
Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

Buildings or parts of buildings which are not houses in multiple occupation

Buildings (or parts) which are not houses in multiple occupation

1.—(1) The following paragraphs list buildings which are not houses in multiple occupation.

(2) In this Schedule “building” includes a part of a building.

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Commencement Information

I1 Sch. 1 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings controlled or managed by public sector bodies etc.

2.—(1) A building where the person managing or having control of it is—

- (a) the Northern Ireland Policing Board,
- (b) the Northern Ireland Fire and Rescue Service Board, or
- (c) a health and social care body within the meaning of section 1(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

(2) A building where the person managing it is—

- (a) the Northern Ireland Housing Executive, or
- (b) a housing association registered under Part 2 of the Housing (Northern Ireland) Order 1992.

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Commencement Information

I2 Sch. 1 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Establishments regulated by the Regulation and Quality Improvement Authority

3 Any building where—

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- (a) the person managing or having control of it is an establishment registered under Article 12 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, and
- (b) regulations under Article 23 of that Order impose requirements in relation to that establishment.

Commencement Information

I3 Sch. 1 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings regulated otherwise than under this Act

4 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the Department.

Commencement Information

I4 Sch. 1 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings occupied by students and managed by educational establishment

5.—(1) Any building—

- (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
- (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

(2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the Department.

(3) Sub-paragraph (4) applies in connection with any decision by the Department as to whether to make, or revoke, any regulations specifying—

- (a) a particular educational establishment, or
- (b) a particular description of educational establishments.

(4) The Department may have regard to the extent to which, in its opinion—

- (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice approved under section 63, or

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(b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice.

(5) In sub-paragraph (4) “occupied for connected educational purposes”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

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Commencement Information

I5 Sch. 1 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings occupied by religious communities

6 Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.

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Commencement Information

I6 Sch. 1 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings occupied by members of the armed forces

7 Any building which is owned by the Crown and occupied only by members of the armed forces of the Crown (either alone or together with any persons in the same household as any of those members).

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Commencement Information

I7 Sch. 1 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Prisons, etc

8 A prison, a young offenders centre, a juvenile justice centre or a remand centre.

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Commencement Information

I8 Sch. 1 para. 8 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Buildings occupied by owners

9 Any building which is occupied only by the following persons—

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- (a) one or more persons who have, whether in the whole or any part of it, either a freehold estate or a leasehold interest granted for a term of more than 21 years,
- (b) any member of the household of such a person or persons, and
- (c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the Department.

Commencement Information

19 Sch. 1 para. 9 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

SCHEDULE 2

Section 8.

Applications for HMO licences: requirements and procedure

CONTENT OF APPLICATION

- 1.**—(1) An application for an HMO licence must be in writing and in such form as the council may specify by general notice.
- (2) The application must include the following information—
- (a) the address of the living accommodation in question,
 - (b) if the owner is an individual, the owner's name and address,
 - (c) if the owner is a body, the information set out in sub-paragraph (3),
 - (d) if there is to be a managing agent of the HMO—
 - (i) if the agent is an individual, the agent's name and address, or
 - (ii) if the agent is a body, the information set out in sub-paragraph (3),
 - (e) the name and address of any person (other than the owner) who has a relevant interest in the HMO (see sub-paragraph (4)),
 - (f) the maximum number of persons who it is proposed will occupy the accommodation as their only or main residence at any one time,
 - (g) any other information which the Department may by regulations require to be set out in such applications, and
 - (h) any other information which the council may specify by general notice.
- (3) The information referred to in sub-paragraph (2)(c) and (d)(ii) is—
- (a) the name of the body,
 - (b) the address of its main office or place of business,
 - (c) the name and address of each of its directors or partners, or other persons involved in its management.

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- (4) In sub-paragraph (2)(e), a “relevant interest” is—
- (a) a freehold estate;
 - (b) a leasehold estate, unless the unexpired term of the lease is 3 years or less;
 - (c) a mortgage, charge or lien.
- (5) The council may require the application to be accompanied by a fee fixed by the council (see also section 84 in relation to such fees).
- (6) Sub-paragraph (5) is subject to paragraph 7(2).

Commencement Information

I10 Sch. 2 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

PUBLICATION OF APPLICATION

Regulations regarding notice of application

- 2.—(1) The Department must make regulations providing for the giving of notice of the making of applications for an HMO licence.
- (2) Regulations under sub-paragraph (1) may in particular—
- (a) require the applicant to cause notice of an application to be displayed on or near the HMO in question, or to cause such notice to be published in one or more newspapers circulating in the locality of the HMO;
 - (b) permit or require the council to cause such notice to be displayed or published, either at the council's expense or at the applicant's expense;
 - (c) specify information which must be displayed or published in or together with notice of an application, which may include notice of a right to make representations about the application and of the manner and period in which such representations must be made;
 - (d) specify requirements as to the form and manner of notice of an application, and the period for which it must be displayed or published;
 - (e) provide (subject to such conditions as may be specified in the regulations) for exceptions from any requirement to display or publish notice, in particular where the council is satisfied that displaying or publishing a notice would be likely to jeopardise the safety or welfare of any persons or the security of any premises;
 - (f) provide for the consequences of failing to comply with requirements imposed by the regulations (and such consequences may include permitting or requiring the council to cease to consider the application in question).

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Commencement Information

I11 Sch. 2 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice to statutory authorities

3 The council must send a copy of any application for an HMO licence to the statutory authorities.

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Commencement Information

I12 Sch. 2 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Representations in response to notices

4.—(1) A representation made in response to a notice under regulations under paragraph 2 is valid only if it—

- (a) is made in writing,
- (b) sets out the name and address of the person making the representation, and
- (c) is made on or before the deadline for making written representations.

(2) The deadline for making written representations is to be set out in, or determined under, regulations made by the Department.

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Commencement Information

I13 Sch. 2 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

REFUSAL OF APPLICATION: BREACH OF PLANNING CONTROL

5 Paragraphs 6 and 7 apply where the council is not satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control (within the meaning given by section 131 of the Planning Act (Northern Ireland) 2011).

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Commencement Information

I14 Sch. 2 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

6.—(1) The council must serve on the applicant a notice which—

- (a) states that the council has decided to refuse the application,
- (b) sets out the reason for the decision, and

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(c) sets out the effect of paragraph 7.

(2) The notice must be served on the applicant before the end of the period of 28 days beginning with the day on which the application is made.

(3) The council must send a copy of the notice to the statutory authorities.

Commencement Information

I15 Sch. 2 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

7.—(1) This paragraph applies if, after the council has refused an application under paragraph 6, the applicant obtains—

- (a) planning permission under Part 3 of the Planning Act (Northern Ireland) 2011, or
- (b) a certificate of lawfulness of use or development under section 169 or 170 of that Act,

in respect of the occupation of the living accommodation as an HMO.

(2) If—

- (a) the applicant makes a further application for an HMO licence in respect of the living accommodation, and
- (b) does so before the end of the period of 28 days beginning with the date on which the applicant obtains the permission or certificate,

no fee may be charged in respect of that application.

Commencement Information

I16 Sch. 2 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

CONSIDERATION OF APPLICATION AND HEARINGS

8 Paragraphs 9 to 13 apply where the council does not consider that occupation of the living accommodation would constitute a breach of planning control (within the meaning given by section 131 of the Planning Act (Northern Ireland) 2011).

Commencement Information

I17 Sch. 2 para. 8 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice of proposed decision

9.—(1) The council must serve a notice under this paragraph on—

- (a) the applicant, and

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- (b) each relevant person.
- (2) A notice under this paragraph must state which of the following the council proposes to do—
 - (a) grant the licence in the terms applied for;
 - (b) grant the licence in terms different from those applied for;
 - (c) refuse the licence.
- (3) A notice under this paragraph must also—
 - (a) if the council proposes to grant the licence, set out the main terms of the proposed licence and any terms which differ from those applied for,
 - (b) state the reasons for the proposed decision (including any proposed differences), and
 - (c) specify the date by which written representations by the recipient of the notice must be made.
- (4) The date specified under sub-paragraph (3)(c) must be not less than 14 days after the date on which the notice is served.
- (5) The notice must be accompanied by a copy of any valid representations received by the council in response to a notice under regulations under paragraph 2.
- (6) In this Schedule, a “relevant person” is any of the following (other than the applicant)—
 - (a) a person named in the application in accordance with paragraph 1(2)(d) or (e) (managing agents and persons having an estate in the HMO);
 - (b) a person who is not so named but who, to the knowledge of the council—
 - (i) is or is proposed to be a managing agent of the HMO, or
 - (ii) has a relevant interest in it (see sub-paragraph (7));
 - (c) a person who is proposed to be named in the licence as a person on whom a restriction or obligation is imposed under section 14.
- (7) In sub-paragraph (6)(b), a “relevant interest” is—
 - (a) a freehold estate;
 - (b) a leasehold estate, unless the unexpired term of the lease is 3 years or less;
 - (c) a mortgage, charge or lien.

Commencement Information

I18 Sch. 2 para. 9 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

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Hearings

10.—(1) This paragraph applies if the council decides (whether on a submission by the applicant or a relevant person, or on its own initiative) to hear oral representations about the application.

(2) The council must serve notice of the hearing on—

- (a) the applicant,
- (b) every relevant person,
- (c) every person who made valid representations in response to a notice under regulations under paragraph 2, and
- (d) any other person the council considers appropriate.

(3) The notice must state the date, time and place of the hearing.

(4) The notice must be served not less than 7 days before the date of the proposed hearing.

(5) “Relevant person” has the meaning given by paragraph 9(6).

Commencement Information

I19 Sch. 2 para. 10 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Consideration of application

11 In determining whether to grant the licence (and in what terms) the council must consider—

- (a) any valid representations made in response to a notice under regulations under paragraph 2,
- (b) any written representations made by a recipient of a notice under paragraph 9 before the date specified under paragraph 9(3)(c), and
- (c) any oral representations made at a hearing under paragraph 10.

Commencement Information

I20 Sch. 2 para. 11 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Time limit for determining application

12.—(1) The council must decide whether to grant or refuse an application for an HMO licence before the end of the period of 3 months beginning with the date on which the council received it.

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(2) A court of summary jurisdiction may extend the period mentioned in sub-paragraph (1) in the case of a particular HMO application.

(3) An order under sub-paragraph (2) is to be made on an application made by the council before the end of the period mentioned in sub-paragraph (1).

(4) The applicant for the licence is entitled to be a party to any proceedings on an application under sub-paragraph (3).

(5) The decision of a court on an application under sub-paragraph (3) is to be final.

(6) If the council does not determine an application for an HMO licence before the end of the period mentioned in sub-paragraph (1) (or that period as extended), the applicant is to be treated as having been granted a licence in the terms applied for.

(7) Sub-paragraph (6) does not prevent the council from varying or revoking a licence which is treated as having been granted in accordance with that sub-paragraph.

Commencement Information

I21 Sch. 2 para. 12 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice of determination

13.—(1) The council must serve notice of its decision on an application for an HMO licence on—

- (a) the applicant,
- (b) each relevant person (within the meaning given by paragraph 9(6)), and
- (c) the statutory authorities.

(2) The notice must—

- (a) state the council's decision,
- (b) if the decision is to grant a licence, be accompanied by a copy of the licence,
- (c) if the licence is granted in terms different from those applied for, include a statement of the reasons for that difference, and
- (d) state the date on which the decision was made.

(3) The notice must be served before the end of the period of 7 days beginning with the day on which the decision is made.

Commencement Information

I22 Sch. 2 para. 13 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

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FALSE OR MISLEADING INFORMATION

14.—(1) A person commits an offence if—

- (a) the person provides information in connection with an application for an HMO licence,
- (b) the information is false or misleading in a material particular, and
- (c) the person knows that it is, or is reckless as to whether it is, false or misleading.

(2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Commencement Information

I23 Sch. 2 para. 14 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

SCHEDULE 3

Sections 17, 35, 53 and 58.

Further provision about notices that specify works

Part 1

Provision applying to all notices that specify works

Application of Part of Schedule

1 This Part of this Schedule applies to—

- (a) a temporary exemption notice that includes a requirement under section 17 (works to improve safety or security);
- (b) a rectification notice that requires the carrying out of work;
- (c) a suitability notice that contains a statement of remedial work under section 53;
- (d) a hazard notice that contains a works requirement under section 58.

Commencement Information

I24 Sch. 3 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Listed buildings etc

2.—(1) In this paragraph “protected building” means a building—

- (a) which is included in any list of buildings of special architectural or historic interest compiled under section 80 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”),
- (b) which is subject to a building preservation notice under section 83 of the 2011 Act, or
- (c) to which section 105 of the 2011 Act applies (control of demolition in conservation areas).

(2) In this paragraph “relevant work” is work, specified in a notice to which this Part of this Schedule applies, which is to be carried out in or to an HMO that is or forms part of a protected building.

(3) Before a council issues a notice that specifies relevant work, the council must consult—

- (a) the Department, and
- (b) such other persons as the council considers appropriate.

(4) A notice specifying relevant work has effect only in so far as it is not inconsistent with any provision of the 2011 Act.

Commencement Information

I25 Sch. 3 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Extension of date for completion of works

3.—(1) The council may, in accordance with this paragraph, extend the date by which any work must be completed—

- (a) as required by a temporary exemption notice, a rectification notice or a hazard notice, or
- (b) as specified in a statement of remedial work under section 53.

(2) The council may grant an extension—

- (a) on the application of any person on whom the notice in question was served, or
- (b) on the council's own initiative.

(3) The extension is to be to such later date as the council considers reasonable.

(4) A date may be extended only where the council—

- (a) considers that satisfactory progress has been made in carrying out the work,

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- (b) considers that satisfactory progress has not been made but that there is a good reason why this has not been possible, or
 - (c) has received a written undertaking from the owner stating that the work will be completed by a later date which the council considers satisfactory.
- (5) The council must serve notice of any extension on—
- (a) the applicant, and
 - (b) any person appearing to the council to be the owner or a managing agent of the HMO.

Commencement Information

I26 Sch. 3 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Part 2

Failure to carry out works required by rectification notice or hazard notice

Application of Part of Schedule

- 4** This Part of this Schedule applies if the owner of living accommodation fails to comply with—
- (a) a requirement in a rectification notice to carry out works in or to an HMO, or
 - (b) a works requirement in a hazard notice.

Commencement Information

I27 Sch. 3 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Carrying out of work by council

- 5.—(1)** The council may carry out any work required by the notice.
- (2) But the council may do so only if one of the following three conditions is met.
- (3) The first condition is that—
- (a) the date specified for that work to be completed has passed, and
 - (b) the council has given the owner not less than 7 days' notice of its intention to carry out the work under this paragraph.
- (4) The second condition is that the owner has given notice to the council that the owner is unable to comply with the requirement because of a lack of necessary rights

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(of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights.

(5) The third condition is that the owner has given notice to the council stating that the owner considers that carrying out the work is likely to endanger any person.

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Commencement Information

I28 Sch. 3 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Vacation of land or premises to allow work to be carried out

6.—(1) Where the council—

- (a) is authorised by paragraph 5 to carry out work, and
- (b) considers that doing so is likely to endanger any occupant of any land or premises,

it must require that occupant to move from the land or premises.

(2) A requirement under sub-paragraph (1) must be made by serving a notice on the occupant specifying—

- (a) by reference to the work which the council is authorised to carry out, the reason why the occupant is required to move, and
- (b) the date, not less than 28 days after the date on which the notice is served, by which the occupant must move.

(3) A requirement under sub-paragraph (1) ceases to have effect if—

- (a) a court of summary jurisdiction refuses to issue a warrant under paragraph 7(1) in relation to it, or
- (b) the work is completed.

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Commencement Information

I29 Sch. 3 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Warrants requiring occupant to vacate land or premises

7.—(1) Where an occupant has not complied with a requirement under paragraph 6(1), the council may apply to a court of summary jurisdiction for a warrant requiring the occupant—

- (a) to move from the land or premises in question by such date as the court may determine, and
- (b) not to return until the work is completed.

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(2) The court may issue a warrant under sub-paragraph (1) only if satisfied that the occupant is likely to be endangered by the carrying out of the work concerned.

(3) No application under this paragraph may be made before the date specified in the notice served under paragraph 6(2).

(4) On such an application, the court may require the service of a further notice on the occupant.

(5) Where a further notice has been required to be served under sub-paragraph (4), the date determined under sub-paragraph (1)(a) must not be less than 14 days after service of that notice.

(6) A warrant may be made subject to such other conditions (including conditions with respect to payment of rent) as the court considers just and equitable.

(7) No warrant may require a person (“A”) to move from any living accommodation which is that person's only or main residence (“A's home”) unless the court is satisfied that suitable alternative living accommodation on reasonable terms will be available to A.

(8) In sub-paragraph (7) “suitable alternative living accommodation” means accommodation which is suitable for occupation by—

- (a) A, and
- (b) any other person who would, but for the location of that other person's place of work or of any educational institution which the person attends, reside only or mainly at A's home.

(9) The decision of a court on an application under this paragraph is to be final.

(10) Refusal by the court to issue a warrant sought under this paragraph does not affect the validity of the requirement to carry out works in relation to which the warrant was sought.

Commencement Information

I30 Sch. 3 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Unlawful occupation etc

8.—(1) A person commits an offence if the person—

- (a) knows that a requirement under paragraph 6(1) has effect in relation to any land or premises, and
- (b) occupies the land or premises.

(2) But it is not an offence under sub-paragraph (1) for a person to continue to occupy land or premises which the person occupied on the day on which the requirement under paragraph 6(1) was made.

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- (3) A person commits an offence if the person—
- (a) knows that a requirement under paragraph 6(1) has effect in relation to any land or premises, and
 - (b) permits another person to occupy the land or premises.
- (4) But it is not an offence under sub-paragraph (3) for a person to permit another person to continue to occupy land or premises which that other person occupied on the day on which the requirement under paragraph 6(1) was made.
- (5) A person guilty of an offence under this paragraph is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Commencement Information

I31 Sch. 3 para. 8 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Recovery of expenses etc from owner

- 9.—(1) The council may recover from the owner of the HMO in question—
- (a) any expenses that the council incurs in or in connection with carrying out work that it is authorised to carry out by paragraph 5, and
 - (b) any expenses that it incurs in applying for or executing a warrant issued under paragraph 7.
- (2) Sub-paragraph (1) entitles the council to recover—
- (a) any administrative expenses incurred by it in connection with the act to which the expenses relate,
 - (b) where notice is served under paragraph 5(3)(b), any administrative or other expenses incurred either in connection with that notice or with a view to carrying out the works (even if the works are carried out by someone other than the council), and
 - (c) interest, at such reasonable rate as it may determine, from the date when a demand for payment is served until the whole amount is paid.
- (3) The sums mentioned in sub-paragraphs (1) and (2) are a civil debt recoverable summarily.
- (4) Notice of any decision to demand recovery of any sums under this paragraph must be served on the owner.
- (5) That notice may include a declaration by the council that any sums recoverable under this paragraph are to be payable by instalments.
- (6) In all summary proceedings by the council for the recovery of sums under this paragraph, the time within which the proceedings may be taken are to be reckoned from the date of the service of that notice.

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(7) Until they are recovered, sums recoverable under this paragraph are a charge on the estate that the owner has in the HMO.

(8) The charge created by sub-paragraph (7) is enforceable in all respects as if it were a valid mortgage by deed created in favour of the council by the owner (with, where necessary, any authorisation or consent required by law) and the council may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.

(9) In proceedings by the council for the recovery of any sums under this paragraph, it shall not be open to the owner to raise any question which the owner could have raised on an appeal under section 67 against the rectification notice or hazard notice in question.

Commencement Information

I32 Sch. 3 para. 9 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Recovery of expenses etc from other person benefiting from works

10.—(1) This paragraph applies if a court of summary jurisdiction is satisfied, on the application of the council, that—

- (a) any sums which the council is entitled to recover under paragraph 9 have not been, and are unlikely to be, recovered, and
- (b) some person is profiting by the execution of the works in respect of which the sums were incurred to obtain rents or other payments which would not have been obtainable if the number of persons occupying the HMO was limited to that appropriate for the HMO in its state before the works were executed.

(2) The court may order the person mentioned in sub-paragraph (1)(b) to make such payment or payments to the council as appear to the court to be just and equitable.

(3) But the court may make such an order only if it is satisfied that that person has had proper notice of the application.

Commencement Information

I33 Sch. 3 para. 10 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

SCHEDULE 4

Section 24.

Variation and revocation of HMO licences: procedure

Notice of proposal to vary or revoke

1.—(1) This paragraph applies where the council proposes to vary or revoke a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,
- (b) if the proposal is in response to an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

(3) If the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

(4) A notice under this paragraph must—

- (a) state what the council proposes to do,
- (b) if the council proposes to vary the licence, set out the proposed variation,
- (c) state the reasons for the proposed decision, and
- (d) specify the date by which written representations by the recipient of the notice must be made.

Commencement Information

I34 Sch. 4 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice of proposal not to vary

2.—(1) This paragraph applies where the council proposes to refuse an application under section 22(2)(a) or (b) to vary a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,
- (b) if the application was made under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

(3) A notice under this paragraph must—

- (a) state that the council proposes to refuse the application,
- (b) state the reasons for the proposed decision, and

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- (c) specify the date by which written representations by the recipient of the notice must be made.

Commencement Information

I35 Sch. 4 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Hearings

3.—(1) This paragraph applies if the council decides (whether on a submission by an applicant under section 22(2)(a) or (b), or on its own initiative) to hear oral representations about a proposal mentioned in paragraph 1 or 2.

(2) The council must serve notice of the hearing on—

- (a) the owner,
- (b) if the proposal is in response to an application under section 22(2)(b), the applicant,
- (c) if the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), that person, and
- (d) any other person the council considers to be appropriate.

(3) The notice must state the date, time and place of the hearing.

(4) The notice must be served not less than 7 days before the date of the proposed hearing.

Commencement Information

I36 Sch. 4 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Consideration of application

4 In determining whether (and in what way) to vary a licence, or whether to revoke a licence, the council must consider—

- (a) any written representations made by a recipient of a notice under paragraph 1 or 2 before the date specified under paragraph 1(4)(d) or 2(3)(c), and
- (b) any oral representations made at a hearing under paragraph 3.

Commencement Information

I37 Sch. 4 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

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Notice of determination

5.—(1) The council must serve on—

- (a) the owner,
- (b) if the decision was made on an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

notice of its decision whether to vary or revoke an HMO licence.

(2) If the decision is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

(3) The notice must—

- (a) state the council's decision,
- (b) if the decision is to vary a licence, be accompanied by a copy of the licence as varied,
- (c) if the licence is varied in terms different from those applied for, include a statement of the reasons for that difference, and
- (d) state the date on which the decision was made.

(4) The notice must be served before the end of the period of 7 days beginning with the day on which the decision is made.

Commencement Information

I38 Sch. 4 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Effective date of decision

6 A variation or revocation has effect from—

- (a) the last date on which the decision to vary or revoke the licence may be appealed in accordance with section 67(4), or
- (b) if such an appeal is made, the date on which the appeal is finally determined.

Commencement Information

I39 Sch. 4 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

SCHEDULE 5

Section 61.

Part 4 notices: further provision

Part 1

Service and date of effect of notices

Service of notices

- 1.—(1) If a council issues a Part 4 notice, the council must serve the notice on—
- (a) any person appearing to the council to be the owner of the HMO, and
 - (b) any person appearing to the council to be a managing agent of the HMO.
- (2) The council must—
- (a) in the case of an emergency hazard notice, serve the notice on the occupants of the HMO, and
 - (b) in any other case, send a copy of the notice to the occupants of the HMO.
- (3) The council may send a copy of the notice to—
- (a) anyone else with a relevant interest in the HMO (see sub-paragraph (5)),
 - (b) the statutory authorities, and
 - (c) such other persons as the council considers appropriate.
- (4) An emergency hazard notice must be served under sub-paragraph (1) and (2)
- (a) on the day on which it is issued or, if that is not possible, as soon as possible thereafter.
- (5) In sub-paragraph (3)(a), a “relevant interest” is—
- (a) a freehold or leasehold estate;
 - (b) a mortgage, charge or lien.

Commencement Information

I40 Sch. 5 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Operation of notices

- 2.—(1) A Part 4 notice becomes operative at the end of the period of 28 days beginning with the date of service of the notice; but this is subject to subparagraphs (2) and (3).
- (2) A notice (other than an emergency hazard notice) becomes operative—

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- (a) if the notice is suspended under paragraph 4, on the date when the suspension ends;
- (b) if an appeal is made against the notice in accordance with section 67(4), on the date when the appeal is finally determined;
- (c) if the notice is suspended and such an appeal is made against it, on the later of those two dates.

(3) An emergency hazard notice becomes operative on the day on which it is served under paragraph 1(2)(a).

Commencement Information

I41 Sch. 5 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

3 If no appeal is made against a Part 4 notice, the notice is final and conclusive as to any matters which could have been raised on such an appeal.

Commencement Information

I42 Sch. 5 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Part 2

Suspension of effect of notices

4.—(1) A Part 4 notice (other than an emergency hazard notice) may provide for the operation of the notice to be suspended until a time, or the occurrence of an event, specified in the notice.

(2) The time specified under sub-paragraph (1) may, in particular, be the time when a person of a particular description begins, or ceases, to occupy any accommodation.

(3) The council may, for the purposes of this paragraph, accept from a person on whom the notice is served a written undertaking to take, or to refrain from taking, any action specified in the undertaking.

(4) If the council does so, the event specified under sub-paragraph (1) may, in particular, be a notified breach of that undertaking.

(5) In sub-paragraph (4) a “notified breach” is an act or omission by the person—

- (a) which the council considers to be a breach of the undertaking, and
- (b) which is notified to the person in accordance with the terms of the undertaking.

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Commencement Information

I43 Sch. 5 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

5.—(1) The council may at any time review a Part 4 notice whose operation is suspended.

(2) The council must review such a notice—

- (a) not later than one year after the date on which the notice was served, and
- (b) at subsequent intervals of not more than one year.

(3) Copies of the council's decision on a review under this paragraph must be served on every person who appears to the council to be the owner, or a managing agent, of the HMO.

Commencement Information

I44 Sch. 5 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Part 3

Variation and revocation

Variation

6.—(1) The council may vary a Part 4 notice in accordance with this paragraph.

(2) A notice may be varied—

- (a) on an application by any person on whom the notice was required to be served under paragraph 1(1), or
- (b) on the council's own initiative.

(3) The date specified (as the date by which work must be completed) in—

- (a) a statement of remedial work under section 53, or
- (b) a works requirement in a hazard notice,

may not be varied under this paragraph (but see paragraph 3 of Schedule 3).

(4) If a council varies a Part 4 notice, the council must serve, on each person on whom the notice was required to be served under paragraph 1(1), notice of the variation, accompanied by a copy of the notice as varied.

(5) If a person applies for a variation of a Part 4 notice but the council decides to refuse it, the council must serve, on each person on whom the notice was required to be served under paragraph 1(1), notice of that refusal.

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(6) If a notice is varied with the agreement of every person on whom the notice was required to be served under paragraph 1(1), the variation has effect from the date on which it is made.

(7) Otherwise a variation does not have effect until—

- (a) the last date on which the decision to vary the notice may be appealed in accordance with section 67(4), or
- (b) where such an appeal is made, the date on which the appeal is finally determined.

Commencement Information

I45 Sch. 5 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Revocation

7.—(1) The council may, or must, revoke a Part 4 notice in accordance with this paragraph.

(2) A notice may be revoked—

- (a) on an application by any person on whom the notice was required to be served under paragraph 1(1), or
- (b) on the council's own initiative.

(3) A suitability notice must be revoked if the work specified in a statement of remedial work under section 53 is carried out by the date specified in that statement.

(4) A hazard notice must be revoked if the council is satisfied that the hazard in respect of which the notice was made does not then exist in the HMO specified in the notice.

(5) Where a hazard notice relates to a number of hazards—

- (a) sub-paragraph (4) is to be read as applying separately in relation to each of those hazards, and
- (b) if, as a result, the council is required to revoke only part of the notice, it may vary the remainder as it considers appropriate.

(6) The council must serve on each person on whom the notice was required to be served under paragraph 1(1)—

- (a) notice of any revocation under this paragraph;
- (b) notice of any variation under sub-paragraph (5), accompanied by a copy of the notice as varied;
- (c) if a person applies for a revocation but the council decides to refuse it, notice of that refusal.

(7) A revocation under this paragraph has effect from the date when it is made.

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

Commencement Information

I46 Sch. 5 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

SCHEDULE 6

Section 73.

Definitions for the purpose of section 73

Gangmasters

- 1.—(1) This paragraph applies for the purposes of section 73(2)(e).
- (2) “Acting as a gangmaster” has the meaning given by section 4 of the Gangmasters (Licensing) Act 2004.
- (3) “Work” means work to which that Act applies.
- (4) “Northern Ireland” includes—
- (a) any portion of the shore or bed of the sea, or of an estuary or tidal river, adjacent to Northern Ireland, whether above or below (or partly above and partly below) the low water mark, and
 - (b) the waters adjacent to Northern Ireland to a distance of 6 miles measured from the baselines from which the breadth of the territorial sea is measured.
- (5) In sub-paragraph (4)(b) “miles” means international nautical miles of 1,852 metres.

Commencement Information

I47 Sch. 6 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Utilities undertaker

- 2 A “utilities undertaker” means any of the following—
- (a) a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992;
 - (b) a holder of a licence under Article 8 of the Gas (Northern Ireland) Order 1996;
 - (c) a water undertaker;
 - (d) a sewerage undertaker.

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

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Commencement Information

I48 Sch. 6 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Institution of further education

3 “Institution of further education” has the meaning given by Article 2 of the Further Education (Northern Ireland) Order 1997.

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Commencement Information

I49 Sch. 6 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Higher education institution

4 “Higher education institution” has the meaning given by Article 30 of the Education and Libraries (Northern Ireland) Order 1993.

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Commencement Information

I50 Sch. 6 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Estate agency work

5 “Estate agency work” has the meaning given by section 1 of the Estate Agents Act 1979.

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Commencement Information

I51 Sch. 6 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Lettings agency work

6.—(1) “Lettings agency work” means things done by a person in response to instructions received from a prospective landlord or a prospective tenant.

(2) In this paragraph—

(a) “prospective landlord” means a person seeking—

(i) to find another person wishing to occupy shared accommodation under a tenancy or other occupancy arrangement, and

(ii) having found such a person, to enter such an arrangement;

(b) “prospective tenant” means a person seeking—

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- (i) to find shared accommodation to occupy under a tenancy or other occupancy arrangement, and
 - (ii) having found such accommodation, to enter such an arrangement in respect of it.
- (3) However, lettings agency work does not include any of the following things when done by a person who does no other things falling within sub-paragraph (1)—
- (a) publishing advertisements or disseminating information;
 - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or (as the case may be) prospective landlord;
 - (c) providing a means by which a prospective landlord and a prospective tenant can continue to communicate directly with each other.
- (4) Lettings agency work also does not include things done by a council or by the Northern Ireland Housing Executive.
- (5) In sub-paragraph (2) “shared accommodation” means living accommodation which is (or which is usually or is expected to be) occupied by persons forming more than one household.

Commencement Information

I52 Sch. 6 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Housing benefit

7 “Housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Commencement Information

I53 Sch. 6 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

SCHEDULE 7

Section 89.

Consequential amendments

Land Registration Act (Northern Ireland) 1970

1 In Schedule 11 (matters which must be registered in the Statutory Charges Register), after paragraph 51 insert—

“52 Any of the following notices under the Houses in Multiple Occupation Act (Northern Ireland) 2016—

- (a) a rectification notice;
- (b) a Part 4 notice;
- (c) a notice under paragraph 5(3)(b) of Schedule 3 (notice of intention to carry out work in default).”.

Commencement Information

I54 Sch. 7 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Rates (Northern Ireland) Order 1977

2 In Article 20(1B) (rating of owners instead of occupiers in certain cases)—

- (a) for “Part IV of the Housing (Northern Ireland) Order 1992 (NI 15)” substitute “ the Houses in Multiple Occupation Act (Northern Ireland) 2016 ”, and
- (b) for “shall not be treated as a qualifying person” substitute “ is to be disregarded ”.

Commencement Information

I55 Sch. 7 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Housing (Northern Ireland) Order 1981

3.—(1) In Article 2(2), in the definition of “house in multiple occupation”, for “Article 75 of the Housing (Northern Ireland) Order 1992” substitute “ section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ”.

(2) In Article 41(4) (service of repair notice), for “the person managing the house” substitute “ the managing agent of the house (within the meaning of the Houses in Multiple Occupation Act (Northern Ireland) 2016) ”.

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

Commencement Information

I56 Sch. 7 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Home Energy Conservation Act 1995

4 In section 1(1), in the definition of “residential accommodation”, in paragraph (aa)(iii) (houses in multiple occupation: Northern Ireland), for “Article 75 of the Housing (Northern Ireland) Order 1992” substitute “ section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ”.

Commencement Information

I57 Sch. 7 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Housing (Northern Ireland) Order 2003

5 In Article 2(2) (general interpretation), at the appropriate place insert—
 “the Act of 2016” means the Houses in Multiple Occupation Act (Northern Ireland) 2016;”.

Commencement Information

I58 Sch. 7 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

6.—(1) In Article 28(1)—

- (a) in the definition of “house in multiple occupation”, for “the same meaning as in Part IV of the Order of 1992” substitute “ the meaning given by section 1 of the Act of 2016 ”;
- (b) in the definition of “owner”, for “the same meaning as in Article 2 of the Order of 1981” substitute “ the meaning given by section 88(5) and (6) of the Act of 2016 ”.

(2) In Article 43(4) (precautions to comply with statutory provisions which can be the subject of a grant), for the words from “to comply with a notice” to the end substitute “ by a works requirement in a hazard notice under Part 4 of the Act of 2016 (requirement to carry out works to remove hazard) so far as the requirement relates to premises that are not part of the HMO for the purposes of that Act. ”.

(3) For Article 48(1)(b) (purposes for which common parts grants may be given) substitute—

- “(b) to comply with a works requirement in a hazard notice under Part 4 of the Act of 2016 (requirement to carry out works to remove hazard) or

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to make the house suitable for occupation as an HMO in accordance with section 13 of that Act;”.

(4) For Article 58(1)(b) (purposes for which HMO grants may be given) substitute—

“(b) to comply with a requirement in a temporary exemption notice, a rectification notice or a hazard notice under the Act of 2016, to carry out works specified in a statement of remedial work under section 53 of that Act, or to make the house suitable for occupation as an HMO in accordance with section 13 of that Act;”.

(5) In Article 59 (approval of application for HMO grant)—

(a) in paragraph (4), for “meets the requirements in Article 80(2) of the Order of 1992” substitute “ is suitable for occupation as an HMO in accordance with section 13 of the Act of 2016 ”;

(b) in the opening words of paragraph (5), for “or does not meet those requirements” substitute “ or is not suitable for such occupation ”;

(c) in paragraph (5)(a), for “meet those requirements” substitute “ suitable for such occupation ”.

(6) For Article 60(5)(b) (applications to which that Article does not apply) substitute—

“(b) to comply with a requirement in a temporary exemption notice, a rectification notice or a hazard notice under the Act of 2016, to satisfy a statement of remedial work under section 53 of that Act, or to make the house suitable for occupation as an HMO in accordance with section 13 of that Act.”.

(7) For Article 81(1)(b) (conditions of HMO grant) substitute—

“(b) that the house is not occupied by more than the number of persons who are authorised to occupy it under the HMO licence for the house (see section 7 of the Act of 2016).”.

(8) In Article 110, in the definition of “flat in multiple occupation”, for “has the same meaning as in Part IV of the Order of 1992” substitute “ means a house in multiple occupation within the meaning of the Act of 2016 which is a flat ”.

(9) In Article 112(3) (service of deferred action notice), for “the person managing the house” substitute “ the managing agent (within the meaning of the Act of 2016) ”.

Commencement Information

I59 Sch. 7 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016. (See end of Document for details)

Fire and Rescue Services (Northern Ireland) Order 2006

7 In Article 52(1) (interpretation of Part 3), for “Article 75 of the Housing (Northern Ireland) Order 1992 (NI 15)” substitute “ section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ”.

Commencement Information

I60 Sch. 7 para. 7 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Water and Sewerage Services (Northern Ireland) Order 2006

8 In paragraph 2(2) of Schedule 2 (premises not to be disconnected for non-payment of charges), for “Article 75 of the Housing (Northern Ireland) Order 1992 (NI 15)” substitute “ section 1 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ”.

Commencement Information

I61 Sch. 7 para. 8 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

SCHEDULE 8

Section 89.

Repeals

Commencement Information

I62 Sch. 8 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Short Title	Extent of repeal
Land Registration Act (Northern Ireland) 1970	In Schedule 11, paragraph 41(e), (f) and (g).
Housing (Northern Ireland) Order 1992	Part 4.
Housing (Northern Ireland) Order 2003	Articles 143 and 144. Schedule 3.
Fire and Rescue Services (Northern Ireland) Order 2006	In Schedule 3, paragraph 18.
Housing (Amendment) Act (Northern Ireland) 2010	Section 14.

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Housing (Amendment) Act (Northern Ireland) 2011 Sections 10 and 11.

Changes to legislation:

There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016.