



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 6

OTHER HOUSING MATTERS

Houses in multiple occupation

185 Exemption from HMO licensing for buildings run by co-operatives

- (1) In Schedule 14 to the Housing Act 2004 (buildings which are not HMOs for the purposes of that Act (excluding Part 1)) after paragraph 2A insert—

“Buildings controlled or managed by a co-operative society

- 2B (1) A building where—
- (a) the person managing or having control of it is a co-operative society whose rules are such as to secure that each of the conditions set out in sub-paragraph (2) is met, and
 - (b) no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy.
- (2) The conditions are—
- (a) that membership of the society is restricted to persons who are occupiers or prospective occupiers of buildings managed or controlled by the society,
 - (b) that all management decisions of the society are made by the members (or a specified quorum of members) at a general meeting which all members are entitled to, and invited to, attend,

Status: This is the original version (as it was originally enacted).

- (c) that each member has equal voting rights at such a meeting, and
 - (d) that, if a person occupies premises in the building and is not a member, that person is an occupier of the premises only as a result of sharing occupation of them with a member at the member's invitation.
- (3) For the purposes of sub-paragraph (1) “co-operative society” means a body that—
- (a) is registered—
 - (i) as a co-operative society under section 1 of the 1965 Act, or
 - (ii) is a pre-2010 Act society (as defined by section 4A(1) of the 1965 Act) which meets the condition in section 1(2) of the 1965 Act, and
 - (b) is neither—
 - (i) a non-profit registered provider of social housing, nor
 - (ii) registered as a social landlord under Part 1 of the Housing Act 1996.
- (4) In this paragraph—
- “the 1965 Act” means the Co-operative and Community Benefit Societies and Credit Unions Act 1965;
 - “assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;
 - “protected tenancy” has the same meaning as in the Rent Act 1977;
 - “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.”
- (2) Until the coming into force of section 1 of the 2010 Act, the paragraph 2B inserted by subsection (1) of this section has effect as if for sub-paragraph (3)(a) of that paragraph there were substituted—
- “(a) is a society registered, or treated as registered, under section 1 of the 1965 Act in the case of which the condition in section 1(2)(a) of that Act is fulfilled (bona fide co-operative society),”.
- (3) Until the coming into force of section 2 of the 2010 Act, the paragraph 2B inserted by subsection (1) of this section has effect as if in sub-paragraph (4) of that paragraph “Industrial and Provident Societies Act 1965” were substituted for “Co-operative and Community Benefit Societies and Credit Unions Act 1965”.
- (4) In subsections (2) and (3) “the 2010 Act” means the Co-operative and Community Benefit Societies and Credit Unions Act 2010.