



2016 CHAPTER 22

PART 5

Supplementary

Final provisions

Interpretation

88.—(1) In this Act—

the “associates” of a person (“P”) are—

- (i) any member of P's family (as to which, see subsections (2) and (3)), and
- (ii) if P is the director of a company, any person (not falling within subparagraph (i)) who is connected with P within the meaning of section 252 of the Companies Act 2006;

references to “buildings” do not include, in particular, mobile homes;

“building regulations” means any statutory provisions which relate to the construction of new buildings or to the carrying out of works in or to existing buildings and which are for the time being in force;

“council” means a district council (and see subsection (4));

“the Department” means the Department for Social Development;

“disqualification order” means an order under section 38(2)(b) or (c) or (3);

an “emergency hazard notice” is a hazard notice which complies with section 55(3);

an appeal against a decision is “finally determined” when—

- (i) the appeal is withdrawn, or

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(ii) a determination is made (other than a determination quashing the decision) from which no further appeal is allowed;

“fit for human habitation” has the meaning given by Article 46 of the Housing (Northern Ireland) Order 1981 (except that references in that Article to the Executive are to be read as references to the council);

“HMO” means a house in multiple occupation (see sections 1 to 6);

“HMO licence” means a licence under section 7;

“living accommodation” has the meaning given by section 2;

the “managing agent” of any living accommodation includes any person who, acting on behalf of the owner, does any of the following—

- (i) receives rents or other payments from persons who occupy the accommodation (but this is subject to subsection (7)),
- (ii) arranges for the carrying out of any repairs or refurbishment of it,
- (iii) sends or receives communications relating to it to or from the occupants or the council;

“owner” has the meaning given by subsections (5) and (6);

“Part 4 notice” means any of the following—

- (i) an overcrowding notice under section 44,
- (ii) a suitability notice under section 50, or
- (iii) a hazard notice under section 55;

“revocation order” means an order under section 38(2)(a);

“the statutory authorities” means—

- (i) the Chief Constable,
- (ii) the Department,
- (iii) the Northern Ireland Fire and Rescue Service Board,
- (iv) the Northern Ireland Housing Executive, and
- (v) such other authorities as the Department may by regulations appoint for this purpose;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(2) For the purposes of this Act, two persons are members of the same family only if—

- (a) they are a couple,
- (b) one of them is a relative of the other, or
- (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of that couple.

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(3) In subsection (2)—

- (a) a “couple” is two persons who are married to each other or are civil partners, or who live together as [^{F1}if spouses of each other] ,
- (b) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece,
- (c) a relationship of the half-blood is to be treated as a relationship of the whole blood, and
- (d) the stepchild of a person is to be treated as that person's child.

(4) The functions conferred by this Act on a council are exercisable in relation to living accommodation situated in its district (so that, in particular, “the council”, in relation to an HMO or HMO licence, means the council for the district in which the HMO is situated).

(5) In this Act, the “owner” of living accommodation is the person, other than a mortgagee not in possession, who (whether on the person's own account or as trustee for another)—

- (a) receives or is entitled to receive the rack rent for the accommodation, or
- (b) if the accommodation is not let at a rack rent, would be entitled to receive that rent if it were so let.

(6) For the purposes of subsection (5)—

- (a) it does not matter whether the person receives the rent directly or through an agent;
- (b) it does not matter whether the person receives (or would be entitled to receive) the rent alone or jointly or in common with any other person;
- (c) “rack rent” means a rent which is not less than two-thirds of the net annual value of the accommodation, or a rent which has been fixed in accordance with the Rent (Northern Ireland) Order 1978.

(7) Where—

- (a) a person (“the agent”) has introduced a prospective tenant or other occupier to the owner of accommodation,
- (b) the prospective tenant or other occupier enters into a tenancy or other occupation agreement under which periodical payments are to be made in respect of the occupation, and
- (c) the agent (acting on behalf of the owner) receives the first of those periodical payments,

then, for the purposes of the definition of “managing agent” in subsection (1), the receipt by the agent of that payment is not to be regarded as the receipt of rent or another payment from that occupier.

Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016, Section 88. (See end of Document for details)

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Textual Amendments

- F1** Words in s. 88(3)(a) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **148** (with regs. 6-9)
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Commencement Information

- II** S. 88 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, Section 88.