstances are that—

- (a) person A carries out work or performs a service of an exclusively domestic nature for person B or such a member of person B’s family;
- (b) person A’s living accommodation is supplied by person B or by such a member of person B’s family as part of the consideration for carrying out the work or performing the service; and
- (c) person A does not pay any rent or other consideration in respect of the living accommodation (other than carrying out the work or performance of the service).

(3) Work or a service usually carried out or performed by any of the following is to be regarded as work or service of a domestic nature for the purpose of paragraph (2)(a)—

- (a) au pair;
- (b) nanny;
- (c) nurse;
- (d) carer;
- (e) governess;
- (f) servant, including maid, butler, cook or cleaner;
- (g) chauffeur;
- (h) gardener;
- (i) secretary; or
- (j) personal assistant.

(4) Where person A and person B are to be regarded as forming a single household under paragraph (1) any member of person A’s family occupying the living accommodation with person A is to be regarded as forming a single household with person A, person B and any member of person B’s family living with person B for the purpose of section 254 of the Act.

#### **Other persons to be regarded as forming a single household for the purposes of section 254 of the Act**

4.—(1) Where a person receiving care and that person’s carer occupy living accommodation in the same building or part of a building, they are to be regarded as forming a single household for the purposes of section 254 of the Act if the carer provides, and the person receiving care receives, care under an adult placement agreement in accordance with the Adult Placement Schemes (Wales) Regulations 2004<sup>(5)</sup>.

(2) Where a person and that person’s foster parent occupy living accommodation in the same building or part of a building, they are to be regarded as forming a single household for the purposes of section 254 of the Act if that person is placed with the foster parent under the provisions of the Fostering Services (Wales) Regulations 2003<sup>(6)</sup>.

<sup>(5)</sup> S.I.2004/1756 (W.188).

<sup>(6)</sup> S.I. 2003/237 (W.35).

(3) The term “adult placement agreement” (“*cytundeb lleoli oedolion*”) has the meaning given to that expression in Regulation 2 of the Regulations referred to in paragraph (1).

### **Persons treated as occupying premises as their only or main residence for the purposes of section 254 of the Act**

5.—(1) A person is to be treated as occupying a building or part of a building as that person’s only or main residence for the purposes of section 254 of the Act if the person is—

- (a) a migrant worker or a seasonal worker—
  - (i) whose occupation of the building or part is made partly in consideration of the person’s employment within the United Kingdom, whether or not other charges are payable in respect of that occupation; and
  - (ii) where the building or part is provided by, or on behalf of, the person’s employer or an agent or employee of the person’s employer; or
- (b) an asylum seeker or a dependent of an asylum seeker who has been provided with accommodation under section 95 of the Immigration and Asylum Act 1999<sup>(7)</sup> and which is funded partly or wholly by the National Asylum Support Service<sup>(8)</sup>.

(2) In this regulation—

- (a) “a migrant worker” (“*gweithiwr mudol*”) is—
  - (i) a person who is a national of a member State of the European Economic Area or Switzerland who has taken up an activity as an employed person in the United Kingdom under Council Regulation (EEC) No 1612/68 on Freedom of Movement for Workers Within the Community<sup>(9)</sup>, as extended by the EEA Agreement or the Switzerland Agreement; or
  - (ii) any person who has a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment;
- (b) “EEA Agreement” (“*Cytundeb AEE*”) means the agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 March 1993;
- (c) “Switzerland Agreement” (“*Cytundeb y Swisdir*”) means the agreement between the European Community and its Member States of the one part and the Swiss Confederation of the other on the Free Movement of Persons signed at Luxembourg on 21 June 1999 and which came into force on 1 June 2002;
- (d) “seasonal worker” (“*gweithiwr tymhorol*”) means a person who carries out for an employer or undertakes employment of a seasonal character—
  - (i) the nature of which depends on the cycle of the seasons and recurs automatically each year; and
  - (ii) the duration of which does not exceed eight months;
- (e) “immigration rules” (“*rheolau mewnfudo*”) means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971<sup>(10)</sup>; and
- (f) “asylum seeker” (“*ceisiwr lloches*”) has the meaning given to that expression in section 94 of the Immigration and Asylum Act 1999.

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<sup>(7)</sup> 1999 c. 33.

<sup>(8)</sup> The National Asylum Support Service is a department within the Home Office.

<sup>(9)</sup> O.J.L.257, 19 October 1968, as amended by EEC 312/76 (O.J. L.39, 14 February 1976) and EEC 2434/92 (O.J.L.245, 26 August 1992).

<sup>(10)</sup> 1971 c. 77.

**Buildings that are not HMOs for the purposes of the Act (excluding Part 1)**

6.—(1) A building is of a description specified for the purposes of paragraph 3 of Schedule 14 to the Act (buildings regulated otherwise than under the Act which are not HMOs for purposes of the Act (excluding Part 1)) where its occupation is regulated by or under any of the enactments listed in Schedule 1.

(2) The number of persons specified for the purposes of paragraph 6(1)(c) of Schedule 14 to the Act is two.

**Applications for licences under Part 2 or 3 of the Act**

7.—(1) An application for a licence under section 63 (application for HMO licence) or 87 (application for licence of Part 3 house) of the Act (“an application”) must include a statement in the form specified in paragraph 1 of Schedule 2.

(2) An applicant must supply as a part of the application—

- (a) the information contained in paragraph 2 of Schedule 2; and
- (b) the information relating to the proposed licence holder or proposed manager of the HMO or house specified in paragraph 3 of Schedule 2.

(3) An applicant must—

- (a) supply with the application completed and signed declarations in the form specified in paragraph 4 of Schedule 2; and
- (b) sign the application.

(4) Where the applicant proposes that another person should be the licence holder, both the applicant and the proposed licence holder must comply with the requirements in paragraph (3).

(5) The applicant must give the following information about the application to every relevant person—

- (a) the name, address, telephone number and any e-mail address or fax number of the applicant;
- (b) the name, address, telephone number and any e-mail address or fax number of the proposed licence holder (if the licence holder is not the applicant);
- (c) the type of application by reference to it being made in respect of an HMO which must be licensed under Part 2 or in respect of a house which must be licensed under Part 3 of the Act;
- (d) the address of the HMO or house to which the application relates;
- (e) the name and address of the local housing authority to which the application is made; and
- (f) the date on which the application is, or is to be, made.

(6) Nothing in paragraph (5) precludes an applicant from supplying a copy of the application, or other information about the application, to a relevant person.

(7) A local housing authority must refund an applicant in full any fee that the applicant has paid in respect of an application as soon as reasonably practicable after it learns that at the time the fee was paid—

- (a) in the case of an application for a licence under Part 2 of the Act, the house was not an HMO, or was not an HMO which was required to be licensed; or
- (b) in the case of an application for a licence under Part 3 of the Act, the house was a house which was not required to be licensed under Part 2 or 3 of the Act.

(8) Paragraph (7) applies whether or not the local housing authority, pursuant to the application, granted a licence for the HMO or house when it was not required to be licensed.

(9) For the purposes of this regulation a “relevant person” (“*person perthnasol*”) is any person (other than a person to whom paragraph (10) applies)—

- (a) who, to the knowledge of the applicant, is—
  - (i) a person having an estate or interest in the HMO or house which is the subject of the application, or
  - (ii) a person managing or having control of that HMO or house (and not falling within sub-paragraph (i)); or
- (b) where the applicant proposes in the application that the licence should include conditions imposing a restriction or obligation on any person (other than the licence holder), that person<sup>(11)</sup>.

(10) This paragraph applies to any tenant under a lease with an unexpired term of three years or less.

### **Prescribed standards for deciding on the suitability of a house for multiple occupation by a particular maximum number of households or persons**

8. The standards prescribed for the purpose of section 65 of the Act (tests as to suitability of HMO for multiple occupiers) are those set out in Schedule 3.

### **Publication requirements relating to designations under Part 2 or 3 of the Act**

9.—(1) A local housing authority which is required under section 59(2) or 83(2) of the Act to publish a notice of a designation of an area for the purpose of Part 2 or 3 of the Act must do so in the manner prescribed by paragraph (2).

(2) Within 7 days after the date on which the designation was confirmed or made the local housing authority must—

- (a) place the notice on a public notice board at one or more municipal buildings within the designated area, or if there are no such buildings within the designated area, at the closest of such buildings situated outside the designated area;
- (b) publish the notice on the local housing authority’s internet site; and
- (c) arrange for its publication in at least two local newspapers circulating in or around the designated area.

(3) Within 2 weeks after the designation was confirmed or made the local housing authority must send a copy of the notice to—

- (a) any person who responded to the consultation conducted by it under section 56(3) or 80(9) of the Act;
- (b) any organisation which, to the reasonable knowledge of the local housing authority—
  - (i) represents the interests of landlords or tenants within the designated area; or
  - (ii) represents managing agents, estate agents or letting agents within the designated area; and
- (c) every organisation within the local housing authority area which the local housing authority knows or believes provides advice on landlord and tenant matters, including—
  - (i) law centres;
  - (ii) citizens' advice bureaux;
  - (iii) housing advice centres; and

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(11) For licence conditions *see* sections 67 and 90 of the Act, and, in particular, sections 67(5) and 90(6).

(iv) homeless persons' units.

(4) In addition to the information referred to in section 59(2)(a), (b) and(c) or 83(2)(a), (b) and(c), the notice must contain the following information—

- (a) a brief description of the designated area;
- (b) the name, address, telephone number and e-mail address of—
  - (i) the local housing authority which made the designation;
  - (ii) the premises where the designation may be inspected; and
  - (iii) the premises where applications for licences and general advice may be obtained;
- (c) a statement advising any landlord, person managing or tenant within the designated area to seek advice from the local housing authority on whether their property is affected by the designation; and
- (d) a warning of the consequences of failing to licence a property which is required to be licensed, including the criminal sanctions.

### **Publication requirements relating to the revocation of designations made under Part 2 or 3 of the Act**

**10.**—(1) A local housing authority which is required under section 60(6) or 84(6) of the Act to publish a notice of revocation of a designation of an area for the purposes of Part 2 or 3 of the Act, must do so in the manner prescribed by paragraph (2).

- (2) Within 7 days after revoking a designation the local housing authority must—
  - (a) place a notice on a public notice board at one or more municipal buildings within the designated area, or if there are no such buildings within the designated area, at the closest of such buildings situated outside the designated area;
  - (b) publish the notice on the local housing authority's internet site; and
  - (c) arrange for the publication of the notice in at least two local newspapers circulating in or around the designated area in the next edition of those newspapers.
- (3) The notice must contain the following information—
  - (a) a brief description of the area to which the designation being revoked relates;
  - (b) a summary of the reasons for the revocation;
  - (c) the date from which the revocation takes effect;
  - (d) the name, address, telephone number and e-mail address—
    - (i) of the local housing authority which revoked the designation; and
    - (ii) where the revocation may be inspected.

### **Registers of licences**

**11.**—(1) The following particulars are prescribed for each entry in a register established and maintained under section 232(1)(a) of the Act in respect of a licence granted under Part 2 (HMOs) or 3 (selective licensing) of the Act—

- (a) the name and address of the licence holder;
- (b) the name and address of the person managing the licensed HMO or house;
- (c) the address of the licensed HMO or house;
- (d) a short description of the licensed HMO or house;
- (e) a summary of the conditions of the licence;

- (f) the commencement date and duration of the licence;
  - (g) summary information of any matter concerning the licensing of the HMO or house which has been referred to a residential property tribunal or to the Lands Tribunal; and
  - (h) summary information of any decision of the tribunals referred to in sub-paragraph (g) which relates to the licensed HMO or house, together with the reference number allocated to the case by the tribunal.
- (2) The following additional particulars are prescribed for each entry in a register established and maintained under section 232(1)(a) of the Act in respect of a licence granted under Part 2 of the Act—
- (a) the number of storeys comprising the licensed HMO;
  - (b) the number of rooms in the licensed HMO providing—
    - (i) sleeping accommodation; and
    - (ii) living accommodation;
  - (c) in the case of a licensed HMO consisting of flats—
    - (i) the number of flats that are self contained; and
    - (ii) the number of flats that are not self contained;
  - (d) a description of shared amenities including the numbers of each amenity; and
  - (e) the maximum number of persons or households permitted to occupy the licensed HMO under the conditions of the licence.

### **Registers of temporary exemption notices**

**12.** The following particulars are prescribed for each entry in a register established and maintained under section 232(1)(b) of the Act in respect of a temporary exemption notice served under section 62 or 86 of the Act—

- (a) the name and address of the person notifying the local housing authority under section 62(1) or section 86(1) of the Act;
- (b) the address of the HMO or house in respect of which the local housing authority has served the temporary exemption notice and any reference number allocated to it by the local housing authority;
- (c) a summary of the effect of the notice;
- (d) details of any previous temporary exemption notices which have been served in relation to the same HMO or house for a period immediately preceding the current temporary exemption notice;
- (e) a statement of the particular steps that the person referred to in sub-paragraph (a) intends to take with a view to securing that the HMO or house is no longer required to be licensed;
- (f) the date on which the local housing authority served the temporary exemption notice and the date on which it ceases to be in force;
- (g) summary information of any matter concerning the HMO or house which has been referred to a residential property tribunal or to the Lands Tribunal; and
- (h) summary information of any decision of the tribunals referred to in sub-paragraph (g) that relates to the HMO or house together with the reference number allocated to the case by the tribunal.

**Registers of management orders**

13.—(1) The following particulars are prescribed for each entry in a register established and maintained under section 232(1)(c) of the Act in respect of a management order made under section 102 or 113 of the Act—

- (a) the address of the HMO or house to which the order relates and any reference number allocated to it by the local housing authority;
- (b) a short description of the HMO or house;
- (c) the date on which the order comes into force;
- (d) a summary of the reasons for making the order;
- (e) a summary of the terms of the order and the type of order made;
- (f) summary information of any application concerning the HMO or house that has been made to a residential property tribunal or to the Lands Tribunal; and
- (g) summary information of any decision of the tribunals referred to in sub-paragraph (f) that relates to the HMO or house, together with the reference number allocated to the case by the tribunal.

(2) The following additional particulars are prescribed for each entry in a register established and maintained under section 232(1)(c) of the Act in respect of a management order made under section 102 or 113 of the Act—

- (a) the number of storeys comprising the HMO;
- (b) the number of rooms in the HMO providing—
  - (i) sleeping accommodation; and
  - (ii) living accommodation;
- (c) in the case of an HMO consisting of flats—
  - (i) the number of flats that are self contained;
  - (ii) the number of flats that are not self contained;
  - (iii) a description of shared amenities including the numbers of each amenity;
  - (iv) the maximum number of households permitted to occupy the HMO; and
  - (v) the maximum number of persons permitted to occupy the HMO.

(3) The following particulars are prescribed for each entry in a register established and maintained under section 232(1)(c) of the Act in respect of an empty dwelling management order made under section 133(1) or 136(1) or (2) of the Act—

- (a) the address of the dwelling(12) to which the order relates and any reference number allocated to it by the local housing authority;
- (b) a short description of the dwelling;
- (c) the date on which the order comes into force;
- (d) a summary of the reasons for making the order;
- (e) a summary of the terms of the order;
- (f) summary information of any application concerning the dwelling that has been made to a residential property tribunal or to the Lands Tribunal; and
- (g) summary information of any decision of the tribunals referred to in sub-paragraph (f) that relates to the dwelling, together with the reference number allocated to the case by the tribunal.

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(12) For the meaning of dwelling (“*annedd*”) see section 132(4)(a) and (b) of the Act.



Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(13)

27 June 2006

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

## SCHEDULE 1

Regulation 6(1)

BUILDINGS WHICH ARE NOT HMOS FOR ANY  
PURPOSE OF THE ACT (EXCLUDING PART 1)

The enactments referred to in regulation 6(1) are—

- (a) sections 87, 87A, 87B, 87C and 87D of the Children Act 1989**(14)**;
- (b) section 43(4) of the Prison Act 1952**(15)**;
- (c) section 34 of the Nationality, Immigration and Asylum Act 2002**(16)**;
- (d) The Secure Training Centre Rules 1998**(17)**;
- (e) The Prison Rules 1999**(18)**;
- (f) The Young Offender Institution Rules 2000**(19)**;
- (g) The Detention Centre Rules 2001**(20)**;
- (h) The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001**(21)**;
- (i) The Care Homes (Wales) Regulations 2002**(22)**;
- (j) The Children’s Homes (Wales) Regulations 2002**(23)**); and
- (k) The Residential Family Centres (Wales) Regulations 2003**(24)**).

## SCHEDULE 2

Regulation 7(1), (2) and (3)

## CONTENT OF APPLICATIONS UNDER SECTIONS 63 AND 87 OF THE ACT

## 1. The form of statement mentioned in regulation 7(1) is:

“You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are—

Any mortgagee of the property to be licensed

Any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you

Any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)

The proposed licence holder (if that is not you)

The proposed managing agent (if any) (if that is not you)

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**(14)** 1989 c. 41.

**(15)** 1952 c. 52.

**(16)** 2002 c. 41.

**(17)** S.I. 1998/472 amended by S.I. 2003/3005.

**(18)** S.I. 1999/728 amended by S.I. 2000/1794, 2000/2641, 2002/2116, 2003/3301, 2005/869 and 2005/3437.

**(19)** S.I. 2000/3371 amended by S.I. 2002/2117, 2005/897 and 2005/3438.

**(20)** S.I. 2001/238. Section 66(4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999.

**(21)** S.I. 2001/850.

**(22)** S.I. 2002/324 (W.37) amended by S.I. 2002/2622 (W.254), 2002/2935 (W.277), 2003/947 (W.128), 2003/1004 (W.144), 2004/1016 (W.133), 2004/1314 (W.139), 2004/1756 (W.188), 2004/2414 (W.222), 2005/1541, 2005/2929 (W.214) and 2005/3302 (W.256).

**(23)** S.I. 2002/327 (W.40) amended by S.I. 2002/2622 (W.254), 2005/774 (W.64), 2005/1541 and 2005/2929 (W.214).

**(24)** S.I. 2003/781 (W.92) amended by S.I. 2004/1016 (W.113), 2005/1541 and 2005/2929 (W.214).

Any person who has agreed to be bound by any conditions in a licence if it is granted.  
You must tell each of these persons—

- Your name, address telephone number and e-mail address or fax number (if any)
- The name, address, telephone number and e-mail address or fax number (if any) of the proposed licence holder (if it will not be you)
- Whether this is an application for an HMO licence under Part 2 or for a house licence under Part 3 of the Housing Act 2004
- The address of the property to which the application relates
- The name and address of the local housing authority to which the application will be made
- The date the application will be submitted.”.

- 2.—(1) The information mentioned in regulation 7(2)(a) is—
- (a) the name, address, telephone number and e-mail address of—
    - (i) the applicant;
    - (ii) the proposed licence holder;
    - (iii) the person managing the HMO or house;
    - (iv) the person having control of the HMO or house; and
    - (v) any person who has agreed to be bound by a condition contained in the licence;
  - (b) the address of the HMO or house for which the application is being made;
  - (c) the approximate age of the original construction of the HMO or house (using the categories before 1919, 1919-45, 1945-64, 1965-80 and after 1980);
  - (d) the type of HMO or house for which the application is being made, by reference to one of the following categories—
    - (i) house in single occupation;
    - (ii) house in multiple occupation;
    - (iii) flat in single occupation;
    - (iv) flat in multiple occupation;
    - (v) a house converted into and comprising only of self contained flats;
    - (vi) a purpose built block of flats; or
    - (vii) other;
  - (e) details of other HMOs or houses that are licensed under Part 2 or 3 of the Act in respect of which the proposed licence holder is the licence holder, whether in the area of the local housing authority to which the application is made or in the area of any other local housing authority;
  - (f) the following information about the HMO or house for which the application is being made—
    - (i) the number of storeys comprising the HMO or house and the levels on which those storeys are situated;
    - (ii) the number of separate letting units;
    - (iii) the number of habitable rooms (excluding kitchens);
    - (iv) the number of bathrooms and shower rooms;

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

- (v) the number of toilets and wash basins;
  - (vi) the number of kitchens;
  - (vii) the number of sinks;
  - (viii) the number of households occupying the HMO or house;
  - (ix) the number of people occupying the HMO or house;
  - (x) details of fire precaution equipment, including the number and location of smoke alarms;
  - (xi) details of fire escape routes and other fire safety training provided to occupiers;
  - (xii) a declaration that the furniture in the HMO or house that is provided under the terms of any tenancy or licence meets any safety requirements contained in any enactment; and
  - (xiii) a declaration that any gas appliances in the HMO or house meet any safety requirements contained in any enactment.
3. The information mentioned in regulation 7(2)(b) is—
- (a) details of any unspent convictions that may be relevant to the proposed licence holder’s fitness to hold a licence, or the proposed manager’s fitness to manage the HMO or house, and, in particular, any such conviction in respect of any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003<sup>(25)</sup>;
  - (b) details of any finding by a court or tribunal of unlawful discrimination on the part of the proposed licence holder or manager on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
  - (c) details of any contravention on the part of the proposed licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgment being made against the proposed licence holder or manager;
  - (d) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and which has been the subject of—
    - (i) a control order under section 379 of the Housing Act 1985<sup>(26)</sup> in the five years preceding the date of the application; or
    - (ii) any appropriate enforcement action described in section 5(2) of the Act;
  - (e) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and for which a local housing authority has refused to grant a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of the licence; and
  - (f) information about any HMO or house which the proposed licence holder or manager owns or manages or has owned or managed and which has been the subject of an interim or final management order under the Act.
4. The form of declaration mentioned in regulation 7(3)(a) is as follows—
- I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/We understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of

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<sup>(25)</sup> 2003 c. 42.

<sup>(26)</sup> 1985 (c. 68).

the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are are reckless as to whether it is false or misleading.

Signed (all applicants)

Dated

I/We declare that I/We have served a notice of this application on the following persons who are the only persons known to me/us who are required to be informed that I/we have made this application:

<i>Name</i>	<i>Address</i>	<i>Description of the person's interest in the property or the application</i>	<i>Date of service</i>

### SCHEDULE 3

Regulation 8

#### PRESCRIBED STANDARDS FOR DECIDING ON THE SUITABILITY FOR OCCUPATION OF AN HMO BY A PARTICULAR MAXIMUM NUMBER OF HOUSEHOLDS OR PERSONS

##### *Heating*

1. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

##### *Washing facilities*

2.—(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

(a) where there are four or fewer occupiers sharing those facilities there must be at least one bathroom with a fixed bath or shower and a toilet (which may be situated in the bathroom);

(b) where there are five or more occupiers sharing those facilities there must be —

(i) one separate toilet with wash hand basin with appropriate splash back for every five sharing occupiers; and

(ii) at least one bathroom (which may contain a toilet) with a fixed bath or shower for every five sharing occupiers.

(2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

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

### *Kitchens*

3. Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities, so as to adequately enable those sharing the facilities to store, prepare and cook food;
- (b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—
  - (i) sinks with draining boards;
  - (ii) an adequate supply of cold and constant hot water to each sink supplied;
  - (iii) installations or equipment for the cooking of food;
  - (iv) electrical sockets;
  - (v) worktops for the preparation of food;
  - (vi) cupboards for the storage of food or kitchen and cooking utensils;
  - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
  - (viii) appropriate refuse disposal facilities; and
  - (ix) appropriate extractor fans, fire blankets and fire doors.

### *Units of living accommodation without shared basic amenities*

4.—(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(2) Where no adequate shared washing facilities are provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation.

### *Fire precautionary facilities*

5. Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

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## EXPLANATORY NOTE

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

These Regulations make provision in respect of a number of miscellaneous matters relating to provisions of the Housing Act 2004 (“the Act.”). These are: Part 2 (licensing of HMOs), Part 3 (selective licensing), Chapters 1 and 2 of Part 4 (management orders) and section 254 (meaning of HMO) of the Act. They—

specify the circumstances when persons are to be regarded as forming a single household for the purposes of deciding whether a building is an HMO within any of the descriptions in section 254 of the Act (regulations 3 and 4);

provide that migrant workers, seasonal workers and asylum seekers are to be treated as occupying certain premises as their only or main residence (regulation 5);

specify a description of buildings that are not HMOs for the purposes of the Act (excluding Part 1) (regulation 6 and Schedule 1);

make provision about applications for licences under Part 2 or 3 of the Act, including the information that must be supplied with an application (regulation 7 and Schedule 2);

specify the standards to be applied when determining the suitability of a house for multiple occupation for licensing under Part 2 of the Act (regulation 8 and Schedule 3);

specify the manner in which designations of areas under Part 2 or 3 of the Act, and revocations of such designations, must be published (regulations 9 and 10); and

specify the information that must be contained in registers held by local housing authorities of licences granted under Part 2 or 3, of temporary exemption notices that exempt a house from licensing and of management orders (regulations 11, 12 and 13).

A regulatory appraisal of the effects that these Regulations 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](mailto:HousingIntranet@wales.gsi.gov.uk)).