

ELIZABETH II



1965 CHAPTER xxii

An Act to make further provision for the registration of houses in the city of Birmingham let or intended to be let in lodgings or occupied or intended to be occupied by members of more than one family, to confer further powers upon the lord mayor, aldermen and citizens of that city; and for other purposes. [5th August 1965]

WHEREAS—

(1) The city of Birmingham (in this Act called “ the city ”) is a county borough under the management and local government of the lord mayor, aldermen and citizens of the city (in this Act called “ the Corporation ”):

(2) It is expedient to make further provision for the registration of houses in the city let or intended to be let in lodgings or occupied or intended to be occupied by members of more than one family and to amend the provisions of the Housing Act, 1961, 1961 c. 65. as amended by the Housing Act 1964 in their application to the 1964 c. 56. city:

(3) It is expedient that the other provisions contained in this Act be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

.22.2

c. 51. (5) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Birmingham Corporation Act 1965.

(2) The Birmingham Corporation Acts, 1876 to 1961, and this Act may be cited jointly as the Birmingham Corporation Acts 1876 to 1965.

Interpretation.

2.—(1) In this Act the several words and expressions to which meanings are assigned by the Housing Acts, 1957 to 1964, have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

c. 65.

“ the Act of 1961 ” means the Housing Act, 1961;

“ the city ” means the city of Birmingham;

“ the Corporation ” means the lord mayor, aldermen and citizens of the city;

“ a house intended to be in multiple occupation ” means a house or part of a house which at any time after the coming into force of the scheme is not let in lodgings or occupied by members of more than one family so as to be registrable under the scheme and which at that time is intended to be so let or occupied, so that it would become, if so let or occupied, registrable under the scheme and such a house shall not cease to be a house intended to be in multiple occupation by reason only of its being registered under the scheme or of its being so let or occupied;

c. 56.

“ section 22 ” means section 22 of the Act of 1961 (which relates to the registration of houses in multiple occupation) as amended by the Housing Act, 1964;

“ the scheme ” means any scheme which may be made by the Corporation and submitted to the Minister for confirmation under section 22 (as amended by this Act).

(3) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

3. Section 22 in its application to the city shall be amended as follows:—

Amendment
of section 22
of Act of 1961.

(1) The scheme may authorise the Corporation to compile and maintain a register for their area of (in addition to the matters mentioned in subsection (1) of section 22) houses intended to be in multiple occupation in respect of which an application for registration is made to them:

(2) In addition to the matters which under subsection (3) of section 22 may be provided for by the scheme, the scheme may in respect of a house intended to be in multiple occupation—

(a) prohibit a person from letting such a house in lodgings or from permitting the occupation of such a house by members of more than one family unless the house is registered under the scheme;

(b) authorise the Corporation to refuse to register such a house under the scheme if—

(i) the house is unsuitable and incapable of being made suitable for letting in lodgings or for occupation by members of more than one family at all, or as proposed by the applicant or is situate in a locality the amenity or character of which would be injured by such letting or occupation;

(ii) the person having control of the house or the person intended to be the person managing the house is not a fit and proper person;

(c) empower the Corporation when registering such a house to impose conditions—

(i) requiring the execution, before the house so registered is let in lodgings or occupied by members of more than one family, of such works as, having regard to the then state of repair of the house, the facilities then existing in the house and any other conditions imposed on registration, the Corporation may specify, being—

(A) works which will render the house suitable for letting in lodgings or for occupation by members of more than one family; or

(B) works which they may be empowered by section 15 or 16 of the Act of 1961 to require the person having control of or the person managing a house to execute;

(ii) as to the number of individuals who may live or lodge in the house so registered;

(iii) as to the number of families or households which may live or lodge in the house so registered;

(d) empower the Corporation to vary any condition imposed by virtue of sub-paragraph (ii) or (iii) of the last foregoing paragraph:

(3) (a) Any person aggrieved by the refusal of the Corporation to register a house intended to be in multiple occupation or by any condition imposed on registration or by a variation of any such condition (otherwise than in accordance with a direction under section 19 of the Act of 1961) may appeal to the county court within twenty-one days from the date on which the Corporation notify him of the refusal, condition or variation or within such longer period as the Corporation may in writing allow.

(b) On an appeal to the county court under this subsection the judge may make such order either confirming, reversing or varying the decision of the Corporation as he thinks fit, and if the order reverses or varies the decision of the Corporation, it shall be the duty of the Corporation to give effect thereto:

(4) The following subsection shall be substituted for subsection (5) of section 22:—

“(5) A scheme under this section may make a contravention or failure to comply with any provision in the scheme an offence under the scheme and—

(a) if a person wilfully fails to supply to the local authority any information which it is his duty to supply under the scheme or knowingly makes any misstatement in connection therewith, he shall be liable on summary conviction to a fine not exceeding ten pounds;

(b) if a person contrary to the scheme lets a house in lodgings or permits a house to be occupied by members of more than one family he shall be liable on summary conviction—

(i) where he has not been previously convicted of an offence under this paragraph, to a fine not exceeding one hundred pounds;

(ii) where he has been previously convicted of an offence under this paragraph, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine;

(c) if a person—

(i) lets a house in lodgings or permits a house to be occupied by members of more than one family, before executing any works required by a condition imposed on the registration of the house; or

(ii) permits a greater number of individuals, or, as the case may be, a greater number of families or households, to live or lodge in a house than the number prescribed by a condition imposed on the registration of the house;

he shall be liable on summary conviction to a fine not exceeding fifty pounds;

(d) if a person has been convicted of an offence under paragraph (b) or paragraph (c) of this subsection and the contravention constituting that offence is continued after his conviction of that offence, he shall be guilty of a further offence and liable, in respect thereof, to a fine not exceeding twenty pounds for each day on which a contravention is so continued.”

4. The following sections of the Public Health Act, 1936, shall have effect as if references therein to that Act included a reference to this Act:—

Section 304 (Judges and justices not to be disqualified by liability to rates); and

Section 328 (Powers of Act to be cumulative).

Application of provisions of Public Health Act, 1936.
c. 49.

5. The following provisions of the Birmingham Corporation (Consolidation) Act, 1883, so far as they are applicable in that behalf, shall, with any necessary modifications, extend and apply to the exercise of the powers of this Act in the same manner as if those provisions were re-enacted in this Act, namely:—

Section 8 (Power to appoint committees); and

Section 9 (Proceedings of committees).

Application of existing enactments.
c. lxx.

6. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation. Costs of Act.

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Birmingham Corporation Act 1965

CHAPTER xxii

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