



Housing Act 1961

1961 CHAPTER 65

PART II

AMENDMENTS OF HOUSING ACT, 1957

Houses in multiple occupation

19 Directions to prevent or reduce overcrowding in houses in multiple occupation

- (1) A local authority may, for the purpose of preventing the occurrence of, or remedying, a state of affairs calling for the service of a notice or a further notice under section fifteen of this Act, fix as a limit for the house what is in their opinion the highest number of individuals who should, having regard to the considerations set out in subsection (1) of that section, live in the house in its existing condition, and give a direction applying that limit to the house.
- (2) A direction under the foregoing subsection shall have effect so as to make it the duty of the occupier for the time being of the house—
 - (a) not to permit any individual to take up residence in the house so as to increase the number of individuals living in the house to a number above the limit specified in the direction, and
 - (b) where the number of individuals living in the house is for the time being above the limit so specified and any individual ceases to reside in the house, not to permit any other individual to take up residence in the house.
- (3) References in the foregoing subsections to a house include references to part of a house, and the local authority shall have regard to the desirability of applying separate limits where different parts of a house are, or are likely to be, occupied by different persons.
- (4) Not less than seven days before giving a direction under this section, the local authority shall—
 - (a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to give the direction, and

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- (b) post such a notice in some position in the house where it is accessible to those living in the house,
and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to give the direction.
- (5) The local authority shall within seven days from the giving of the direction—
- (a) serve a copy of the direction on an owner of the house and on every person who is to the knowledge of the local authority a lessee of the house, and
- (b) post a copy of the direction in some position in the house where it is accessible to those living in the house.
- (6) The power conferred by subsection (1) of this section may be exercised as regards any premises notwithstanding the existence of any previous direction under that subsection laying down a higher maximum.
- (7) A local authority may at any time, having regard to any works which have been executed in the house, or any other change of circumstances, and on the application of any person having an estate or interest in the house, revoke any direction given under subsection (1) of this section, or vary it so as to allow more people to be accommodated in the house.
- (8) If a local authority refuse an application under the last foregoing subsection, or do not within thirty-five days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to a county court, and on the appeal the court shall have power to revoke the direction or vary it in any manner in which it might have been varied by the local authority.
- (9) The local authority may from time to time serve on the occupier of a house or part of a house in respect of which a direction under this section is in force a notice requiring him to furnish them within seven 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, living in the house or part of the house, as the case may be ;
- (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;
- and if the occupier makes default in complying with the requirements or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (10) If any person knowingly fails to comply with the requirements imposed on him by subsection (2) of this section, he shall be guilty of an offence under this subsection.
- (11) A person committing an offence under the last foregoing subsection of this section shall be liable on summary conviction—
- (a) where he has not previously been convicted of an offence under that subsection or section ninety of the principal Act, to a fine not exceeding twenty pounds, and
- (b) where he has previously been convicted of an offence under that subsection or the said section ninety, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

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In this subsection references to a previous offence or conviction under the said section ninety include references to an offence or conviction before the commencement of this Act under that section or an enactment reproduced in that section.

- (12) The powers conferred by this section shall be exercisable whether or not a notice has been given under section fifteen of this Act, and shall be without prejudice to the powers conferred by section ninety of the principal Act (which relates to overcrowding in houses let in lodgings).