



# Housing Act 2004

## 2004 CHAPTER 34

### PART 3

#### SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

##### *Houses required to be licensed*

#### **85 Requirement for Part 3 houses to be licensed**

- (1) Every Part 3 house must be licensed under this Part unless—
  - (a) it is an HMO to which Part 2 applies (see section 55(2)), or
  - (b) a temporary exemption notice is in force in relation to it under section 86, or
  - (c) a management order is in force in relation to it under Chapter 1 or 2 of Part 4.
- (2) A licence under this Part is a licence authorising occupation of the house concerned under one or more tenancies or licences within section 79(2)(b).
- (3) Sections 87 to 90 deal with applications for licences, the granting or refusal of licences and the imposition of licence conditions.
- (4) The local housing authority must take all reasonable steps to secure that applications for licences are made to them in respect of houses in their area which are required to be licensed under this Part but are not so licensed.
- (5) In this Part, unless the context otherwise requires—
  - (a) references to a Part 3 house are to a house to which this Part applies (see section 79(2)),
  - (b) references to a licence are to a licence under this Part,
  - (c) references to a licence holder are to be read accordingly, and
  - (d) references to a house being (or not being) licensed under this Part are to its being (or not being) a house in respect of which a licence is in force under this Part.

*Status: Point in time view as at 06/04/2006.*

*Changes to legislation: Housing Act 2004, Cross Heading: Houses required to be licensed is up to date with all changes known to be in force on or before 12 April 2024. 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)*

### Commencement Information

- II** S. 85 wholly in force at 16.6.2006; s. 85 not in force at Royal Assent see s. 270(4)(5); s. 85 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 85 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

## 86 Temporary exemption from licensing requirement

- (1) This section applies where a person having control of or managing a Part 3 house which is required to be licensed under this Part (see section 85(1)) but is not so licensed, notifies the local housing authority of his intention to take particular steps with a view to securing that the house is no longer required to be licensed.
- (2) The authority may, if they think fit, serve on that person a notice under this section (“a temporary exemption notice”) in respect of the house.
- (3) If a temporary exemption notice is served under this section, the house is (in accordance with section 85(1)) not required to be licensed under this Part during the period for which the notice is in force.
- (4) A temporary exemption notice under this section is in force—
  - (a) for the period of 3 months beginning with the date on which it is served, or
  - (b) (in the case of a notice served by virtue of subsection (5)) for the period of 3 months after the date when the first notice ceases to be in force.
- (5) If the authority—
  - (a) receive a further notification under subsection (1), and
  - (b) consider that there are exceptional circumstances that justify the service of a second temporary exemption notice in respect of the house that would take effect from the end of the period of 3 months applying to the first notice,
 the authority may serve a second such notice on the person having control of or managing the house (but no further notice may be served by virtue of this subsection).
- (6) If the authority decide not to serve a temporary exemption notice in response to a notification under subsection (1), they must without delay serve on the person concerned a notice informing him of—
  - (a) the decision,
  - (b) the reasons for it and the date on which it was made,
  - (c) the right to appeal against the decision under subsection (7), and
  - (d) the period within which an appeal may be made under that subsection.
- (7) The person concerned may appeal to a residential property tribunal against the decision within the period of 28 days beginning with the date specified under subsection (6) as the date on which it was made.
- (8) Such an appeal—
  - (a) is to be by way of a re-hearing, but
  - (b) may be determined having regard to matters of which the authority were unaware.
- (9) The tribunal—
  - (a) may confirm or reverse the decision of the authority, and

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- (b) if it reverses the decision, must direct the authority to issue a temporary exemption notice with effect from such date as the tribunal directs.

**Commencement Information**

**I2** S. 86 wholly in force at 16.6.2006; s. 86 not in force at Royal Assent see s. 270(4)(5); s. 86 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 86 in force for W. at 16.6.2006 by S. I. 2006/1535, art. 2(a) (with Sch.)

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