



Housing Act 1969

1969 CHAPTER 33

PART IV

HOUSES IN MULTIPLE OCCUPATION

58 New definition of houses in multiple occupation

- (1) Any statutory provision referring (in whatever terms) to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family shall have effect as if it referred to a house which is occupied by persons who do not form a single household.
- (2) In this section " statutory provision " means any provision contained in an Act of Parliament or in any order or other instrument made under an Act of Parliament.
- (3) In accordance with the preceding provisions of this section, the enactments mentioned in Part I of Schedule 8 to this Act shall have effect subject to the amendments specified in that Part; and the Minister may by order make similar amendments in any local Act or Act confirming a provisional order which was passed before the commencement of this Act.

59 Orders applying management code

- (1) Subsection (2) of section 12 of the Housing Act 1961 (which requires a local authority to serve notice of intention to make an order applying the management code to a house) shall cease to have effect.
- (2) In subsection (4) of that section (right of appeal) for the words from " within " to " served " there shall be substituted the words " within twenty-one days from the service or such longer period as the local authority may in writing allow ".
- (3) In subsection (5) of that section (improvements between service of the notice and making of the order) for the words from " at the time when " to " time of the making of the order " there shall be substituted the words " at the time of the making of the order as well as at the time the appeal was instituted ".

60 Means of escape from fire

- (1) If it appears to a local authority—
- (a) that a house which is occupied by persons who do not form a single household is not provided with such means of escape from fire as the local authority consider necessary; and
 - (b) that it would not be practicable to provide it with such means at reasonable expense ;
- but that, if part of the house were not used for human habitation.—
- (i) the means of escape from fire with which the house is provided would be adequate ; or
 - (ii) adequate means of escape from fire could be provided at reasonable expense;
- the local authority may secure that that part is not used for human habitation and, in the case mentioned in paragraph (ii) of this subsection, serve a notice under section 16 of the Housing Act 1961 requiring the execution of such works as are in the opinion of the local authority required to provide such means of escape from fire as will be necessary if that part of the house is not used for human habitation.
- (2) For the purpose of securing that a part of the house is not used for human habitation the local authority may, if after consultation with any owner or mortgagee they think fit to do so, accept an undertaking from him that that part will not be used for human habitation without the permission of the local authority.
- (3) Any person who, knowing that an undertaking has been accepted under subsection (2) of this section, uses the part of the house to which the undertaking relates in contravention of the undertaking, or permits that part of the house to be so used, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20 and to a further fine of £5 for every day, or part of a day, on which he so uses it or permits it to be so used after conviction.
- (4) If the local authority do not accept an undertaking under subsection (2) of this section with respect to a part of the house, or if, in a case where they have accepted such an undertaking, that part of the house is at any time used in contravention of the undertaking, the local authority may make a closing order with respect to that part of the house.
- (5) A local authority who are not, under the Fire Services Act 1947, the fire authority for the area in which the house is situated, or who have, under section 12 of that Act, delegated all their functions in respect of that area to another fire authority, shall, before making a closing order under this section or accepting an undertaking under subsection (2) thereof, consult with the fire authority concerned.
- (6) Part II of the Act of 1957 shall apply to a closing order made under this section as it applies to a closing order under section 18(1) of that Act, but the ground on which, under section 27(2) of that Act, the local authority are required to determine the order shall be that they are satisfied that the means of escape from fire with which the house is provided would be adequate (owing to a change of circumstances) even if the part of the house with respect to which the order was made were used for human habitation.
- (7) Nothing in the Rent Act 1968 shall prevent possession being obtained of any part of a house which, in accordance with such an undertaking as is mentioned in subsection (2) of this section, cannot for the time being be used for human habitation.

61 Offences and penalties

- (1) Any obligation to execute works in pursuance of a notice served under section 14, 15 or 16 of the Housing Act 1961 shall continue notwithstanding that the period specified in the notice (with any extension permitted by the authority) or the period specified in relation to an appeal by section 65(5) of the Housing Act 1964 has expired; and a person shall be guilty of an offence if he wilfully fails to comply with that obligation after being convicted under section 65 of the Housing Act 1964 of failing to comply with the notice or after being convicted under this section of failing to comply with the obligation.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £100.
- (3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (4) The preceding provisions of this section shall be without prejudice to the exercise by the local authority of their powers of carrying out the works under section 18 of the Housing Act 1961.
- (5) Section 159 of the Act of 1957 (powers of entry) shall apply for the purpose of ascertaining whether there has been an offence under this section but so much of that section as requires notice to be given of the intended entry shall not apply; and that purpose shall be deemed to be among those mentioned in section 68(1)(b) of the Housing Act 1964 (warrant to authorise entry).
- (6) Sections 19(11)(a) and 20(1)(a) of the Housing Act 1961 (penalty on first conviction of an offence of failing to comply with a direction or notice against overcrowding) shall each have effect, with respect to offences committed after the commencement of this Act, as if for the words " twenty pounds " there were substituted the words " one hundred pounds ".

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

- (1) In section 19 of the Housing Act 1961 (directions to prevent or reduce overcrowding in houses in multiple occupation)—
 - (a) in subsection (1), for the words " the highest number of individuals " there shall be substituted the words " the highest number of individuals or households or both " and for the words " live in the house " the words " occupy the house " ; and
 - (b) for paragraphs (a) and (b) of subsection (2) there shall be substituted the words " not to permit the number of individuals or households occupying the house to increase to a number above the limit specified in the direction and, if it is for the time being above that number, not to permit it to increase further " .
- (2) In subsection (3) of section 67 of the Housing Act 1964 (which allows a number specified in a notice under that section, or a number determined by reference to it, to be adopted in fixing a limit under section 19(1) of the Housing Act 1961) the words between " adopt that number " and " in fixing a limit " shall be omitted.

Status: This is the original version (as it was originally enacted).

63 Control order followed by compulsory purchase order

- (1) The following provisions of this section shall have effect where a local authority have made a control order (that is to say an order under section 73 of the Housing Act 1964) with respect to a house and within twenty-eight days of the making of the order the authority make a compulsory purchase order for the acquisition of the house under Part V of the Act of 1957.
- (2) The local authority need not prepare a scheme under section 79 of the Housing Act 1964 or serve a copy of such a scheme in pursuance of that section until they are notified by the Minister of his decision to confirm or not to confirm the compulsory purchase order; and the time within which copies of the scheme are to be served under that section shall be—
 - (a) if the Minister's decision is not to confirm the compulsory purchase order, eight weeks from the date on which the Minister's decision is notified to the authority;
 - (b) if the Minister's decision is to confirm the compulsory purchase order, eight weeks from the time at which the compulsory purchase order becomes operative.
- (3) Where the compulsory purchase order is confirmed by the Minister and the local authority—
 - (a) enter into a contract to purchase the house, or
 - (b) in pursuance of a notice served under section 11 of the Compulsory Purchase Act 1965, either enter and take possession of the house or serve a notice under section 98 of the Act of 1957 authorising a person in occupation of the house or part of the house to continue in occupation,the control order shall cease to have effect on the date when the contract is made or the notice under section 11 is served.
- (4) Where a control order ceases to have effect by virtue of subsection (3) of this section the local authority shall, subject to the following provisions of this section, be liable to pay to the dispossessed proprietor the balances which, since the coming into force of the control order, from time to time accrued to the local authority out of the net amount of the rent and other payments received by them while the control order was in force from persons occupying the house, after deducting—
 - (a) compensation payable by the local authority under section 78 and section 81 of the Housing Act 1964 ; and
 - (b) all expenditure, other than capital expenditure, incurred by the local authority in respect of the house while the control order was in force, together with the appropriate establishment charges.
- (5) For the purpose of enabling the local authority to recover, under the following provisions of this section, capital expenditure incurred in carrying out works in the house in the period before the control order ceases to have effect, the local authority may, by a notice served on the dispossessed proprietor, specify those works as being works which, if the control order had not been in force, the local authority could have required some person to carry out under Part II of the Housing Act 1961, or under any other enactment relating to housing or public health, and which could not be postponed because they were urgently required for the sake of the safety, welfare or health of persons living in the house or other persons.
- (6) Where a notice under the preceding subsection is served on the proprietor he may within twenty-one days of the service of the notice or such longer period as the local

authority may in writing allow appeal to the county court; and on any such appeal the court may confirm, quash or vary the notice.

- (7) Any expenditure reasonably incurred by the local authority in carrying out the works specified in a notice under subsection (5) of this section (or specified in such a notice as varied by the court) may be deducted by the local authority from the balances which they are, under subsection (4) of this section, liable to pay to the dispossessed proprietor; and so far as that expenditure exceeds those balances it may, if the house is purchased compulsorily, be deducted from the amount payable as compensation, and accordingly any interest payable on that amount shall be calculated after allowing for the deduction.
- (8) A local authority shall give notice to the dispossessed proprietor of the balances which they propose to pay to him under subsection (4) of this section and he may, within twenty-one days of the service of the notice or such longer period as the local authority may in writing allow, appeal to the county court; and on any such appeal the county court, if of opinion that those balances are unduly low for any reason within the control of the local authority, having regard to the desirability of observing the standards of management contained in regulations made under section 13 of the Housing Act 1961, and to the other standards which the local authority ought to observe as to the number of persons living in the house and the rents which they ought to charge, the court shall direct that, for the purposes of the local authority's liability to the dispossessed proprietor under this section, the balances under subsection (4) thereof shall be deemed to be such greater sums as the court may direct, but those sums shall not exceed the amount which, in the opinion of the court, the dispossessed proprietor may have lost by the making of the control order.
- (9) If different persons are dispossessed proprietors in relation to different parts of the house, sums payable under this section by the local authority shall be apportioned between them in the manner provided by section 78(6) of the Housing Act 1964.
- (10) Any notice served on any person under subsection (5) or subsection (8) of this section shall inform him of his right of appeal under this section.
- (11) Section 91 of the Housing Act 1964 (interpretation and construction of Part IV) shall apply as if this section were contained in Part IV of that Act.

64 Registers of houses in multiple occupation

- (1) A scheme under section 22 of the Housing Act 1961 may be so made or amended as to contain provisions, either in lieu of or in addition to the provisions authorised by that section, for preventing, subject to subsection (3) of this section, multiple occupation of a house to an extent greater than that mentioned in that subsection unless the house is registered in pursuance of those provisions and the number of households or persons occupying it does not exceed the number so registered for that house ; and such provisions may prohibit persons from permitting others to take up residence in a house or part of a house but shall not prohibit any person from taking up or remaining in residence.
- (2) In the following provisions of this section such provisions of a scheme as are authorised by subsection (1) of this section are referred to as control provisions.
- (3) Control provisions shall not affect the continued occupation of a house by the number of households or persons occupying it at the time the provisions come into force and shall not affect any occupation of a house which is such that—

Status: This is the original version (as it was originally enacted).

- (a) the persons occupying the house form two households; or
 - (b) apart from one household (if any) the house is occupied by not more than four persons.
- (4) Control provisions may enable the local authority—
- (a) to refuse to register or to vary the registration of a house on the ground that the house is unsuitable and incapable of being made suitable for such occupation as would be permitted by virtue of the registration or variation;
 - (b) to refuse to register a house on the ground that 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 ; and
 - (c) to require, as a condition of registering or of varying the registration of a house, that such works are executed as will make the house suitable for such occupation as will be permitted by virtue of the registration or variation.
- (5) Control provisions shall provide that, where the local authority refuse to register or to vary the registration of a house or require the execution of any works as a condition of doing so, they shall give the applicant a written statement of their reasons for doing so.
- (6) Where a local authority notify a person who has applied for the registration or the variation of a registration of a house in pursuance of control provisions that they refuse to register the house or vary the registration in accordance with his application or that they require the execution of any works as a condition of doing so, he may, within twenty-one days of being so notified or such longer period as the local authority may in writing allow, appeal to the county court, and on such an appeal the county court may confirm, reverse or vary the decision of the authority ; and where the decision of the authority was a refusal to register or vary the registration of a house, the county court may direct them to register or vary the registration either in accordance with the application as made or in accordance with that application as varied in such manner as the county court may direct.
- For the purposes of this subsection, where a local authority fail to register or vary the registration of a house within a period of five weeks after receiving an application therefor or such longer period as may be agreed in writing between the authority and the applicant they shall be deemed to have refused the application and to have notified him of their refusal at the end of that period.
- (7) Any person contravening or failing to comply with any provision of a scheme under section 22 of the Housing Act 1961 shall be guilty of an offence and liable on summary conviction—
- (a) if the offence is a contravention of so much of the control provisions as relates to occupation, to a greater extent than permitted thereunder, of a house not registered in pursuance of those provisions, to a fine not exceeding £100 or, if the offence is committed by a person previously convicted of an offence consisting of a contravention of the control provisions, to imprisonment for a term not exceeding three months or a fine not exceeding £100 or both;
 - (b) if it is a contravention of so much of the control provisions as relates to the occupation of a house registered in pursuance of those provisions by more households or persons than the registration permits, to a fine not exceeding £100;
 - (c) in any other case to a fine not exceeding £10.

- (8) In section 22(10) of the Housing Act 1961 for the words from " and without proof " to the end there shall be substituted the words " and the production of any document purporting to be a copy of an entry in any register kept under the scheme and to be certified as a true copy by the clerk of the authority shall be prima facie evidence of the entry, without, in either case, proof of the handwriting or official position of the person by whom it purports to be signed ".