



Housing Act 1957

1957 CHAPTER 56

PART IV

ABATEMENT OF OVERCROWDING

General provisions

78 Offences in relation to overcrowding

- (1) Subject to the provisions of this Part of this Act, if the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.
- (2) The occupier of a dwelling-house which was occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and have thereafter lived there continuously, or children born after that day of any of those persons, unless—
 - (a) suitable alternative accommodation is offered to the occupier and he fails to accept it; or
 - (b) suitable alternative accommodation is offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.
- (3) Where a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child

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attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
 - (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.
- (4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.
- (5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—
- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or
 - (b) if, when letting the house the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house ;
- and not otherwise.