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## STATUTORY INSTRUMENTS

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# 1992 No. 1725

## The Housing (Northern Ireland) Order 1992

### PART IV

#### HOUSES IN MULTIPLE OCCUPATION

##### Meaning of “multiple occupation”

75.—<sup>[F1]</sup>(1) In this Part “house in multiple occupation” means a house occupied by more than 2 qualifying persons, being persons who are not all members of the same family <sup>[F2]</sup> and for that purpose “family” includes uncle, aunt, nephew and niece.]

(1A) In paragraph (1) “qualifying persons” means persons whose only or principal residence is the house in multiple occupation, and for that purpose a person undertaking a full time course of further or higher education who resides during term time in a house shall, during the period of that person's residence, be regarded as residing there as his only or principal residence.]

(2) For the purposes of this Article “house”, in the expression “house in multiple occupation”, includes any part of a building which—

- (a) apart from this paragraph would not be regarded as a house; and
- (b) was originally constructed or subsequently adapted for occupation by a single household;

and any reference in this Part to a flat in multiple occupation is a reference to a part of a building which, whether by virtue of this paragraph or without regard to it, constitutes a house in multiple occupation.

<sup>[F3]</sup>(3) Where—

- (a) a house is occupied by more than 2 qualifying persons, and
- (b) the Executive reasonably believes that those persons are not all members of the same family,

the Executive may serve a notice under this paragraph complying with paragraphs (4) and (5).

(4) The notice may be served on—

- (a) the person having control of the house;
- (b) the person managing the house; or
- (c) the owner of the house.

(5) The notice shall—

- (a) state the Executive's belief referred to in paragraph (3)(b) and the grounds for that belief,
- (b) inform the person on whom the notice is served that he may, within 56 days of the date of service of the notice or such longer period as the Executive may in any case determine, provide the Executive with evidence that all the qualifying persons occupying the house are members of the same family, and
- (c) inform the person of the effect of paragraphs (6) to (8).

*Changes to legislation: The Housing (Northern Ireland) Order 1992, PART IV is up to date with all changes known to be in force on or before 18 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) Paragraph (7) applies if—
- (a) the Executive serves a notice under paragraph (3) in respect of a house; and
  - (b) either—
    - (i) no evidence is provided to the Executive as mentioned in paragraph (5)(b), or
    - (ii) any evidence so provided is in the opinion of the Executive insufficient to cause the Executive to change its belief.
- (7) Subject to paragraph (8), as from the expiry of the period mentioned in paragraph (5)(b) the house is to be treated as a house in multiple occupation for the purposes of this Part.
- (8) Paragraph (7) does not apply or (as the case may be) ceases to apply if—
- (a) the Executive ceases (for whatever reason) to hold the belief mentioned in paragraph (3) (b); or
  - (b) a court determines that the house is not a house in multiple occupation.]

**Annotations:**

- F1** 2003 NI 2
- F2** Words in art. 75(1) added (31.7.2010) by [Housing \(Amendment\) Act \(Northern Ireland\) 2010 \(c. 9\)](#), ss. 14, 19(1); S.R. 2010/251, art. 2
- F3** Art. 75(3)-(8) inserted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), ss. 10, 25(1); S.R. 2011/241, art. 2(1), Sch. 1

**[<sup>F4</sup> Interpretation of other expressions used in this Part**

**75A.** In this Part—

- “occupancy direction”, in connection with special control provisions, has the meaning given in Article 75I;
- “registration scheme” has the meaning given in Article 75B;
- “relevant management failure”, for the purposes of Articles 75G to 75J, has the meaning given in Article 75K;
- “special control provisions” has the meaning given in Article 75G.]

**Annotations:**

- F4** 2003 NI 2

**Registration scheme for houses in multiple occupation**

**75B.**—(1) The Executive shall prepare and submit to the Department a scheme (in this Article and Articles 75C to 75M referred to as a “registration scheme”) authorising the Executive to compile and maintain a register of houses in multiple occupation.

(2) Subject to Articles 75C to 75J, a registration scheme may contain such provision as the Executive considers appropriate.

(3) A registration scheme need not be for the whole of Northern Ireland and need not apply to every description of house in multiple occupation.

(4) The Department may approve a registration scheme submitted to it under paragraph (1), with or without modification.

(5) The Executive shall comply with a registration scheme approved under paragraph (4).

(6) The Executive may at any time and, if the Department so directs shall, submit to the Department proposals amending a registration scheme; and paragraphs (4) and (5) shall have effect in relation to those proposals or a registration scheme replacing an existing registration scheme as they have in relation to a registration scheme.

### **Contents of registration scheme**

**75C.**—(1) A registration scheme shall make it the duty of such person as may be specified by the scheme to register a house to which the scheme applies and to renew the registration as and when required by the scheme.

- (2) A registration scheme shall provide that registration under the scheme—
- (a) shall be for a period of 5 years from the date of first registration, and
  - (b) may on application be renewed, subject to such conditions as are specified in the scheme, for further periods of 5 years at a time.
- (3) A registration scheme may—
- (a) specify the particulars to be inserted in the register,
  - (b) make it the duty of such persons as may be specified by the scheme to give the Executive as regards a house all or any of the particulars specified in the scheme,
  - (c) make it the duty of such persons as may be specified by the scheme to notify the Executive of any change which makes it necessary to alter the particulars inserted in the register as regards a house.
- (4) A registration scheme shall, subject to paragraph (5)—
- (a) require the payment on first registration of a reasonable fee of an amount determined by the Executive, and
  - (b) require the payment on any renewal of registration of half the fee which would then have been payable on a first registration of the house.
- (5) The Department may by order make provision as to the fee payable on registration—
- (a) specifying the maximum permissible fee (whether by specifying an amount or a method for calculating an amount), and
  - (b) specifying cases in which no fee is payable.

### **Control provisions**

**75D.**—(1) A registration scheme may contain control provisions, that is to say, provisions for preventing multiple occupation of a house unless—

- (a) the house is registered, and
- (b) the number of households or persons occupying it does not exceed the number registered for it.

(2) Control provisions may prohibit persons from permitting others to take up residence in a house or part of a house but shall not prohibit a person from taking up or remaining in residence in the house.

(3) Control provisions shall not prevent the occupation of a house by a greater number of households or persons than the number registered for it if all of those households or persons have been in occupation of the house without interruption since before the number was first registered.

### **Control provisions: decisions on applications and appeals**

**75E.**—(1) Control provisions may enable the Executive, on an application for first registration of a house or a renewal or variation of registration—

- (a) to refuse the application on the ground that the house is unsuitable and incapable of being made suitable for such occupation as would be permitted if the application were granted;
- (b) to refuse the application on the ground that the person having control of the house or the person intended to be the person managing the house is not a fit and proper person;
- (c) to require as a condition of granting the application that such works as will make the house suitable for such occupation as would be permitted if the application were granted are executed within such time as the Executive may determine;
- (d) to impose such conditions relating to the management of the house during the period of registration as the Executive may determine.

(2) Control provisions shall provide that the Executive shall give an applicant a written statement of its reasons where it—

- (a) refuses to grant his application for first registration or for a renewal or variation of registration,
- (b) requires the execution of works as a condition of granting such an application, or
- (c) imposes conditions relating to the management of the house.

(3) Where the Executive—

- (a) notifies an applicant that it refuses to grant his application for first registration or for the renewal or variation of a registration,
- (b) notifies an applicant that it requires the execution of works as a condition of granting such an application,
- (c) notifies an applicant that it intends to impose conditions relating to the management of the house, or
- (d) does not within the specified period of receiving the application, register the house or vary or renew the registration in accordance with the application,

the applicant may, within 21 days of being so notified or of the end of the specified period, appeal to the county court.

In this paragraph “the specified period” means such period as the registration scheme shall specify.

(4) On appeal the court may confirm, reverse or vary the decision of the Executive.

(5) Where the decision of the Executive was a refusal—

- (a) to grant an application for first registration of a house, or
- (b) for the renewal or variation of the registration,

the court may direct the Executive to grant the application as made or as varied in such manner as the court may direct.

(6) For the purposes of paragraphs (4) and (5) an appeal under paragraph (3)(d) shall be treated as an appeal against a decision of the Executive to refuse the application.

(7) Where the decision of the Executive was to impose conditions relating to the management of the house, the court may direct the Executive to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

### **Control provisions: other decisions and appeals**

**75F.**—(1) Control provisions may enable the Executive at any time during a period of registration (whether or not an application has been made)—

- (a) to alter the number of households or persons for which a house is registered or revoke the registration on the ground that the house is unsuitable and incapable of being made suitable for such occupation as is permitted by virtue of the registration; or
- (b) to alter the number of households or persons for which a house is registered or revoke the registration unless such works are executed within a specified time as will make the house in question suitable for such occupation as is permitted by virtue of the registration.

(2) Control provisions which confer on the Executive any such power as is mentioned in paragraph (1) shall provide that the Executive shall, in deciding whether to exercise the power, apply the same standards in relation to the circumstances existing at the time of the decision as were applied at the beginning of the period of registration.

(3) Control provisions may enable the Executive to revoke a registration if it considers that—

- (a) the person having control of the house or the person managing it is not a fit and proper person, or
- (b) there has been a breach of conditions relating to the management of the house.

(4) Control provisions shall also provide that the Executive shall—

- (a) notify the person having control of a house and the person managing it of any decision by the Executive to exercise a power mentioned in paragraph (1) or (3) in relation to the house, and
- (b) at the same time give them a written statement of the Executive's reasons.

(5) A person who has been so notified may within 21 days of being so notified, or such longer period as the Executive may in writing allow, appeal to the county court.

(6) On appeal the court may confirm, reverse or vary the decision of the Executive.

### **Special control provisions**

**75G.**—(1) A registration scheme which contains control provisions may also contain special control provisions, that is, provisions for preventing houses in multiple occupation, by reason of their existence or the behaviour of their residents, from adversely affecting the amenity or character of the area in which they are situated.

(2) Special control provisions may provide for the refusal or revocation of registration, for reducing the number of households or persons for which a house is registered and for imposing conditions of registration.

(3) The conditions of registration may include conditions relating to the management of the house or the behaviour of its occupants.

(4) Special control provisions may authorise the revocation of registration in the case of—

- (a) occupation of the house by more households or persons than the registration permits, or
- (b) a breach of any condition imposed in pursuance of the special control provisions,

which is due to a relevant management failure.

(5) Special control provisions shall not authorise the refusal of—

- (a) an application for first registration of a house which has been in operation as a house in multiple occupation since before the introduction by the Executive of a registration scheme with special control provisions, or

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- (b) any application for renewal of registration of a house previously registered under such a scheme,

unless there has been a relevant management failure.

(6) Special control provisions may provide that in any other case where an application is made for first registration of a house the Executive may take into account the number of houses in multiple occupation in the vicinity in deciding whether to permit or refuse registration.

### **Special control provisions: general provisions as to decisions and appeals**

**75H.**—(1) Special control provisions shall provide that the Executive shall give a written statement of its reasons to the applicant where it refuses to grant his application for first registration, or for a renewal or variation of a registration, or imposes conditions of registration on such an application.

(2) Special control provisions shall provide that the Executive shall give written notice to the person having control of the house and the person managing it of any decision by the Executive—

- (a) to vary the conditions of registration (otherwise than on an application to which paragraph (1) applies), or
- (b) to revoke the registration of the house,

and at the same time give them a written statement of the Executive's reasons.

(3) Where in accordance with special control provisions the Executive—

- (a) notifies an applicant that it refuses to grant his application for first registration or for the renewal or variation of a registration,
- (b) notifies such an applicant of the imposition of conditions of registration, or
- (c) gives notice to the person having control or the person managing the house of any such decision as is mentioned in paragraph (2),

that person may, within 21 days of being so notified, or such longer period as the Executive may in writing allow, appeal to the county court.

(4) If on appeal it appears to the court—

- (a) that there has been any informality, defect or error in, or in connection with, the Executive's decision, or
- (b) that the Executive acted unreasonably,

the court may reverse or vary the decision of the Executive.

(5) In so far as an appeal is based on the ground mentioned in paragraph (4)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(6) Where the decision of the Executive was a refusal—

- (a) to grant an application for first registration of a house, or
- (b) for the renewal or variation of the registration,

the court may direct the Executive to grant the application as made or as varied in such manner as the court may direct.

(7) Where the decision of the Executive was to impose conditions of registration, the court may direct the Executive to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

### **Special control provisions: occupancy directions**

**75I.**—(1) Special control provisions may provide that where the Executive decides that the registration of a house should be revoked the Executive may direct that the level of occupation of the house be reduced, within such period of not less than 28 days as it may direct, to a level such that the registration scheme does not apply.

Such a direction is referred to in this Part as an “occupancy direction”.

(2) Special control provisions shall provide that the Executive shall only make an occupancy direction if it appears to the Executive that there has been a relevant management failure resulting in a serious adverse effect on the amenity or character of the area in which the house is situated.

(3) In considering whether to make an occupancy direction the Executive shall take into account the interests of the occupants of the house and the person having control of the house as well as the interests of local residents and businesses.

(4) Special control provisions may require the person having control of the house, and the person managing it, to take all reasonably practicable steps to comply with an occupancy direction.

(5) Nothing in this Article affects any liability in respect of any other contravention or failure to comply with control provisions or special control provisions.

### **Special control provisions: decisions and appeals relating to occupancy directions**

**75J.**—(1) Special control provisions shall provide that where the Executive makes an occupancy direction in respect of a house it shall give written notice of the direction to the person having control of the house and the person managing it and at the same time give them a written statement of the Executive's reasons.

(2) A person aggrieved by an occupancy direction may, within 21 days after the date of the service of notice as mentioned in paragraph (1), appeal to the county court.

(3) If on appeal it appears to the court—

(a) that there has been any informality, defect or error in, or in connection with, the Executive's decision, or

(b) that the Executive acted unreasonably,

the court may make such order either confirming, quashing or varying the notice as it thinks fit.

(4) In so far as an appeal is based on the ground mentioned in paragraph (3)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(5) If an appeal is brought the direction does not become operative until—

(a) a decision on the appeal confirming the direction (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or

(b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the direction (with or without variation).

(6) For this purpose the withdrawal of an appeal has the same effect as a decision confirming the direction or decision appealed against.

### **Special control provisions: “relevant management failure”**

**75K.** A “relevant management failure” for the purposes of Articles 75G to 75J (special control provisions) means a failure on the part of the person having control of, or the person managing, a house in multiple occupation to take such steps as are reasonably practicable to prevent the existence of the house or the behaviour of its residents from adversely affecting the amenity or character of the area in which the house is situated, or to reduce any such adverse effect.

### Offences in connection with registration schemes

**75L.**—(1) A person who contravenes or fails to comply with a provision of a registration scheme commits an offence.

[<sup>F5</sup>(1A) A person who commits an offence under this Article consisting of a contravention of a provision included in a registration scheme by virtue of Article 75C(1) is liable on summary conviction to a fine not exceeding £20,000.]

(2) A person who commits an offence under this Article consisting of a contravention of so much of control provisions as relates—

- (a) to occupation to a greater extent than permitted under those provisions of a house which is not registered, or
- (b) to occupation of a house which is registered by more households or persons than the registration permits,

is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) A person who commits an offence under this Article consisting of a contravention of so much of special control provisions as requires all reasonably practicable steps to be taken to comply with an occupancy direction is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person who commits any other offence under this Article is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Annotations:

**F5** [Art. 75L\(1A\)](#) inserted (30.6.2011) by [Housing \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 22\)](#), [ss. 11\(1\), 25\(1\)](#) (with [s. 11\(2\)](#)); [S.R. 2011/241](#), [art. 2\(1\)](#), [Sch. 1](#)

### Steps required to inform public about registration scheme

**75M.**—(1) Where the Executive intends to submit a registration scheme for the approval of the Department, the Executive shall publish notice of its intention at least one month before the scheme is submitted.

(2) As soon as the scheme is approved by the Department, the Executive shall publish a notice stating—

- (a) that a registration scheme has been approved by the Department, and
- (b) the date on which the scheme is to come into operation.

(3) A notice under paragraph (1) of the Executive's intention to submit a scheme for approval shall—

- (a) describe any steps which will have to be taken under the scheme by those concerned with registrable houses (other than steps which have only to be taken after a notice from the Executive), and
- (b) specify a place where a copy of the scheme may be seen at all reasonable hours.

(4) After publication of a notice under paragraph (2) that a registration scheme has been approved by the Department, and for as long as the scheme is in operation, the Executive—

- (a) shall keep a copy of the scheme, and of the register, available for public inspection at such of the Executive's offices as the Executive considers appropriate free of charge at all reasonable hours, and
- (b) on request, and on payment of such reasonable fee as the Executive may require, shall supply a copy of the scheme or the register, or of any entry in the register, to any person.



(5) If the Executive revokes a registration scheme it shall publish notice of the revocation.

(6) In this Article “publish” means publish in two or more newspapers circulating in Northern Ireland or in the parts of Northern Ireland to which the registration scheme applies.

### **Power to require information for purposes of scheme**

**75N.**—(1) The Executive may—

- (a) for the purpose of ascertaining whether a house is registrable, and
- (b) for the purpose of ascertaining the particulars to be entered in the register as regards a house,

require the person having control of the house or the person managing the house or any person who has an estate or interest in, or who lives in, the house to state in writing any information in his possession which the Executive may reasonably require for that purpose.

(2) A person who is required in pursuance of this Article to give information to the Executive, shall do so within 5 weeks of being notified of the requirement, or within such longer period as the Executive may allow.

(3) A person who, having been required in pursuance of this Article to give information to the Executive, fails to give the information, or knowingly makes a mis-statement in respect of it, commits an offence and is liable on summary conviction to a fine not exceeding—

- (a) level 3 on the standard scale in the case of such a failure; or
- (b) level 5 on the standard scale in the case of such a mis-statement.

### **Overcrowding in houses in multiple occupation**

**76.**—(1) If it appears to the Executive, in the case of a house in multiple occupation, that an excessive number of persons is being or is likely to be accommodated on the premises having regard to the rooms available, the Executive may serve a notice under this paragraph (an “overcrowding notice”) complying with paragraphs (3) and (4) and including either—

- (a) the requirement set out in paragraph (5); or
- (b) that set out in paragraph (6).

(2) The notice may be served—

- (a) on the person having control of the house; or
- (b) on the person managing the house;

and the Executive shall inform any other person who is to its knowledge an owner, lessee, occupier or mortgagee of the house of the fact that the notice has been served.

(3) An overcrowding notice shall state, in relation to every room on the premises, what is in the Executive's opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time or, as the case may be, that it is in its opinion unsuitable to be occupied as sleeping accommodation.

(4) An overcrowding notice may, in relation to any room, specify special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.

(5) The requirement referred to in paragraph (1)(a) is that the person on whom the overcrowding notice is served must refrain from—

- (a) knowingly permitting any room to be occupied as sleeping accommodation otherwise than in accordance with the overcrowding notice; or

- (b) knowingly permitting such number of persons to occupy the premises as sleeping accommodation that it is not possible, without—
- (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice; or
  - (ii) any part of the premises which is not a room being occupied as sleeping accommodation;
- to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (6) The requirement referred to in paragraph (1)(b) is that the person on whom the overcrowding notice is served must refrain from—
- (a) knowingly permitting any room to be occupied by a new resident as sleeping accommodation otherwise than in accordance with the overcrowding notice; or
  - (b) knowingly permitting a new resident to occupy any part of the premises as sleeping accommodation if it is not possible, without—
    - (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice; or
    - (ii) any part of the premises which is not a room occupied as sleeping accommodation;both to permit the new resident so to occupy any part of the premises and to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.
- (7) In paragraph (6) “new resident” means a person who was not living in the house immediately before the date on which the overcrowding notice was served.
- (8) Where the Executive has served an overcrowding notice on any person and that notice includes the requirement referred to in paragraph (6), the Executive may, at any time, withdraw that overcrowding notice and serve on that person, in its place, an overcrowding notice which includes the requirement referred to in paragraph (5).
- (9) Not less than 7 days before serving an overcrowding notice, the Executive shall—
- (a) in writing inform the person on whom the notice is to be served of its intention to serve the notice, and
  - (b) ensure, so far as is reasonably possible, that every person living in the house is informed of that intention;
- and shall afford to any such person an opportunity of making representations regarding its proposal to serve the notice.
- (10) The Executive may serve on the person on whom it has served the overcrowding notice, a further notice requiring him to furnish it within 7 days with a statement in writing giving all or any of the following particulars, that is to say—
- (a) the number of individuals who are, on a date specified in the notice, occupying any part of the premises as sleeping accommodation;
  - (b) the number of families or households to which those individuals belong;
  - (c) the names of those individuals and of the heads of each of those families or households; and
  - (d) the rooms used by those individuals and families or households respectively.
- (11) Any person aggrieved by an overcrowding notice may, within 21 days from the date of service of the notice, appeal to a court of summary jurisdiction and, on any such appeal the court may make such order confirming, quashing or varying the notice as it thinks fit.

(12) The Executive may at any time, on the application of any person having an estate in the house, revoke an overcrowding notice or vary it so as to allow more people to be accommodated in the house.

(13) If the Executive refuses an application under paragraph (12), or does not within 35 days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of its decision on the application, and the applicant may appeal to a court of summary jurisdiction, and on the appeal the court shall have power to revoke the notice or vary it in any manner in which it might have been varied by the Executive.

(14) Any person who contravenes an overcrowding notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(15) Any person who knowingly fails to comply with the requirements of a notice under paragraph (10), or furnishes a statement which he knows is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Date of operation of notices**

77.—(1) A notice served under paragraph (1) of Article 76 shall, if no appeal is brought under paragraph (11) of that Article, become operative on the expiration of 21 days from the date of service of the notice and shall be final and conclusive as to any matters which could have been raised on such an appeal.

(2) A notice served under paragraph (1) of Article 76 against which an appeal is brought under paragraph (11) of that Article shall, if and so far as it is confirmed by the court, become operative on such date as may be specified by the court or, where no date is so specified, as from the final determination of the appeal.

(3) For the purposes of this Article, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the notice against which the appeal is brought.

### **Regulations prescribing management code**

78.—(1) The Department may, with a view to providing a code for the management of houses in multiple occupation, by regulations make provision for the purpose of ensuring that a house is occupied in accordance with proper standards of management.

(2) Subject to paragraph (3), regulations under this Article may in particular, require—

- (a) the repair, maintenance, cleansing and good order of—
  - (i) all means of water supply and drainage in the house,
  - (ii) all means of escape from fire and all apparatus, systems and other things provided by way of fire precautions,
  - (iii) kitchens, bathrooms and water closets in common use,
  - (iv) sinks and wash-basins in common use,
  - (v) common staircases, corridors and passage ways, and
  - (vi) outbuildings, yards and gardens in common use;
- (b) the making of satisfactory arrangements for the disposal of refuse and litter from the house; and
- (c) that all means of escape from fire are kept clear of obstructions.

(3) The person managing the house shall only be liable by virtue of regulations under paragraph (2) to ensure the repair, maintenance, cleansing and good order of any premises outside

the house if and to the extent that he has power or is otherwise liable to ensure those matters in respect of any such premises.

- (4) Regulations under this Article may—
- (a) provide for keeping a register of the names and addresses of those who are managers of houses;
  - (b) impose duties on persons who have an estate in a house or any part of a house, to which the regulations apply as to the giving of information to the Executive, and in particular may make it the duty of any person who acquires or ceases to hold an estate in the house to notify the Executive;
  - (c) prescribe the persons who are, for the purposes of this Part and of regulations made thereunder, to be treated as the managers of houses;
  - (d) impose duties on persons who live in the house for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations;
  - (e) authorise the Executive to obtain information as to the number of individuals or households accommodated in the house;
  - (f) make it the duty of the person managing the house to cause a copy of the regulations, to be displayed in a suitable position in the house; and
  - (g) contain such other incidental and supplementary provisions as appear to the Department to be expedient.

(5) Any person who knowingly contravenes or without reasonable excuse fails to comply with any regulations under this Article as applied under this Part in relation to any house shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Power to require work to make good neglect of proper standards of management**

**79.**—(1) If, in the opinion of the Executive, the condition of a house to which regulations under Article 78 apply is defective in consequence of failure to comply with the requirements imposed by the regulations, the Executive may serve a notice specifying the works which, in the opinion of the Executive, are required to make good the neglect, and requiring the person on whom the notice is served to execute those works.

(2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house, the notice under this Article may be served by addressing it to him by the description of “manager of the house” (naming the house to which it relates) and by delivering it to some person on the premises.

(3) A notice under this Article shall require the person on whom it is served to execute the works specified in the notice as follows, namely—

- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
- (b) to complete those works within such reasonable period as is so specified.

(4) Where the Executive serves a notice on any person under this Article, it shall inform any other person who appears to it to be an owner, lessee or mortgagee of the house of the fact that such a notice has been served.

(5) A person on whom a notice is served under this Article or any other person who is an owner, lessee or mortgagee of the house to which the notice relates may, within 21 days from the service of the notice or within such longer period as the Executive may in writing allow, appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances—

- (a) that the condition of the house did not justify the Executive in requiring the execution of the works specified in the notice;

- (b) that there has been some informality, defect or error in, or in connection with, the notice;
- (c) that the Executive has refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the date specified for beginning the works is not reasonable;
- (e) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (f) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will, as the holder of an estate in the premises, derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(6) Where an appeal under this Article is based solely on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(7) Where the grounds on which an appeal is brought under this Article include the ground specified in paragraph (5)(f), the appellant shall serve a copy of his notice of appeal on each other person referred to, and, on the hearing of the appeal any such other person may appear and be heard and, the court may make such order as it considers just with respect to the payment to be made by any such other person to the appellant or, where the work is executed by the Executive, to the Executive.

(8) Paragraph (2) of Article 76 shall apply in relation to the service of a notice under this Article as it applies to the service of a notice under that Article.

#### **Power to require execution of works to render premises fit for number of occupants**

**80.**—(1) Subject to Article 82, the Executive may serve a notice under this Article where, in the opinion of the Executive, a house in multiple occupation fails to meet one or more of the requirements in sub-paragraphs (a) to (e) of paragraph (2) and, having regard to the number of individuals or households or both for the time being accommodated on the premises, by reason of that failure the premises are not reasonably suitable for occupation by those individuals or households.

(2) The requirements in respect of a house in multiple occupation referred to in paragraph (1) are the following, that is to say,—

- (a) there are satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
- (b) it has an adequate number of suitably located water-closets for the exclusive use of the occupants;
- (c) it has, for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
- (d) subject to Article 82, there are adequate means of escape from fire; and
- (e) there are adequate other fire precautions.

(3) The Executive may serve a notice specifying the works which, in the opinion of the Executive, are required for rendering the house reasonably suitable for such occupation as aforesaid, and requiring the person on whom the notice is served to execute those works; but the notice shall not specify any works to any premises outside the house.

(4) If the Executive is satisfied that, after the service of the notice, the number of individuals or households living on the premises has been reduced to a level which will make the work specified in the notice unnecessary, and that, either in consequence of its exercise of the powers conferred by this Part to limit the number of persons living on the premises or otherwise, that number will

be maintained at or below that level, it may notify in writing the person on whom the notice was served of the withdrawal of the notice, but the withdrawal of the notice shall be without prejudice to the issue of a further notice.

- (5) A notice under this Article shall require the execution of the works as follows, namely—
- (a) to begin those works not later than such reasonable date, being not earlier than the twenty-first day after the date of service of the notice, as is specified in the notice; and
  - (b) to complete those works within such reasonable period as is so specified.

(6) Where the Executive serves a notice on any person under this Article, it shall inform every other person on whom a notice under paragraph (1) may be served of the fact that such a notice has been served.

(7) Paragraph (2) of Article 76 shall apply in relation to the service of a notice under this Article as it applies to the service of a notice under that Article.

### **Further provisions relating to overcrowded houses**

**81.**—(1) If the condition of a house which, or a part of which, is in multiple occupation fails, in the opinion of the Executive, to meet one or more of the requirements set out in paragraph (2) of Article 80, having regard to the number of individuals or households, or both, accommodated for the time being on the premises, the notice which the Executive may serve under paragraph (1) of that Article may be a notice specifying the works which, in the opinion of the Executive, are required for rendering the premises reasonably suitable for occupation by a number of individuals or households smaller than the number accommodated on the premises.

(2) A notice served under Article 80 in pursuance of paragraph (1) shall specify the number of individuals or households, or both, which, in the opinion of the Executive, the premises could reasonably accommodate if the works specified in the notice were carried out.

(3) Where the Executive has, in pursuance of paragraphs (1) and (2), served a notice under Article 80 specifying the number of individuals or households, or both, which, in the opinion of the Executive, the premises could reasonably accommodate if the works specified in the notice were carried out, the Executive may adopt that number in fixing a limit under Article 85 as respects the house.

### **Means of escape from fire**

**82.** Schedule 4 shall have effect as to the means of escape from fire to be provided in houses in multiple occupation.

### **Right of appeal against notice requiring execution of works**

**83.**—(1) A person on whom a notice is served under Article 80 or paragraph 2 of Schedule 4 may, within 21 days from the service of the notice or within such longer period as the Executive may in writing allow, appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances—

- (a) that the condition of the house did not justify the Executive, having regard to the requirements set out in paragraph (2) of that Article, in requiring the execution of the works specified in the notice, or, in the case of a notice under paragraph 2 of Schedule 4, that the notice is not justified by the terms of that Article;
- (b) that there has been some informality, defect or error in, or in connection with the notice;
- (c) that the Executive has refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;

- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that the date specified for the beginning of the works is not reasonable;
- (f) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works;
- (g) where the appeal is against a notice served under Article 80 in pursuance of Article 81(1), that the number of persons or households, or both, specified in the notice pursuant to Article 81(2) is unreasonably low.

(2) Where an appeal under this Article is based solely on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(3) Where the grounds upon which an appeal under this Article is brought include the ground specified in paragraph (1)(f), the court, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, may, on the hearing of the appeal, make such order as it thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is done by the Executive, to the Executive.

(4) For the purposes of paragraph (3), any person referred to in a notice of appeal may appear and be heard on the hearing of the appeal.

(5) If, on an appeal under this Article against a notice served under Article 80—

- (a) the court is satisfied that the number of persons living in the house has been reduced, and
- (b) that adequate steps (whether by the exercise by the Executive of the powers conferred by the following provisions of this Part to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased,

the court may, if it thinks fit, revoke the notice or vary the list of works specified in the notice.

### **Carrying out of works by the Executive**

**84.—**(1) If a notice under Article 79, 80 or 81 or the following provisions of this Article or paragraph 2 of Schedule 4 is not complied with, the Executive may do the work required to be done by the notice.

(2) Compliance with a notice means beginning and completing the works specified in the notice—

- (a) if no appeal is brought against the notice, not later than such date and within such period as is specified in the notice;
- (b) if an appeal is brought against the notice and is not withdrawn, not later than such date and within such period as may be fixed by the court determining the appeal; and
- (c) if an appeal brought against the notice is withdrawn, not later than the twenty-first day after the date of withdrawal of the appeal and within such period (beginning on that twenty-first day) as is specified in the notice.

(3) If, before the expiry of the period which under paragraph (2) is appropriate for completion of the works specified in the notice, it appears to the Executive that reasonable progress is not being made towards compliance with the notice, the Executive may itself do the work required to be done by the notice.

(4) Not less than 7 days before the Executive enters any house for the purpose of doing any works by virtue of paragraph (1) or (3), it shall serve notice of its intention to do so on the person on whom the notice referred to in paragraph (1) was served and, if it thinks fit, also on any other owner of the house.

(5) If, after the Executive has served notice under paragraph (4), the works are in fact carried out (otherwise than by the Executive), any administrative and other expenses incurred by the Executive with a view to doing the work itself in accordance with paragraph (1) or (3) shall be treated for the purposes of the following provisions of this Article as expenses incurred by it under this Article in carrying out the works in a case where the notice referred to in paragraph (1) has not been complied with.

(6) Notwithstanding anything in paragraph (1), if, before the expiration of the time mentioned in that paragraph, the person on whom the notice was served notifies the Executive in writing that he is not able to do the work in question, the Executive may, if it considers fit, do the work forthwith.

(7) Any expenses reasonably incurred by the Executive under this Article, together with interest at the prescribed rate from the date when a demand for the expenses is served until payment, may, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by it summarily as a civil debt from the person on whom the notice was served or, if he was served with the notice in his capacity only as an agent or trustee for some other person, then either from him or from that other person, or as to part from him and as to the remainder from that other person; but if the person on whom the notice is served proves that he—

- (a) was served with the notice in his capacity only as an agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person, sufficient money to discharge the whole demand of the Executive;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(8) Any expenses recoverable by the Executive under paragraph (7), together with interest accrued due thereon, shall, until recovered, be a charge on the estate in the premises of the person on whom the notice was served; but, if that person was only properly served with the notice as being an agent or trustee for some other person, those expenses shall be a charge on the estate (if any) in the premises of that other person, and not on that of the first-mentioned person.

(9) The charge under paragraph (8) may be recovered by the same means and in the like manner in all respects as if it were a mortgage by deed created by the owner of the estate in favour of the Executive, and, for the recovery thereof, the Executive may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881<sup>F6</sup> on mortgages by deed.

(10) If the Executive applies to a court of summary jurisdiction and satisfies the court—

- (a) that any expenses reasonably incurred by it under this Article (with the interest accrued due thereon) have not been, and are unlikely to be, recovered; and
- (b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if the number of persons living in the house was limited to that appropriate for the house in its state before the works were executed;

the court may, if satisfied that that person has had proper notice of the application, order him to make such payment or payments to the Executive as appear to the court to be just.

(11) In all summary proceedings by the Executive for the recovery of expenses under this Article, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand.

(12) In proceedings by the Executive for the recovery of any expenses under paragraph (7), it shall not be open to the defendant to raise any question which he could have raised on an appeal under this Part against the notice requiring the execution of the works.



**Annotations:**

F6 1881 c.41

**Directions to prevent or reduce overcrowding in houses in multiple occupation**

**85.**—(1) The Executive may, for the purpose of preventing the occurrence of, or remedying, a state of affairs calling for the service of a notice or a further notice under Article 80, fix as a limit for the house what is, in its opinion, the highest number of individuals or households, or both, who or which should, having regard to the requirements set out in paragraph (2) of that Article, occupy the house in its existing condition, and give a direction applying that limit to the house.

(2) A direction under paragraph (1) shall have effect so as to make it the duty of the occupier of the house not to permit the number of individuals or households occupying the house to increase to a number above the limit specified in the direction, and, if it is above that number, not to permit it to increase further.

(3) References in paragraphs (1) and (2) to a house include references to part of a house, and the Executive shall have regard to the desirability of applying separate limits where different parts of a house are, or are likely to be, occupied by different persons.

(4) The reference in paragraph (2) to the occupier includes a reference to any person who is entitled or authorised to permit individuals or households to take up residence in the house, or any part of it.

(5) Not less than 7 days before giving a direction under this Article, the Executive shall—

- (a) serve on every person appearing to it to be an owner of the house notice of its intention to give the direction; and
- (b) exhibit such a notice in some position in the house where it is accessible to those living in the house;

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding its proposal to give the direction.

(6) The Executive shall, within 7 days from the giving of the direction—

- (a) serve a copy of the direction on every person appearing to it to be an owner of the house; and
- (b) exhibit a copy of the direction in some position in the house where it is accessible to those living in the house.

(7) The power conferred by paragraph (1) may be exercised as regards any premises notwithstanding the existence of any previous direction under that paragraph laying down a higher maximum.

(8) The Executive may at any time, having regard to the works which have been executed in the house, or any other change of circumstances, and on the application of any person having an estate in the house, revoke any direction given under paragraph (1), or vary it so as to allow more individuals to be accommodated in the house.

(9) If the Executive—

- (a) refuses an application under paragraph (8); or
- (b) does not within 35 days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of its decision on the application;

the applicant may appeal to a court of summary jurisdiction, and, on the appeal, the court may revoke the direction or vary it in any manner in which it might have been varied by the Executive.

(10) The Executive may serve on the person appearing to it to be the occupier of a house, or part of a house, in respect of which a direction under this Article is in force a notice requiring him to furnish it, within 7 days, with a statement in writing giving all or any of the following particulars—

- (a) the number of individuals who are, on a date specified in the notice, living in the house or, as the case may be, the part of the house;
- (b) the number of families or households to which those individuals belong;
- (c) the names of those individuals and of the heads of each of those families or households;
- (d) the rooms used by those individuals and families or households respectively.

(11) Any person on whom a notice is served under paragraph (10) who fails to comply with it or furnishes a statement which to his knowledge is false in any material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(12) Any person who knowingly fails to comply with a direction given under paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(13) The powers conferred by this Article shall be exercisable whether or not a notice has been given under Article 80 and shall be without prejudice to the powers conferred by Article 76.

### **Supplemental provisions**

**86.**—(1) If, on an application made by a person required by a notice under this Part to execute any works, it appears to a court of summary jurisdiction that any other person having an estate in the premises has unreasonably refused to give any consent required to enable the works to be executed, the court may give the necessary consent in place of that other person.

(2) Article 13 of the Order of 1981 (powers of entry) shall apply to entry for the purposes of exercising any functions conferred on the Executive by or under this Part, and, without prejudice to the generality of the foregoing, shall apply in particular to entry for the purposes of—

- (a) ascertaining whether any function conferred on the Executive by or under this Part should be exercised;
- (b) ascertaining whether there has been any contravention of any notice, regulation or direction given, made or applied under this Part;

but so much of that Article as requires notice to be given of the intended entry shall not apply to entry for the purposes mentioned in sub-paragraph (b).

(3) Article 160 of the Order of 1981 (penalty for obstruction) shall apply for the purposes of this Part in the same manner, as it applies for the purposes of that Order.

(4) There shall be included among the matters which are required to be registered in the Statutory Charges Register—

- (a) any notice served under Article 76(1), 79(1), 80(1) or 84(4);
- (b) any charge created under Article 84(8).

### **Penalty for failure to execute works**

**87.**—(1) A person on whom a notice has been served under Article 79, 80 or 81, or paragraph 2 of Schedule 4 (notices requiring the execution of works) who wilfully fails to comply with the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) The obligation to execute the works specified in the notice continues notwithstanding that the period for compliance has expired; and a person who wilfully fails to comply with that obligation, after being convicted of an offence in relation to the notice under paragraph (1) or this paragraph,

shall be guilty of a further offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) In this Article compliance with a notice means the completion of the works specified in the notice within the period of compliance, which is—

- (a) if no appeal is brought against the notice, the period specified in the notice with any extension duly allowed by the Executive;
- (b) if an appeal is brought against the notice, and the notice is confirmed in whole or in part on the appeal, the period of 28 days from the final determination of the appeal or such longer period as the court in determining the appeal may fix.

(4) No liability arises under paragraph (1) if the Executive, on being notified in accordance with Article 84(6) that the person on whom the notice was served is not able to do the work in question, serves notice that it proposes to do the work and relieves him from liability under paragraph (1).

(5) The provisions of this Article are without prejudice to the exercise by the Executive of its power under Article 84 to carry out the works itself.

**Changes to legislation:**

The Housing (Northern Ireland) Order 1992, PART IV is up to date with all changes known to be in force on or before 18 November 2017. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Commencement Orders yet to be applied to the The Housing (Northern Ireland) Order 1992**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2017/217 art. 2](#) commences (2016 c. 16 (N.I.))