

SCHEDULES

SCHEDULE 14

Section 254

BUILDINGS WHICH ARE NOT HMOs FOR PURPOSES OF THIS ACT (EXCLUDING PART 1)

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)

- 1 (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
- (2) In this Schedule “building” includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2 (1) A building where the person managing or having control of it is—
 - (a) a local housing authority,
 - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - (c) a police authority established under section 3 of the Police Act 1996 (c. 16),
 - (d) the Metropolitan Police Authority established under section 5B of that Act,
 - (e) a fire and rescue authority, or
 - (f) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990 (c. 19).
- (2) In sub-paragraph (1)(e) “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

Buildings regulated otherwise than under this Act

- 3 Any building whose occupation is regulated otherwise than by or under this Act and which is of a description specified for the purposes of this paragraph in regulations made by the appropriate national authority.

Buildings occupied by students

- 4 (1) Any building—
 - (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and
 - (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description.

Status: This is the original version (as it was originally enacted).

- (2) In sub-paragraph (1) “specified” means specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (3) Sub-paragraph (4) applies in connection with any decision by the appropriate national authority as to whether to make, or revoke, any regulations specifying—
 - (a) a particular educational establishment, or
 - (b) a particular description of educational establishments.
- (4) The appropriate national authority may have regard to the extent to which, in its opinion—
 - (a) the management by or on behalf of the establishment in question of any building or buildings occupied for connected educational purposes is in conformity with any code of practice for the time being approved under section 233 which appears to the authority to be relevant, or
 - (b) the management of such buildings by or on behalf of establishments of the description in question is in general in conformity with any such code of practice,
 as the case may be.
- (5) In sub-paragraph (4) “occupied for connected educational purposes”, in relation to a building managed by or on behalf of an educational establishment, means occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at the establishment.

Buildings occupied by religious communities

- 5 (1) Any building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies.

Buildings occupied by owners

- 6 (1) Any building which is occupied only by persons within the following paragraphs—
 - (a) one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
 - (b) any member of the household of such a person or persons;
 - (c) no more than such number of other persons as is specified for the purposes of this paragraph in regulations made by the appropriate national authority.
- (2) This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block.

Buildings occupied by two persons

- 7 Any building which is occupied only by two persons who form two households.