
STATUTORY INSTRUMENTS

1997 No. 230

HOUSING, ENGLAND AND WALES

**The Housing (Fire Safety in Houses
in Multiple Occupation) Order 1997**

Made - - - - - *4th February 1997*
Laid before Parliament *10th February 1997*
Coming into force
Article 4 in accordance with
article 1(2)
Remainder *3rd March 1997*

The Secretary of State for the Environment as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 365(2), (3) and (4) of the Housing Act 1985(1) and all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Housing (Fire Safety in Houses in Multiple Occupation) Order 1997.

(2) Article 4 of this Order shall come into force:

- (a) in relation to houses in multiple occupation with four storeys or more on 30th September 1998;
- (b) in relation to houses in multiple occupation with three storeys except those where the living accommodation consists entirely of self-contained flats on 30th September 1999; and
- (c) in relation to houses in multiple occupation with three storeys consisting of self-contained flats on 29th February 2000.

(3) For all other purposes, this Order shall come into force on 3rd March 1997.

(4) The Housing (Means of Escape from Fire in Houses in Multiple Occupation) Order 1981(2) (“the 1981 Order”) is hereby revoked, subject to the provisions of paragraph (5).

(1) 1985 c. 68; subsection (2) was substituted by Schedule 9, paragraph 53 of the Local Government and Housing Act 1989 (c. 42), and subsection (3) was substituted and subsection (4) was amended by section 75 of the Housing Act 1996 (c. 52).
(2) S.I. 1981/1576.

(5) The 1981 Order shall remain in force in relation to the houses described in paragraph (2) and which do not fall within article 4(2) until the dates that this Order comes into force in relation to those houses.

Interpretation

2. For the purposes of this Order:

“flat” means any part of a building which was originally constructed or subsequently adapted for occupation by a single household and “self-contained” means that the flat has for the exclusive use of its occupants the facilities mentioned in section 352(1A)(a) to (c) of the Housing Act 1985(3);

“responsible person” means “the person having control” or “the person managing” which have the same meaning as in section 398 of the Housing Act 1985(4); and

“storey” excludes any storey lying wholly or mainly below the floor level of the principal entrance to the house.

Description of Houses—Consultation Requirements

3.—(1) The houses described in paragraph (2) of this article are those specified for the purposes of section 365(3) of the Housing Act 1985.

(2) The houses referred to in the foregoing paragraph are:

- (a) any house used as a children’s home or community home which is registered or provided under the Children Act 1989(5);
- (b) any house registered under the Registered Homes Act 1984(6);
- (c) any house of which a health service body as defined in section 519A of the Income and Corporation Taxes Act 1988(7) is the responsible person;
- (d) any house of which the responsible person is—
 - (i) a university or other institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992(8) or a college or institution in the nature of a college in such a university or other institution;
 - (ii) an institution within the further education sector within the meaning given by section 91(3) of that Act; or
 - (iii) an institution which provides a course qualifying for funding under Part I of the Education Act 1994(9);
- (e) any house approved by the Secretary of State under section 27 of the Probation Services Act 1993(10); and
- (f) any house or part of a house in respect of which a valid fire certificate issued under section 1 of the Fire Precautions Act 1971(11) is in force.

(3) Subsection (1A) of section 352 was inserted by paragraph 49 of Schedule 9 to the Local Government and Housing Act 1989.

(4) Section 398 was amended by section 79(2) of the Housing Act 1996.

(5) 1989 c. 41.

(6) 1984 c. 23.

(7) 1988 c. 1; section 519A was inserted by section 61 of the National Health Service and Community Care Act 1990 (c. 19) and amended by paragraph 114 of Schedule 1 to the Health Authorities Act 1995 (c. 17).

(8) 1992 c. 13.

(9) 1994 c. 30; Part 1 was amended by section 24(3) of the Disability Discrimination Act 1995 (c. 50) and by paragraphs 126 to 128 of Schedule 37 to the Education Act 1996 (c. 56).

(10) 1993 c. 47.

(11) 1971 c. 40.

Description of Houses—Exercise of Powers

4.—(1) The houses specified for the purposes of section 365(2) of the Housing Act 1985 are those which:

- (a) comprise at least three storeys; and
- (b) are not described in paragraph (2) below.

(2) The houses referred to in the foregoing paragraph (1)(b) are:

- (a) any house or part of a house described in article 3(2);
- (b) any house in which the local housing authority has an interest, whether freehold or leasehold;
- (c) any house subject to a control order made under section 379 of the Housing Act 1985;
- (d) any house occupied by persons who form only two households;
- (e) any house occupied by no more than four persons;
- (f) any house occupied by no more than three persons in addition to a responsible person and any other member of his household;
- (g) any house where the living accommodation consists entirely of self-contained flats and either:
 - (i) at least one third of the flats are either—
 - (a) let on leases of more than 21 years and wholly occupied by the lessees and their households; or
 - (b) wholly occupied by any freeholder of the house and his household; or
 - (ii) when the flats were created—
 - (aa) the building was required to comply with the requirements relevant to fire safety contained in the Building Regulations 1985⁽¹²⁾ or regulations made subsequently under section 1(1) of the Building Act 1984⁽¹³⁾,
 - (bb) a building notice had been given to, or full plans deposited with, a local authority, or an initial notice or a public body's notice had been given in accordance with sections 47(1) and 54(1) respectively of the Building Act 1984, and
 - (cc) the building work in respect of the creation of the flats was carried out in accordance with any such notice or plans, whether with or without any departure from them; and
- (h) any house of which a responsible person is a social landlord registered in accordance with Part I of the Housing Act 1996⁽¹⁴⁾;

Signed by authority of the Secretary of State

3rd February 1997

James Clappison
Minister of State,
Department of the Environment

⁽¹²⁾ S.I. 1985/1065.

⁽¹³⁾ 1984 c. 55.

⁽¹⁴⁾ 1996 c. 52.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Wales

4th February 1997

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 365 of the Housing Act 1985 the local housing authority have powers to require houses in multiple occupation to be provided with means of escape from fire and other adequate fire precautions.

Before exercising those powers in relation to certain houses, authorities are required to consult fire authorities. Article 3 of this Order adds specified descriptions of houses to those where this obligation applies.

Article 4 specifies a description of houses in relation to which authorities have a duty to act when they have a power to do so.