



Housing Act 1996

1996 CHAPTER 52

PART II

HOUSES IN MULTIPLE OCCUPATION

Registration schemes

65 Making and approval of registration schemes.

- (1) In Part XI of the ^{M1}Housing Act 1985 (houses in multiple occupation), for section 346 (registration schemes) substitute—

“346 Registration schemes.

- (1) A local housing authority may make a registration scheme authorising the authority to compile and maintain a register for their district of houses in multiple occupation.
- (2) A registration scheme need not be for the whole of the authority’s district and need not apply to every description of house in multiple occupation.
- (3) A registration scheme may vary or revoke a previous registration scheme; and the local housing authority may at any time by order revoke a registration scheme.

346A Contents of registration scheme.

- (1) A registration scheme shall make it the duty of such person as may be specified by the scheme to register a house to which the scheme applies and to renew the registration as and when required by the scheme.
- (2) A registration scheme shall provide that registration under the scheme—
 - (a) shall be for a period of five years from the date of first registration, and

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) may on application be renewed, subject to such conditions as are specified in the scheme, for further periods of five years at a time.
- (3) A registration scheme may—
 - (a) specify the particulars to be inserted in the register,
 - (b) make it the duty of such persons as may be specified by the scheme to give the authority as regards a house all or any of the particulars specified in the scheme,
 - (c) make it the duty of such persons as may be specified by the scheme to notify the authority of any change which makes it necessary to alter the particulars inserted in the register as regards a house.
- (4) A registration scheme shall, subject to subsection (5)—
 - (a) require the payment on first registration of a reasonable fee of an amount determined by the local housing authority, and
 - (b) require the payment on any renewal of registration of half the fee which would then have been payable on a first registration of the house.
- (5) The Secretary of State may by order make provision as to the fee payable on registration—
 - (a) specifying the maximum permissible fee (whether by specifying an amount or a method for calculating an amount), and
 - (b) specifying cases in which no fee is payable.
- (6) An order under subsection (5)—
 - (a) may make different provision with respect to different cases or descriptions of case (including different provision for different areas), and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

346B Model schemes and confirmation of schemes.

- (1) The Secretary of State may prepare model registration schemes.
- (2) Model registration schemes may be prepared with or without control provisions (see section 347) or special control provisions (see section 348B); and different model schemes may be prepared for different descriptions of authorities and for different areas.
- (3) A registration scheme which conforms to a model scheme—
 - (a) does not require confirmation by the Secretary of State, and
 - (b) comes into force on such date (at least one month after the making of the scheme) as may be specified in the scheme.
- (4) Any other registration scheme does not come into force unless and until confirmed by the Secretary of State.
- (5) The Secretary of State may if he thinks fit confirm such a scheme with or without modifications.
- (6) A scheme requiring confirmation shall not come into force before it has been confirmed but, subject to that, comes into force on such date as may

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

be specified in the scheme or, if no date is specified, one month after it is confirmed.”.

- (2) In section 351(1) of the ^{M2}Housing Act 1985 (proof of matters relating to registration scheme), in paragraph (c) at the beginning insert “ that the scheme did not require confirmation by the Secretary of State or ”.

Commencement Information

- II** S. 65 wholly in force 3.3.1997: s. 65 not in force at Royal Assent, see s. 232(1)-(3); s. 65 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402, art. 4](#), and in force at 3.3.1997 so far as not already in force, by [S.I. 1997/350, art. 2](#)

Marginal Citations

- M1** 1985 c. 68.
M2 1985 c. 68.

66 Registration schemes: control provisions.

In Part XI of the Housing Act 1985 (houses in multiple occupation), for sections 347 and 348 (registration schemes: control provisions) substitute—

“347 Control provisions.

- (1) A registration scheme may contain control provisions, that is to say, provisions for preventing multiple occupation of a house unless—
- the house is registered, and
 - the number of households or persons occupying it does not exceed the number registered for it.
- (2) Control provisions may prohibit persons from permitting others to take up residence in a house or part of a house but shall not prohibit a person from taking up or remaining in residence in the house.
- (3) Control provisions shall not prevent the occupation of a house by a greater number of households or persons than the number registered for it if all of those households or persons have been in occupation of the house without interruption since before the number was first registered.

348 Control provisions: decisions on applications and appeals.

- (1) Control provisions may enable the local housing authority, on an application for first registration of a house or a renewal or variation of registration—
- to refuse the application on the ground that the house is unsuitable and incapable of being made suitable for such occupation as would be permitted if the application were granted;
 - to refuse the application 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;
 - to require as a condition of granting the application that such works as will make the house suitable for such occupation as would be permitted

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- if the application were granted are executed within such time as the authority may determine;
- (d) to impose such conditions relating to the management of the house during the period of registration as the authority may determine.
- (2) Control provisions shall provide that the local housing authority shall give an applicant a written statement of their reasons where they—
- (a) refuse to grant his application for first registration or for a renewal or variation of registration,
- (b) require the execution of works as a condition of granting such an application, or
- (c) impose conditions relating to the management of the house.
- (3) Where the local housing authority—
- (a) notify an applicant that they refuse to grant his application for first registration or for the renewal or variation of a registration,
- (b) notify an applicant that they require the execution of works as a condition of granting such an application,
- (c) notify an applicant that they intend to impose conditions relating to the management of the house, or
- (d) do not within five weeks of receiving the application, or such longer period as may be agreed in writing between the authority and the applicant, register the house or vary or renew the registration in accordance with the application,
- the applicant may, within 21 days of being so notified or of the end of the period mentioned in paragraph (d), or such longer period as the authority may in writing allow, appeal to the county court.
- (4) On appeal the court may confirm, reverse or vary the decision of the authority.
- (5) Where the decision of the authority was a refusal—
- (a) to grant an application for first registration of a house, or
- (b) for the renewal or variation of the registration,
- the court may direct the authority to grant the application as made or as varied in such manner as the court may direct.
- (6) For the purposes of subsections (4) and (5) an appeal under subsection (3)(d) shall be treated as an appeal against a decision of the authority to refuse the application.
- (7) Where the decision of the authority was to impose conditions relating to the management of the house, the court may direct the authority to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

348A Control provisions: other decisions and appeals.

- (1) Control provisions may enable the local housing authority at any time during a period of registration (whether or not an application has been made)—
- (a) to alter the number of households or persons for which a house is registered or revoke the registration on the ground that the house is

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- unsuitable and incapable of being made suitable for such occupation as is permitted by virtue of the registration; or
- (b) to alter the number of households or persons for which a house is registered or revoke the registration unless such works are executed within a specified time as will make the house in question suitable for such occupation as is permitted by virtue of the registration.
- (2) Control provisions which confer on a local housing authority any such power as is mentioned in subsection (1) shall provide that the authority shall, in deciding whether to exercise the power, apply the same standards in relation to the circumstances existing at the time of the decision as were applied at the beginning of the period of registration.
- (3) Control provisions may enable the local housing authority to revoke a registration if they consider that—
- (a) the person having control of the house or the person managing it is not a fit and proper person, or
- (b) there has been a breach of conditions relating to the management of the house.
- (4) Control provisions shall also provide that the local housing authority shall—
- (a) notify the person having control of a house and the person managing it of any decision by the authority to exercise a power mentioned in subsection (1) or (3) in relation to the house, and
- (b) at the same time give them a written statement of the authority's reasons.
- (5) A person who has been so notified may within 21 days of being so notified, or such longer period as the authority may in writing allow, appeal to the county court.
- (6) On appeal the court may confirm, reverse or vary the decision of the authority.”.

Commencement Information

- I2** S. 66 wholly in force 3.3.1997: s. 66 not in force at Royal Assent, see s. 232(1)-(3); s. 66 in force for certain purposes at 1.10.1996 by [S.I. 1996/2402](#), [art. 4](#), and in force at 3.3.1997 so far as not already brought into force, by [S.I. 1997/350](#), [art. 2](#)

67 Registration schemes: special control provisions.

- (1) In Part XI of the ^{M3}Housing Act 1985 (houses in multiple occupation), after section 348A (as inserted by section 66 above) insert—

“348B Special control provisions.

- (1) A registration scheme which contains control provisions may also contain special control provisions, that is, provisions for preventing houses in multiple occupation, by reason of their existence or the behaviour of their residents, from adversely affecting the amenity or character of the area in which they are situated.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Special control provisions may provide for the refusal or revocation of registration, for reducing the number of households or persons for which a house is registered and for imposing conditions of registration.
- (3) The conditions of registration may include conditions relating to the management of the house or the behaviour of its occupants.
- (4) Special control provisions may authorise the revocation of registration in the case of—
 - (a) occupation of the house by more households or persons than the registration permits, or
 - (b) a breach of any condition imposed in pursuance of the special control provisions,
 which is due to a relevant management failure.
- (5) Special control provisions shall not authorise the refusal of—
 - (a) an application for first registration of a house which has been in operation as a house in multiple occupation since before the introduction by the local housing authority of a registration scheme with special control provisions, or
 - (b) any application for renewal of registration of a house previously registered under such a scheme,
 unless there has been a relevant management failure.
- (6) Special control provisions may provide that in any other case where an application is made for first registration of a house the local housing authority may take into account the number of houses in multiple occupation in the vicinity in deciding whether to permit or refuse registration.

348C Special control provisions: general provisions as to decisions and appeals.

- (1) Special control provisions shall provide that the local housing authority shall give a written statement of their reasons to the applicant where they refuse to grant his application for first registration, or for a renewal or variation of a registration, or impose conditions of registration on such an application.
- (2) Special control provisions shall provide that the authority shall give written notice to the person having control of the house and the person managing it of any decision by the authority—
 - (a) to vary the conditions of registration (otherwise than on an application to which subsection (1) applies), or
 - (b) to revoke the registration of the house,
 and at the same time give them a written statement of the authority's reasons.
- (3) Where in accordance with special control provisions the local housing authority—
 - (a) notify an applicant that they refuse to grant his application for first registration or for the renewal or variation of a registration,
 - (b) notify such an applicant of the imposition of conditions of registration, or

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) give notice to the person having control or the person managing the house of any such decision as is mentioned in subsection (2), that person may, within 21 days of being so notified, or such longer period as the authority may in writing allow, appeal to the county court.
- (4) If on appeal it appears to the court—
 - (a) that there has been any informality, defect or error in, or in connection with, the authority’s decision, or
 - (b) that the authority acted unreasonably,the court may reverse or vary the decision of the authority.
- (5) In so far as an appeal is based on the ground mentioned in subsection (4)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (6) Where the decision of the authority was a refusal—
 - (a) to grant an application for first registration of a house, or
 - (b) for the renewal or variation of the registration,the court may direct the authority to grant the application as made or as varied in such manner as the court may direct.
- (7) Where the decision of the authority was to impose conditions of registration, the court may direct the authority to grant the application without imposing the conditions or to impose the conditions as varied in such manner as the court may direct.

348D Special control provisions: occupancy directions.

- (1) Special control provisions may provide that where the local housing authority decide that the registration of a house should be revoked the authority may direct that the level of occupation of the house be reduced, within such period of not less than 28 days as they may direct, to a level such that the registration scheme does not apply.

Such a direction is referred to in this Part as an “occupancy direction”.
- (2) Special control provisions shall provide that the authority shall only make an occupancy direction if it appears to the authority that there has been a relevant management failure resulting in a serious adverse effect on the amenity or character of the area in which the house is situated.
- (3) In considering whether to make an occupancy direction the authority shall take into account the interests of the occupants of the house and the person having control of the house as well as the interests of local residents and businesses.
- (4) Special control provisions may require the person having control of the house, and the person managing it, to take all reasonably practicable steps to comply with an occupancy direction.
- (5) Nothing in Part I of the ^{M4}Housing Act 1988 prevents possession being obtained by any person in order to comply with an occupancy direction.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) Nothing in this section affects any liability in respect of any other contravention or failure to comply with control provisions or special control provisions.

348E Special control provisions: decisions and appeals relating to occupancy directions.

- (1) Special control provisions shall provide that where the local housing authority make an occupancy direction in respect of a house they shall give written notice of the direction to the person having control of the house and the person managing it and at the same time give them a written statement of the authority's reasons.
- (2) A person aggrieved by an occupancy direction may, within 21 days after the date of the service of notice as mentioned in subsection (1), appeal to the county court.
- (3) If on appeal it appears to the court—
- (a) that there has been any informality, defect or error in, or in connection with, the authority's decision, or
 - (b) that the authority acted unreasonably,
- the court may make such order either confirming, quashing or varying the notice as it thinks fit.
- (4) In so far as an appeal is based on the ground mentioned in subsection (3)(a), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (5) If an appeal is brought the direction does not become operative until—
- (a) a decision on the appeal confirming the direction (with or without variation) is given and the period within which an appeal to the Court of Appeal may be brought expires without any such appeal having been brought, or
 - (b) if a further appeal to the Court of Appeal is brought, a decision on that appeal is given confirming the direction (with or without variation).
- (6) For this purpose the withdrawal of an appeal has the same effect as a decision confirming the direction or decision appealed against.

348F Special control provisions: “relevant management failure”.

A “relevant management failure” for the purposes of sections 348B to 348E (special control provisions) means a failure on the part of the person having control of, or the person managing, a house in multiple occupation to take such steps as are reasonably practicable to prevent the existence of the house or the behaviour of its residents from adversely affecting the amenity or character of the area in which the house is situated, or to reduce any such adverse effect.”.

- (2) In section 400 of the ^{M5}Housing Act 1985 (index of defined expressions: Part XI), at the appropriate places insert—

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“occupancy direction (in connection with special control provisions)	section 348D
relevant management failure (for purposes of sections 348B to 348E)	section 348F
special control provisions	section 348B”.

Marginal Citations

- M3** 1985 c. 68.
M4 1988 c. 50.
M5 1985 c. 68.

68 Offences in connection with registration schemes.

- (1) In Part XI of the Housing Act 1985, after section 348F (as inserted by section 67 above) insert—

“348G Offences in connection with registration schemes.

- (1) A person who contravenes or fails to comply with a provision of a registration scheme commits an offence.
- (2) A person who commits an offence under this section consisting of a contravention of so much of control provisions as relates—
- (a) to occupation to a greater extent than permitted under those provisions of a house which is not registered, or
 - (b) to occupation of a house which is registered by more households or persons than the registration permits,
- is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) A person who commits an offence under this section consisting of a contravention of so much of special control provisions as requires all reasonably practicable steps to be taken to comply with an occupancy direction is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person who commits any other offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.
- (2) In section 395(2) of the ^{M6}Housing Act 1985 (power of entry to ascertain if offence being committed), for “section 346(6)” substitute “ section 348G ”.

Marginal Citations

- M6** 1985 c. 68.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

69 Information requirements in connection with registration schemes.

- (1) In Part XI of the Housing Act 1985 (houses in multiple occupation), for section 349 (steps required to inform public about registration schemes) substitute—

“349 Steps required to inform public about schemes.

- (1) Where a local housing authority intend to make a registration scheme which does not require confirmation by the Secretary of State, they shall publish notice of their intention at least one month before the scheme is made.

As soon as the scheme is made, the local housing authority shall publish a notice stating—

- (a) that a registration scheme which does not require confirmation has been made, and
- (b) the date on which the scheme is to come into force.

- (2) Where a local housing authority intend to submit to the Secretary of State a registration scheme which requires his confirmation, they shall publish notice of their intention at least one month before the scheme is submitted.

As soon as the scheme is confirmed, the local housing authority shall publish a notice stating—

- (a) that a registration scheme has been confirmed, and
- (b) the date on which the scheme is to come into force.

- (3) A notice under subsection (1) or (2) of the authority’s intention to make a scheme or submit a scheme for confirmation shall—

- (a) describe any steps which will have to be taken under the scheme by those concerned with registrable houses (other than steps which have only to be taken after a notice from the authority), and
- (b) name a place where a copy of the scheme may be seen at all reasonable hours.

- (4) After publication of notice under subsection (1) or (2) that a registration scheme has been made or confirmed, and for as long as the scheme is in force, the local housing authority—

- (a) shall keep a copy of the scheme, and of the register, available for public inspection at the offices of the authority free of charge at all reasonable hours, and
- (b) on request, and on payment of such reasonable fee as the authority may require, shall supply a copy of the scheme or the register, or of any entry in the register, to any person.

- (5) If the local housing authority revoke a registration scheme by order they shall publish notice of the order.

- (6) In this section “publish” means publish in one or more newspapers circulating in the district of the local housing authority concerned.”

- (2) In section 350(1) of the ^{M7}Housing Act 1985 (power to require information for purposes of scheme) for the words “a person” substitute “ the person having control of the house or the person managing the house or any person ”.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M7 1985 c. 68.

70 Existing registration schemes.

- (1) The amendments made by sections 65 to 69 do not apply to registration schemes in force immediately before the coming into force of those sections.
- (2) The unamended provisions of Part XI of the Housing Act 1985 continue to apply to such schemes, subject as follows.
- (3) Any such scheme may be revoked—
 - (a) by a new scheme complying with the provisions of that Part as amended, or
 - (b) by order of the local housing authority.
- (4) If not so revoked any such scheme shall cease to have effect at the end of the period of two years beginning with the date on which the amendments come into force.

Status:

Point in time view as at 05/12/2005.

Changes to legislation:

Housing Act 1996, Cross Heading: Registration schemes is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.