
WELSH STATUTORY INSTRUMENTS

2007 No. 3231

**The Houses in Multiple Occupation (Certain Blocks of Flats)
(Modifications to the Housing Act 2004 and Transitional
Provisions for section 257 HMOs) (Wales) Regulations 2007**

Modifications to Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation)

3. In section 61 (requirement for HMOs to be licensed) after subsection (6) add—
- “(7) In this Part the “person having control” in respect of a section 257 HMO is—
- (a) in relation to an HMO in respect of which no person has been granted a long lease of a flat within the HMO, the person who receives the rack rent for the HMO, whether on his own account or as an agent or trustee of another person;
 - (b) in relation to an HMO in respect of which a person has been granted a long lease of a flat within the HMO, the person who falls within the first paragraph of subsection (8) to apply, taking paragraph (a) of that subsection first, paragraph (b) next, and so on.
- (8) A person falls within this subsection if the person—
- (a) has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002⁽¹⁾;
 - (b) has been appointed by the Leasehold Valuation Tribunal under section 24 of the Landlord and Tenant Act 1987⁽²⁾;
 - (c) is the person who is the lessee of the whole of the HMO under a lease between him and a head lessor or the freeholder, or is the freeholder of the HMO; or
 - (d) has been appointed to manage the HMO by the freeholder, by a head lessor of the whole of the HMO, or by a person who has acquired the right to manage the HMO under Part 2 of the Commonhold and Leasehold Reform Act 2002.
- (9) In this section “long lease” means a lease that—
- (a) is granted for a term certain exceeding 21 years, whether or not it is (or may become terminable) before the end of that term; or
 - (b) is for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease,
- and neither the lease nor any superior lease contains a provision enabling the lessor or superior lessor to terminate the tenancy, other than by forfeiture, before the end of that term.”.

⁽¹⁾ 2002 c. 15.

⁽²⁾ 1987 c. 31. Section 24 has been amended by the Housing Act 1996 (c. 31) and the Commonhold and Leasehold Reform Act 2002.