



2016 CHAPTER 22

PART 1

Meaning of “house in multiple occupation”

Notice regarding continuation of occupation

- 6.—**(1) This section applies if—
- (a) it appears to a council that living accommodation—
 - (i) has been a house in multiple occupation, but
 - (ii) has ceased to be so because the number of occupants has reduced below 3, and
 - (b) the council believes, on reasonable grounds, that the accommodation is likely to become a house in multiple occupation again within 4 months of that cessation.
- (2) The council may serve a notice (a “continuation notice”) which—
- (a) states the council’s belief mentioned in subsection (1)(b),
 - (b) states the grounds for that belief, and
 - (c) informs the person on whom the notice is served of the effect of subsections (4) and (5).
- (3) The notice may be served on any or all of the following (as the council considers appropriate)—
- (a) any person appearing to the council to be the owner of the accommodation;
 - (b) any person appearing to the council to be a managing agent of the accommodation;
 - (c) the occupants of the accommodation.

(4) A continuation notice has effect for a period of 4 months beginning with the date on which it is served (but this is subject to subsections (7) and (8)).

(5) During that period, the accommodation is to be treated as if it were an HMO for the purposes of this Act, except for the purposes of the following sections—

- (a) section 5 (service of household notice);
- (b) sections 15 to 17 (service and extension of temporary exemption notice);
- (c) sections 44 to 48 (service of overcrowding notice and information notice);
- (d) sections 50 to 53 (service of unsuitability notice).

(6) A continuation notice must invite the person on whom the notice is served to supply to the council, within the period of 28 days beginning with the date of service of the notice—

- (a) evidence that the accommodation will not become a house in multiple occupation within the period of 4 months beginning with the date on which the notice was served, or
- (b) evidence that, throughout the period of 4 months before the notice was served, the accommodation was not a house in multiple occupation.

(7) If evidence is provided, within the period mentioned in subsection (6), that is sufficient to satisfy the council—

- (a) that the accommodation will not become a house in multiple occupation within the period of 4 months beginning with the date on which the continuation notice was served, or
- (b) that the accommodation was a house in multiple occupation at no time in the period of 4 months before the notice was served,

the council must serve a notice cancelling the continuation notice.

(8) If evidence is supplied to the council in response to a continuation notice but the council decides that the evidence is not sufficient to satisfy the council as mentioned in subsection (7), the council must serve notice of that decision.

(9) A notice under subsection (7) or (8) must be served on all the persons on whom the continuation notice was served.

(10) Subsection (5) ceases to apply if (whether or not as a result of an appeal under section 67) the council ceases to hold the belief mentioned in subsection (1)(b).