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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1712**

**The Licensing of Houses in Multiple Occupation  
(Prescribed Descriptions) (Wales) Order 2006**

**Description of HMOs prescribed by the National Assembly for Wales**

**3.—**(1) An HMO is of a prescribed description for the purpose of section 55(2)(a) of the Act where it satisfies the conditions described in paragraph (2).

(2) The conditions referred to in paragraph (1) are that—

- (a) the HMO or any part of it comprises three storeys or more;
- (b) it is occupied by five or more persons; and
- (c) it is occupied by persons living in two or more single households.

(3) The following storeys must be taken into account when calculating whether the HMO or any part of it comprises three storeys or more—

- (a) any basement if—
  - (i) it is used wholly or partly as living accommodation;
  - (ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation;
  - (iii) it is being used in connection with, and as an integral part of, the HMO; or
  - (iv) it is the only or principal entry into the HMO from the street;
- (b) any attic if—
  - (i) it is used wholly or partly as living accommodation;
  - (ii) it has been constructed, converted or adapted for use wholly or partly as living accommodation, or
  - (iii) it is being used in connection with, and as an integral part of, the HMO;
- (c) where the living accommodation is situated in a part of a building above business premises, each storey comprising the business premises;
- (d) where the living accommodation is situated in a part of a building below business premises, each storey comprising the business premises;
- (e) any mezzanine floor not used solely as a means of access between two adjoining floors if—
  - (i) it is used wholly or mainly as living accommodation; or
  - (ii) it is being used in connection with, and as an integral part of, the HMO; and
- (f) any other storey that is used wholly or partly as living accommodation or in connection with, and as an integral part of, the HMO.