2016 CHAPTER 22

PART 4

Standards of housing

CHAPTER 3

Hazards

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.