

1990 No. 830

HOUSING, ENGLAND AND WALES

The Housing (Management of Houses in Multiple Occupation) Regulations 1990

<i>Made</i> - - - -	<i>29th March 1990</i>
<i>Laid before Parliament</i>	<i>9th April 1990</i>
<i>Coming into force</i> -	<i>1st July 1990</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 369 of the Housing Act 1985(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing (Management of Houses in Multiple Occupation) Regulations 1990 and shall come into force on 1st July 1990.

Interpretation

2.—(1) For the purposes of section 369 of the Housing Act 1985 and of these Regulations, the definition of “person managing” in section 398(6) of that Act shall be varied by the insertion, at the end, of the words “; and for the purposes of the foregoing paragraphs, where rents or other payments are received by means of a payment made on behalf of any person, they shall be treated as rents or other payments received from that person.”.

(2) In these Regulations—

“house” means a house in multiple occupation;

“manager” means the person managing a house;

“resident”, means a tenant or lodger and any other person living in a house;

“staircase” includes any landing.

(3) Any requirement of these Regulations with respect to repair shall be construed as requiring a standard of repair that is reasonable in all the circumstances; and, in determining the appropriate standard for a room in, or any part of, a house, regard shall be had to the age, character and prospective life of the house and the locality in which it is situated.

General

3.—(1) Nothing in these Regulations shall—

(a) be taken to require or authorise anything to be done in connection with water

(a) 1985 c.68; section 369 is amended by paragraph 56 of Schedule 9 to the Local Government and Housing Act 1989 (c.42).

supply, drainage, or the supply of gas or electricity otherwise than in accordance with any enactment, or to oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned; or

- (b) oblige the manager to repair, put or keep in repair or maintain anything which a resident is entitled to remove from the house.

(2) In paragraph (1), "enactment" includes an enactment in any order, rule, regulation, byelaw or scheme made under or by virtue of any Act.

Water supply and drainage

4.—(1) The manager shall ensure that all means of water supply and drainage in the house are in and are maintained in repair, a clean condition and good order (including, where appropriate, proper working order), and shall, in particular, ensure—

- (a) that any tank, cistern or similar receptacle, provided for the storage of water for drinking or other domestic purposes is effectively covered, and that all such receptacles and the water stored in them are kept in a clean and proper condition;
- (b) that any water fitting which is liable to damage by frost shall (unless it is an overflow pipe) be reasonably protected against such damage.

For this purpose "water fitting" includes any pipe (other than a main), tap, cock, valve, ferrule, meter, cistern, bath, watercloset, soil pan or other similar apparatus used in connection with the supply or use of water.

(2) The manager shall not unreasonably cause a supply of water to any resident in the house to be interrupted.

Supply of gas and electricity

5. The manager shall not unreasonably cause a supply of gas or electricity to any resident in the house to be interrupted.

Parts of the house in common use

6.—(1) The manager shall ensure that all parts of the house in common use are in and are maintained in repair (including, where appropriate, decorative repair), a clean condition and good order.

(2) The manager shall also ensure that such parts of the house in common use as comprise staircases, passageways, corridors, halls, lobbies, balconies and entrances (including entrance doors, porches and steps) are kept reasonably free from obstruction.

(3) The manager's duties as respects the parts of the house mentioned in paragraph (2) shall, without prejudice to the generality of paragraph (1), include the duty to ensure that all handrails and banisters are kept in good order and repair, that any missing handrails and (in so far as considerations of safety may require) banisters are replaced, that such additional handrails and banisters as are necessary for the safety of residents are provided and that any staircoverings provided are safe and safely fixed.

(4) This regulation shall extend to any staircase, passageway or corridor which gives access to the living accommodation of a resident and which, though not itself in common use, opens directly on to a part of the house in common use from which it is not separated by a door.

Installations in common use

7.—(1) The manager shall ensure that the following installations in common use, or which serve any part of the house in common use, are in and are maintained in repair, a clean condition and good order (including, where appropriate, proper working order)—

- (a) installations for the supply of gas and electricity, for lighting and for space heating or heating water;
- (b) sanitary conveniences, baths, sinks, washbasins and installations for cooking or storing food;

- (c) receptacles or other installations provided in connection with the delivery to the house of postal packets, within the meaning of the Post Office Act 1953(a);
- (d) other installations (if any) in a kitchen, bathroom, lavatory or washroom which are not subject to any of the foregoing provisions of these Regulations.

(2) The manager shall ensure that installations for lighting serving any part of the house in common use are readily available for use by residents to such extent and at such times as they may reasonably require.

(3) This regulation shall extend to installations for lighting on staircases and at entrances to the house which are used by residents, whether in common or otherwise, except any staircase which is comprised in a resident's living accommodation which either does not open directly on to a part of the house in common use or is separated from such part by a door.

Living accommodation

8.—(1) The manager shall ensure that—

- (a) the internal structure of any part of the house occupied by a resident as his living accommodation is in and is maintained in repair; and
- (b) the installations in the accommodation for the supply of water, gas and electricity, for space heating and heating water and for sanitation are in and are maintained in repair and proper working order.

(2) The manager shall ensure that any living accommodation is in a clean condition at the beginning of a resident's occupation of it.

(3) This regulation does not require the manager to carry out any repair the need for which arises in consequence of use by a resident of his living accommodation otherwise than in a tenant-like manner.

Windows and ventilation

9.—(1) The manager shall ensure that all windows and other means of ventilation in any part of the house occupied or used (whether in common or otherwise) by residents are in and are maintained in repair and proper working order.

(2) Except in so far as may be necessary for the proper discharge of any other of his duties under these Regulations, the manager shall not be required by paragraph (1) to carry out, in a part of the house which is occupied by a resident as his living accommodation, any repair to a window or other means of ventilation the need for which arises in consequence of use of that part otherwise than in a tenant-like manner by the resident.

Means of escape from fire

10.—(1) The manager shall ensure that all means of escape from fire in the house and all apparatus, systems and other things provided by way of fire precautions are in and are maintained in good order and repair and are kept free from obstruction.

(2) The manager shall cause to be displayed in suitable positions in the house so as to be readily visible to residents signs indicating all means of escape from fire in the house.

Outbuildings, yards etc. in common use

11.—(1) The manager shall ensure that every outbuilding, yard, area and forecourt, which belongs to the house and is in common use, is in and is maintained in repair, clean condition and good order, and that any garden in common use belonging to the house is kept in a reasonable condition.

(2) The manager shall ensure that boundary walls, fences and railings (including basement area railings), in so far as they belong to the house, are kept and maintained in repair so as not to constitute a danger to residents.

(a) 1953 c.36.

(3) If any part of the house is subject to a closing order, or not in use, the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

Disposal of refuse and litter

12. The manager shall ensure that refuse and litter are not allowed to accumulate in the house except where properly stored pending disposal, and he shall, in particular,–

- (a) provide, and maintain the provision of, suitable refuse and litter bins or other suitable receptacles on a scale adequate to the requirements of residents, except in so far as such provision is made by the local authority, and
- (b) make such supplementary arrangements for the disposal of refuse and litter from the house as may be necessary having regard to any service provided by the local authority.

General safety of residents

13. The manager shall ensure that such precautions are taken as are reasonably required, having regard to the design of and structural conditions in the house and to the number of residents, to protect those residents from injury as a result of those conditions; and in particular he shall (without prejudice to those obligations) ensure as respects any roof or balcony which is not in all respects safe, either that reasonable measures are taken to prevent access to it, or that it is made safe, and that such safeguards as may be necessary are provided against the danger of accidents resulting from the presence on staircases of windows the sills of which are at or near floor level.

Duty to display notices

14. The manager shall cause to be displayed in a suitable position in the house so as to be readily visible to the residents a notice containing the name and address and the telephone number, if any, of the person (or of each person) who is manager of the house, describing him as manager and, where appropriate, as agent or trustee for the receipt of rents, and he shall take all reasonable steps to ensure that the notice remains so displayed (with any necessary amendments).

Duty to inform local authority about occupancy of the house

15. If required to do so by written notice given by the local housing authority, the manager shall provide the authority with such of the following particulars as may be specified in the notice with respect to occupancy of the house, or, where part only of the house is occupied by residents, with respect to occupancy of that part–

- (a) the number of individuals and households accommodated;
- (b) the number of individuals in each household;
- (c) the purpose for which each room in the house, or in the relevant part of the house, is being used;

and he shall provide the particulars within such time and in such manner as the authority may reasonably specify in the notice.

Duties of residents

16. With a view to ensuring that the manager can effectively carry out his duties under these Regulations, every resident shall–

- (a) take reasonable care not to hinder or frustrate the due performance of those duties;
- (b) allow the manager, at all reasonable times, to enter any room or other place occupied by that person for purposes connected with the carrying out by the manager of his duties;
- (c) provide the manager, at his request, with all such information as he may reasonably require for the purpose of his duties;
- (d) comply with any reasonable arrangements made by the manager in respect of means of escape from fire and anything provided by way of fire precautions or for the storage and disposal of refuse and litter; and

- (e) take reasonable care to avoid causing damage to anything which the manager is obliged by these Regulations to keep in repair.

Revocation

17. The Housing (Management of Houses in Multiple Occupation) Regulations 1962(a) are hereby revoked.

27th March 1990

Chris Patten
Secretary of State for the Environment

29th March 1990

Peter Walker
Secretary of State for Wales

(a) S.I. 1962/668.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for ensuring that the person managing a house in multiple occupation observes proper standards of management.

They come into force on 1st July 1990 and from that date the Housing (Management of Houses in Multiple Occupation) Regulations 1962 are revoked (regulation 17).

Regulation 2 varies the definition of "person managing" in section 398(6) of the Housing Act 1985 and that definition as so varied is used in these Regulations. The "person managing" is referred to in the Regulations as "the manager".

The manager is required by the Regulations to ensure the repair, maintenance, cleansing or, as the case may be, good order of-

- (a) all means of water supply and drainage in the house (regulation 4);
- (b) parts of the house and installations in common use (regulations 6 and 7);
- (c) living accommodation (regulation 8);
- (d) windows and other means of ventilation (regulation 9);
- (e) means of escape from fire and apparatus, systems, and other things provided by way of fire precautions (regulation 10);
- (f) outbuildings, yards etc. in common use (regulation 11).

The manager is also required to-

- (a) make satisfactory arrangements for the disposal of refuse and litter from the house (regulation 12);
- (b) ensure the taking of reasonable precautions for the general safety of residents (regulation 13);
- (c) display in the house a notice of the name, address and telephone number, if any, of the manager (regulation 14);
- (d) provide specified information to the local housing authority about the occupancy of the house where the authority gives him written notice to that effect (regulation 15).

Regulation 16 imposes duties on persons who live in the house for the purpose of ensuring that the manager can effectively carry out the duties imposed on him by the Regulations.

Under section 369(5) of the 1985 Act, knowingly to contravene, or to fail without reasonable excuse to comply with, any of these Regulations will be an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

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