

SCHEDULE 1

Regulation 6(1)

Buildings which are not HMOs for any purpose of the Act (excluding Part 1)

The enactments referred to in regulation 13(1) are—

- (h) sections 87, 87A, 87B, 87C and 87D of the Children Act 1989 ^{M1};
- (i) section 43(4) of the Prison Act 1952 ^{M2};
- (j) section 34 of the Nationality, Immigration and Asylum Act 2002 ^{M3};
- (k) The Secure Training Centre Rules 1998 ^{M4};
- (l) The Prison Rules 1999 ^{M5};
- (m) The Young Offender Institute Rules 2000 ^{M6};
- (n) The Detention Centre Rules 2001 ^{M7};
- (o) The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001 ^{M8};
- (p) The Care Homes Regulations 2001 ^{M9};
- (q) The [^{F1}Children’s Homes (England) Regulations 2015]; and
- (r) The Residential Family Centres Regulations 2002 ^{M10};

F1 Words in Sch. 1 substituted (1.4.2015) by [The Children s Homes \(England\) Regulations 2015 \(S.I. 2015/541\)](#), regs. 1(1), 54 (with reg. 52)

Marginal Citations

- M1** 1989 c 41.
- M2** 1952 c 52.
- M3** 2002 c 41.
- M4** SI 1998/472, as amended by SI 2003/3005.
- M5** SI 1999/728, as amended by SI 2000/1794, SI 2000/2641, SI 2001/1149, SI 2002/2116, SI 2002/3135, SI 2003/3301 and 2005/869.
- M6** SI 2000/3371, as amended by SI 2002/2117, SI 2002/3135 and SI 2005/897.
- M7** SI 2001/238. Section 66(4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999.
- M8** SI 2001/850.
- M9** SI 2001/3965, as amended by SI 2002/865, SI 2003/534, SI 2003/1590, SI 2003/1703, SI 2003/1845, SI 2004/664, SI 2004/696, 2004/1770, 2004/2071 and 2004/3168.
- M10** SI 2002/3213, as amended by SI2004/664, SI 2004/865 and SI 2004/3168.

F1 Words in Sch. 1 substituted (1.4.2015) by [The Children s Homes \(England\) Regulations 2015 \(S.I. 2015/541\)](#), regs. 1(1), 54 (with reg. 52)

Marginal Citations

- M1** 1989 c 41.
- M2** 1952 c 52.
- M3** 2002 c 41.
- M4** SI 1998/472, as amended by SI 2003/3005.

Changes to legislation: There are currently no known outstanding effects for the *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006*. (See end of Document for details)

- M5** SI 1999/728, as amended by SI 2000/1794, SI 2000/2641, SI 2001/1149, SI 2002/2116, SI 2002/3135, SI 2003/3301 and 2005/869.
- M6** SI 2000/3371, as amended by SI 2002/2117, SI 2002/3135 and SI 2005/897.
- M7** SI 2001/238. Section 66(4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999.
- M8** SI 2001/850.
- M9** SI 2001/3965, as amended by SI 2002/865, SI 2003/534, SI 2003/1590, SI 2003/1703, SI 2003/1845, SI 2004/664, SI 2004/696, 2004/1770, 2004/2071 and 2004/3168.
- M10** SI 2002/3213, as amended by SI2004/664, SI 2004/865 and SI 2004/3168.

SCHEDULE 2

Regulation 7(1), (2) and (3)

Content of applications under sections 63 and 87 of the Act

1. The form of statement mentioned in regulation 7(1) is:

“You must let certain persons know in writing that you have made this application or give them a copy of it. The persons who need to know about it are—

any mortgagee of the property to be licensed

any owner of the property to which the application relates (if that is not you) i.e. the freeholder and any head lessors who are known to you

any other person who is a tenant or long leaseholder of the property or any part of it (including any flat) who is known to you other than a statutory tenant or other tenant whose lease or tenancy is for less than three years (including a periodic tenancy)

the proposed licence holder (if that is not you)

the proposed managing agent (if any) (if that is not you)

any person who has agreed that he will be bound by any conditions in a licence if it is granted.

You must tell each of these persons—

your name, address telephone number and e-mail address or fax number (if any)

the name, address, telephone number and e-mail address or fax number (if any) of the proposed licence holder (if it will not be you)

whether this is an application for an HMO licence under Part 2 or for a house licence under Part 3 of the Housing Act 2004

the address of the property to which the application relates

the name and address of the local housing authority to which the application will be made

the date the application will be submitted”

2.—(1) The information mentioned in regulation 7(2)(a) is—

(a) the name, address, telephone number and e-mail address of—

(i) the applicant;

(ii) the proposed licence holder;

(iii) the person managing the HMO or house;

Changes to legislation: There are currently no known outstanding effects for the *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006*. (See end of Document for details)

- (iv) the person having control of the HMO or house; and
- (v) any person who has agreed to be bound by a condition contained in the licence;
- (b) the address of the HMO or house for which the application is being made;
- (c) the approximate age of the original construction of the HMO or house (using the categories before 1919, 1919-45, 1945-64, 1965-80 and after 1980);
- (d) the type of HMO or house for which the application is being made, by reference to one of the following categories—
 - (i) house in single occupation;
 - (ii) house in multiple occupation;
 - (iii) flat in single occupation;
 - (iv) flat in multiple occupation;
 - (v) a house converted into and comprising only of self contained flats;
 - (vi) a purpose built block of flats; or
 - (vii) other;
- (e) details of other HMOs or houses that are licensed under Part 2 or 3 of the Act in respect of which the proposed licence holder is the licence holder, whether in the area of the local housing authority to which the application is made or in the area of any other local housing authority;
- (f) the following information about the HMO or house for which the application is being made [^{F2}, except in respect of an application in respect of a section 257 HMO]—
 - (i) the number of storeys comprising the HMO or house and the levels on which those storeys are situated;
 - (ii) the number of separate letting units;
 - (iii) the number of habitable rooms (excluding kitchens);
 - (iv) the number of bathrooms and shower rooms;
 - (v) the number of toilets and wash basins;
 - (vi) the number of kitchens;
 - (vii) the number of sinks;
 - (viii) the number of households occupying the HMO or house;
 - (ix) the number of people occupying the HMO or house;
 - (x) details of fire precautions equipment, including the number and location of smoke alarms;
 - (xi) details of fire escape routes and other fire safety [^{F3}information] provided to occupiers;
 - (xii) a declaration that the furniture in the HMO or house that is provided under the terms of any tenancy or licence meets any safety requirements contained in any enactment; and
 - (xiii) a declaration that any gas appliances in the HMO or house meet any safety requirements contained in any enactment.
- [^{F4}(g) where the application is being made in respect of a section 257 HMO, the following information—
 - (i) the number of storeys comprising the HMO and the levels on which those storeys are situated;

Changes to legislation: There are currently no known outstanding effects for the *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006*. (See end of Document for details)

- (ii) the number of self-contained-flats and, of those, the number —
 - (aa) that the applicant believes to be subject to a lease of over 21 years; and
 - (bb) over which he cannot reasonably be able to exercise control;
- (iii) in relation to each self-contained flat that is not owner-occupied and which is under the control of or being managed by the proposed licence holder, and in relation to the common parts of the HMO—
 - (aa) details of fire precautions equipment, including the number and location of smoke alarms;
 - (bb) details of fire escape routes and other fire safety information provided to occupiers; and
 - (cc) a declaration that the furniture in the HMO or house that is provided under the terms of any tenancy or licence meets any safety requirements contained in any enactment; and
- (iv) a declaration that any gas appliances in any parts of the HMO over which the proposed licence holder can reasonably be expected to exercise control meet any safety requirements contained in any enactment.]

- F2** Words in Sch. 2 para. 2(1)(f) inserted (1.10.2007) by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1903\)](#), regs. 1(1), [12\(7\)\(a\)\(i\)](#) (with reg. 1(2))
- F3** Word in Sch. 2 para. 2(1)(f)(xi) substituted (1.10.2007) by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1903\)](#), regs. 1(1), [12\(7\)\(a\)\(ii\)](#) (with reg. 1(2))
- F4** Sch. 2 para. 2(1)(g) inserted (1.10.2007) by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1903\)](#), regs. 1(1), [12\(7\)\(b\)](#) (with reg. 1(2))

3. The information mentioned in regulation 7(2)(b) is—

- (a) details of any unspent convictions that may be relevant to the proposed licence holder's fitness to hold a licence, or the proposed manager's fitness to manage the HMO or house, and, in particular any such conviction in respect of any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 ^{M11};
- (b) details of any finding by a court or tribunal against the proposed licence holder or manager that he has practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origin or disability in, or in connection with, the carrying on of any business;
- (c) details of any contravention on the part of the proposed licence holder or manager of any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against him.
- (d) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed which has been the subject of—
 - (i) a control order under section 379 of the Housing Act 1985 ^{M12} in the five years preceding the date of the application; or
 - (ii) any appropriate enforcement action described in section 5(2) of the Act.
- (e) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed for which a local housing authority has refused to grant

Changes to legislation: There are currently no known outstanding effects for the *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006*. (See end of Document for details)

a licence under Part 2 or 3 of the Act, or has revoked a licence in consequence of the licence holder breaching the conditions of his licence; and

- (f) information about any HMO or house the proposed licence holder or manager owns or manages or has owned or managed that has been the subject of an interim or final management order under the Act.

Marginal Citations

M11 2003 c. 42.

M12 1985 (c. 68).

4. The form of declaration mentioned in regulation 7(3)(a) is as follows—

I/we declare that the information contained in this application is correct to the best of my/our knowledge. I/We understand that I/we commit an offence if I/we supply any information to a local housing authority in connection with any of their functions under any of Parts 1 to 4 of the Housing Act 2004 that is false or misleading and which I/we know is false or misleading or am/are are reckless as to whether it is false or misleading.

Signed (all applicants)

Dated

I/We declare that I/We have served a notice of this application on the following persons who are the only persons known to me/us that are required to be informed that I/we have made this application:

<i>Name</i>	<i>Address</i>	<i>Description of the person's interest in the property or the application</i>	<i>Date of service</i>
-------------	----------------	--	------------------------

- [^{F5}5. The form of declaration mentioned in regulation 7(3)(b) is as follows—

I/We declare that the house in respect of which a licence is sought under Part2/Part 3 of the Housing Act 2004 is subject to a licence under that Part at the time this application is made. I/We further declare that to the best of my/our knowledge either: (a) none of the information described in paragraph 2(c) to (g) of that Act and previously submitted to the authority has materially changed since that licence was granted; or (b) the only material changes to that information are described as follows: [include description of all material changes].]

F5 Sch. 2 para. 5 added (10.9.2012) by [The Licensing and Management of Houses in Multiple Occupation and Other Houses \(Miscellaneous Provisions\)\(Amendment\)\(England\) Regulations 2012 \(S.I. 2012/2111\)](#), regs. 1(1), **2(3)** (with reg. 3)

SCHEDULE 3

Regulation 8

Prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons

Heating

1. Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

Washing facilities

2.—^{F6}(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

- (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.]

(3) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(4) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(5) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(6) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(7) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

F6 Sch. 3 para. 2(1) substituted for Sch. 3 para. 2(1)(2) (1.10.2007) by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1903\)](#), regs. 1(1), **12(8)(a)** (with reg. 1(2))

Kitchens

3. Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;
- (b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—
 - (i) sinks with draining boards;
 - (ii) an adequate supply of cold and constant hot water to each sink supplied;
 - (iii) installations or equipment for the cooking of food;
 - (iv) electrical sockets;
 - (v) worktops for the preparation of food;

Changes to legislation: There are currently no known outstanding effects for the *The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006*. (See end of Document for details)

- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire blankets and fire doors .

Units of living accommodation without shared basic amenities

4.—(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

[^{F7}(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.]

(2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation

F7 Sch. 3 para. 4(1A) inserted (1.10.2007) by [The Licensing and Management of Houses in Multiple Occupation \(Additional Provisions\) \(England\) Regulations 2007 \(S.I. 2007/1903\)](#), regs. 1(1), **12(8)(b)** (with reg. 1(2))

Fire precautionary facilities

5. Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

Changes to legislation:

There are currently no known outstanding effects for the The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.