



2016 CHAPTER 22

PART 4

Standards of housing

CHAPTER 3

Hazards

Definition of hazard

- 54.**—(1) For the purposes of this Chapter, there is a “hazard” in an HMO if—
- (a) there is a risk of harm of a prescribed description to the health or safety of an actual or potential occupier of the HMO, and
 - (b) the risk arises from a deficiency—
 - (i) in the accommodation which forms the HMO,
 - (ii) in any building or land of which that accommodation forms part, or
 - (iii) in any building or land in the vicinity of that accommodation.
- (2) It does not matter whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise.
- (3) “Prescribed” means prescribed by regulations made by the Department.

Hazard notice

- 55.**—(1) If the council is satisfied that a hazard exists in an HMO, the council may issue a notice which complies with sections 56 and 57 (a “hazard notice”).
- (2) A hazard notice may relate to more than one hazard in the same HMO or in the same building containing one or more flats.

(3) If the council is satisfied that the hazard (or one of the hazards) in relation to which a hazard notice is issued involves an imminent risk of serious harm to the health or safety of any of the occupiers of the HMO or any other living accommodation, the notice may state—

- (a) that it is an “emergency hazard notice”, and
- (b) that it is to come into operation immediately.

(4) For provisions under which an emergency hazard notice is treated differently from other hazard notices, see—

- (a) section 57(4) and paragraph 4(1) of Schedule 5 (suspension of notices);
- (b) paragraph 1(2) and (4) of Schedule 5 (service of emergency hazard notices);
- (c) paragraph 2(3) of that Schedule (date of operation of such notices).

Contents of hazard notice: prohibitions

56.—(1) A hazard notice is a notice imposing such prohibition (or prohibitions) on the use of any premises as the council considers appropriate in view of the hazard or hazards to which the notice relates.

(2) The notice must specify—

- (a) each prohibition, and
- (b) the premises in relation to which each prohibition is imposed.

(3) A hazard notice may impose a prohibition on the use of premises as follows—

- (a) if the hazard is in an HMO which is not a flat, the notice may impose a prohibition on the use of the HMO;
- (b) if the hazard is in a flat or flats, the notice may impose a prohibition on the use of the flat or flats, or on the use of the building containing the flat or flats (or any part of that building) or any external common parts.

(4) But a hazard notice may not, by virtue of subsection (3)(b), prohibit use of any part of the building or its external common parts that is not included in the HMO in which the hazard exists, unless the council is satisfied—

- (a) that the deficiency from which the hazard arises is situated there, and
- (b) that it is necessary for such use to be prohibited in order to protect the health or safety of any actual or potential occupiers of one or more of the flats.

(5) A prohibition may prohibit use of the premises, or of any part of the premises, either—

- (a) for all purposes, or
- (b) for any particular purpose,

except (in either case) to the extent to which any use of the premises or part is approved by the council.

As to approvals by the council, see section 59.

(6) A prohibition imposed by virtue of subsection (5)(b) may, in particular, relate to—

- (a) occupation of the premises or part by more than a particular number of households or persons; or
- (b) occupation of the premises or part by particular descriptions of persons.

Contents of hazard notices: other matters

57.—(1) A hazard notice must specify, in relation to the hazard (or each of the hazards) to which it relates—

- (a) the nature of the hazard,
- (b) the HMO in which it exists, and
- (c) the deficiency giving rise to the hazard.

(2) A hazard notice may contain a works requirement (see section 58).

(3) A hazard notice must specify the date on which the notice is made.

(4) A hazard notice (other than an emergency hazard notice) may state that its operation is suspended in accordance with paragraph 4 of Schedule 5.

Works requirement

58.—(1) A works requirement is a requirement that the owner carry out work in or to the HMO or other premises for the purpose of removing the hazard.

(2) A hazard notice that includes a works requirement must specify—

- (a) the work to be carried out, and
- (b) a date by which the work must be completed.

(3) Different dates may be specified for different work.

(4) A date specified under subsection (2)(b)—

- (a) must be not less than 21 days after the date on which the notice takes effect, and
- (b) must not be earlier than the date by which the council reasonably considers that the work can be completed.

(5) A hazard notice that includes a works requirement must state that, if the work is carried out by the date specified in it (or, where more than one date is specified, the last of them), the hazard notice will be revoked under paragraph 7(4) of Schedule 5.

(6) A hazard notice that includes a works requirement may also specify particular steps which the council requires to be taken in carrying out that work.

(7) A hazard notice may not require the owner to take any fire safety measures within the meaning of the Fire and Rescue Services (Northern Ireland) Order 2006.

(8) Parts 1 and 2 of Schedule 3 apply to a hazard notice that includes a works requirement.

Approvals as to use of premises

59.—(1) Any approval of the council for the purposes of section 56(5) must not be unreasonably withheld.

(2) If the council refuses to give any such approval, it must notify the person applying for it of—

- (a) the decision,
- (b) the reasons for the decision,
- (c) the right to appeal against the decision under subsection (3), and
- (d) the period within which an appeal may be made.

(3) The person applying for the approval may appeal to a court of summary jurisdiction against the decision within the period of 21 days beginning with the date on which the notice under subsection (2) was served.