



## 2016 CHAPTER 22

### **PART 3**

#### Enforcement of licensing requirements

##### *Offences*

#### **Unlicensed HMO**

**30.—**(1) The owner of an HMO commits an offence if—

- (a) the HMO is required to be licensed under section 7 but is not so licensed, and
- (b) the owner does not have a reasonable excuse for not having a licence.

(2) If—

- (a) an HMO is required to be licensed under section 7 but is not so licensed,
- (b) any person, acting as an agent for the owner of an HMO, does anything that the agent knows will permit or facilitate the occupation of the HMO by any other person, and
- (c) the agent does not have a reasonable excuse for doing so,

the agent commits an offence.

(3) The owner of an HMO commits an offence if—

- (a) the HMO is required to be licensed under section 7 but is not so licensed, and
- (b) the owner authorises a person to act as mentioned in subsection (2)(b).

(4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—

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*Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016, Cross Heading: Offences. (See end of Document for details)*

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- (a) to a fine not exceeding £20,000, and
- (b) to a further fine not exceeding £50 for every day or part of a day after conviction on which the HMO is required to be licensed under section 7 but is not so licensed.

(5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding £10,000.

#### Commencement Information

II S. 30 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

### Exceeding licensed occupancy or breach of licence conditions

**31.**—(1) If the number of persons occupying a licensed HMO exceeds the number authorised by the licence and—

- (a) the owner or managing agent of the HMO has done anything that permits or facilitates the excessive occupation, or
- (b) the owner or agent knows, or ought reasonably to know, that the HMO is so occupied and does not take such steps as are reasonably necessary to ensure that the excessive occupation ceases,

the owner or agent (as the case may be) commits an offence.

(2) If—

- (a) a condition in an HMO licence imposes a restriction or obligation on the owner or managing agent of the HMO or any other person named in the condition,
- (b) that person breaches the condition at a time when the HMO is required to be licensed under section 7, and
- (c) the person does not have a reasonable excuse for breaching the condition,

the person commits an offence.

(3) If—

- (a) a condition in an HMO licence imposes a restriction or obligation on any person (whether or not named in the licence),
- (b) any person breaches the condition at a time when the HMO is required to be licensed under section 7,
- (c) the owner or managing agent of the HMO either permits the breach or did not take such steps as are reasonably necessary to secure that the condition was not breached, and
- (d) the owner or agent does not have a reasonable excuse for permitting the breach or for failing to take those steps,

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the owner or agent (as the case may be) commits an offence.

(4) A person guilty of an offence under subsection (1) is liable on summary conviction—

- (a) to a fine not exceeding £20,000, and
- (b) to a further fine not exceeding £50 for every day or part of a day after conviction on which the excessive occupation continues.

(5) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding £10,000.

**Commencement Information**

**I2** S. 31 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

**Untrue claim that HMO is licensed**

**32.**—(1) A person who is the owner or managing agent of an HMO commits an offence if the person—

- (a) claims that an HMO is licensed at a time when it is not licensed, and
- (b) does not have a reasonable excuse for making that claim.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £10,000.

**Commencement Information**

**I3** S. 32 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

**Agents not named in licence**

**33.**—(1) The owner of a licensed HMO commits an offence if—

- (a) the owner authorises any person to act as a managing agent in relation to the HMO, and
- (b) the person so authorised is not named in the licence as managing agent of the HMO.

(2) A person (“A”) commits an offence if—

- (a) A, on behalf of the owner of a licensed HMO, acts as a managing agent in relation to the HMO,
- (b) A is not named in the licence as managing agent of the HMO, and
- (c) A does not have a reasonable excuse for doing so.

(3) For the purposes of this section, a person acts as a managing agent in relation to an HMO if the person—

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- (a) does, in relation to the HMO, any of the acts mentioned in paragraph (i), (ii) or (iii) of the definition of “managing agent” in section 88(1), or
  - (b) engages in any other activity or course of activity which constitutes, or assists in, the management of the HMO.
- (4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding £10,000.

**Commencement Information**

**I4** S. 33 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

**Reasonable excuse**

**34.—(1)** This section sets out some circumstances in which the owner of an HMO has a reasonable excuse for the purposes of sections 30(1) and 31(2) and (3).

(2) This section does not limit the circumstances which may amount to a reasonable excuse apart from this section.

(3) For the purposes of section 30(1), the owner of an HMO has a reasonable excuse for not having a licence if—

- (a) an HMO licence held by the owner in respect of the HMO has been revoked, and
- (b) the owner has taken reasonable steps with a view to securing that the living accommodation in question ceases to be an HMO which requires to be licensed, but
- (c) despite having taken those steps, the owner is unable to stop it from being such an HMO without breaching the terms of any tenancy or other occupancy arrangement under which any person occupied it on the day on which the licence was revoked.

(4) For the purposes of section 31(2) and (3), the owner of an HMO has a reasonable excuse for breaching a condition, or for permitting such a breach, if—

- (a) the owner has taken reasonable steps with a view to securing that the condition is not breached, but
- (b) despite having taken those steps, the owner cannot secure compliance with the condition without breaching the terms of any tenancy or other occupancy arrangement under which any person occupied the HMO on the day on which the condition first had effect.

**Commencement Information**

**I5** S. 34 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016, Cross Heading: Offences.