

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulations 3 to 11 of these Regulations apply to houses in multiple occupation (“HMOs”) in Wales that are converted blocks of flats to which section 257 of the Housing Act 2004 (“the Act”) applies (“section 257 HMOs”). These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner-occupied.

The Regulations impose duties on a person managing such section 257 HMOs in respect of—

- providing information to occupiers (regulation 4);
- taking safety measures, including fire safety measures (regulation 5);
- maintaining the water supply and drainage (regulation 6);
- supplying and maintaining gas and electricity, including having it regularly inspected (regulation 7);
- maintaining common parts (defined in regulation 7(6)), fixtures, fittings and appliances (regulation 8);
- maintaining living accommodation (regulation 9); and
- providing waste disposal facilities (regulation 10).

The manager’s duties do not extend to the parts of the HMO over which the manager cannot reasonably be expected to exercise control (regulation 3).

Regulation 11 imposes duties on occupiers of an HMO for the purpose of ensuring that the person managing it can effectively carry out the duties imposed on them.

By section 234(3) of the Act, a person who fails to comply with regulations 3 to 11 of these Regulations commits an offence punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

Regulation 12 amends the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 (S.I.2006/1715 (W. 177)), so that, with some exceptions, those Regulations now apply to all HMOs to which Part 2 of the Act applies, including section 257 HMOs. Some additional provisions are relevant only to section 257 HMOs. Regulation 12 also amends those Regulations in respect of the standards relating to washing and bathing facilities that are prescribed for deciding the suitability of a house for multiple occupation by a particular maximum number of households or persons. It also makes a minor amendment to the information that needs to be provided concerning fire safety at the HMO or house in an application for a licence.

A full regulatory impact assessment on the statutory instruments to supplement the provisions of the Housing Act 2004 in relation to the licensing of HMOs and the selective licensing of other private rented accommodation and management orders (Parts 2, 3 and Chapter 1 of Part 4 of the Housing Act 2004) was produced in February 2006 and is available from the Private Sector Unit, Housing Directorate, Welsh Assembly Government, Merthyr Tydfil Office, Rhydycar, Merthyr Tydfil, CF48 1UZ, telephone 01685 729193, or email [huw.mclean@wales.gsi.gov.uk](mailto:huw.mclean@wales.gsi.gov.uk).