
STATUTORY INSTRUMENTS

1992 No. 1725

The Housing (Northern Ireland) Order 1992

PART IV

HOUSES IN MULTIPLE OCCUPATION

Overcrowding in houses in multiple occupation

76.—(1) If it appears to the Executive, in the case of a house in multiple occupation, that an excessive number of persons is being or is likely to be accommodated on the premises having regard to the rooms available, the Executive may serve a notice under this paragraph (an “overcrowding notice”) complying with paragraphs (3) and (4) and including either—

- (a) the requirement set out in paragraph (5); or
- (b) that set out in paragraph (6).

(2) The notice may be served—

- (a) on the person having control of the house; or
- (b) on the person managing the house;

and the Executive shall inform any other person who is to its knowledge an owner, lessee, occupier or mortgagee of the house of the fact that the notice has been served.

(3) An overcrowding notice shall state, in relation to every room on the premises, what is in the Executive’s opinion the maximum number of persons by whom it is suitable to be occupied as sleeping accommodation at any one time or, as the case may be, that it is in its opinion unsuitable to be occupied as sleeping accommodation.

(4) An overcrowding notice may, in relation to any room, specify special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.

(5) The requirement referred to in paragraph (1)(a) is that the person on whom the overcrowding notice is served must refrain from—

- (a) knowingly permitting any room to be occupied as sleeping accommodation otherwise than in accordance with the overcrowding notice; or
- (b) knowingly permitting such number of persons to occupy the premises as sleeping accommodation that it is not possible, without—
 - (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice; or
 - (ii) any part of the premises which is not a room being occupied as sleeping accommodation;

to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.

(6) The requirement referred to in paragraph (1)(b) is that the person on whom the overcrowding notice is served must refrain from—

- (a) knowingly permitting any room to be occupied by a new resident as sleeping accommodation otherwise than in accordance with the overcrowding notice; or
- (b) knowingly permitting a new resident to occupy any part of the premises as sleeping accommodation if it is not possible, without—
 - (i) one or more rooms to which the overcrowding notice relates being occupied as sleeping accommodation otherwise than in accordance with that notice; or
 - (ii) any part of the premises which is not a room occupied as sleeping accommodation;both to permit the new resident so to occupy any part of the premises and to avoid persons of opposite sexes and over the age of 12 years (other than persons living together as husband and wife) occupying sleeping accommodation in the same room.

(7) In paragraph (6) “new resident” means a person who was not living in the house immediately before the date on which the overcrowding notice was served.

(8) Where the Executive has served an overcrowding notice on any person and that notice includes the requirement referred to in paragraph (6), the Executive may, at any time, withdraw that overcrowding notice and serve on that person, in its place, an overcrowding notice which includes the requirement referred to in paragraph (5).

- (9) Not less than 7 days before serving an overcrowding notice, the Executive shall—
- (a) in writing inform the person on whom the notice is to be served of its intention to serve the notice, and
 - (b) ensure, so far as is reasonably possible, that every person living in the house is informed of that intention;

and shall afford to any such person an opportunity of making representations regarding its proposal to serve the notice.

(10) The Executive may serve on the person on whom it has served the overcrowding notice, a further notice requiring him to furnish it within 7 days with a statement in writing giving all or any of the following particulars, that is to say—

- (a) the number of individuals who are, on a date specified in the notice, occupying any part of the premises as sleeping accommodation;
- (b) the number of families or households to which those individuals belong;
- (c) the names of those individuals and of the heads of each of those families or households; and
- (d) the rooms used by those individuals and families or households respectively.

(11) Any person aggrieved by an overcrowding notice may, within 21 days from the date of service of the notice, appeal to a court of summary jurisdiction and, on any such appeal the court may make such order confirming, quashing or varying the notice as it thinks fit.

(12) The Executive may at any time, on the application of any person having an estate in the house, revoke an overcrowding notice or vary it so as to allow more people to be accommodated in the house.

(13) If the Executive refuses an application under paragraph (12), or does not within 35 days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of its decision on the application, and the applicant may appeal to a court of summary jurisdiction, and on the appeal the court shall have power to revoke the notice or vary it in any manner in which it might have been varied by the Executive.

(14) Any person who contravenes an overcrowding notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(15) Any person who knowingly fails to comply with the requirements of a notice under paragraph (10), or furnishes a statement which he knows is false in a material particular, shall be

guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.