



# Housing Act 1957

## 1957 CHAPTER 56

### PART IV

#### ABATEMENT OF OVERCROWDING

##### *General provisions*

#### **76 Duty of local authority to inspect and to make reports and proposals as to overcrowding**

If it appears to a local authority that occasion has arisen for a report on overcrowding in their district, or any part thereof, in addition to the report made by them under subsection (1) of section fifty-seven of the Housing Act, 1936, before the commencement of this Act, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in the district or the part of the district and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

Where the Minister gives a direction under this section he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

#### **77 Definition of overcrowding**

(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room ; or

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- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the Sixth Schedule to this Act.
- (2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit.

## **78 Offences in relation to overcrowding**

- (1) Subject to the provisions of this Part of this Act, if the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.
- (2) The occupier of a dwelling-house which was occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and have thereafter lived there continuously, or children born after that day of any of those persons, unless—
- (a) suitable alternative accommodation is offered to the occupier and he fails to accept it; or
  - (b) suitable alternative accommodation is offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.
- (3) Where a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—
- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
  - (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.
- (4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

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- (5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—
- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or
  - (b) if, when letting the house the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house ;
- and not otherwise.

**79 Power of Minister to increase the permitted number temporarily to meet exceptional conditions**

- (1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee constituted under section one hundred and forty-three of this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the Sixth Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.
- (2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.
- (3) The power of making orders under this section shall be exercisable by statutory instrument.

**80 Power of local authority to authorise the temporary use of a house by persons in excess of the permitted number**

- (1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

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- (2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.
- (3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.
- (4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.
- (5) The occupier of a dwelling-house shall not be guilty of an offence under section seventy-eight of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.
- (6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

## **81 Entries in rent books, information and certificates with respect to the permitted number**

- (1) Every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections seventy-seven, seventy-eight and eighty of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a fine not exceeding ten pounds.

An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

- (2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwellinghouse, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.
- (3) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the Sixth Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.

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- (4) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

## **82 Information as to rights and duties as respects overcrowding**

The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

## **83 Duty of landlord to inform local authority of overcrowding**

Where it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds:

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

## **84 Right of landlord to obtain possession of overcrowded house**

Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent Acts shall prevent the landlord from obtaining possession of the house.

## **85 Enforcement of Part IV**

- (1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority:

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

- (2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may make complaint to a magistrates' court and thereupon the court shall, by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to

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the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

- (3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

## **86 Duty of medical officers to furnish particulars of overcrowding**

Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and section seventy-nine of the London Government Act, 1939, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

## **87 Definitions for purposes of Part IV**

In the foregoing provisions of this Part of this Act, and in the Sixth Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

" the appointed day " means, in the application of this Part of this Act to any locality, the day appointed as respects that locality for the purposes of the provisions reproduced in this Part of this Act;

" dwelling-house " means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use ;

" landlord " means the immediate landlord of an occupier and includes, in relation to an occupier of a dwellinghouse who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and " agent " means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

" room " does not include any room of a type not normally used in the locality either as a living room or as a bedroom ;

" suitable alternative accommodation " means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

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- (a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;
- (b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means ; and
- (c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects accommodation and for the purposes of this paragraph they shall treat a house containing two bedrooms as providing accommodation for four persons, and a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

## **88 Local authority for overcrowding in London**

- (1) As respects the administrative county of London other than the City of London, the metropolitan borough council shall be the local authority for the purposes of the foregoing provisions of this Part of this Act other than the provisions of section seventy-six of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding:

Provided that—

- (a) the metropolitan borough council shall, instead of submitting their report under section seventy-six of this Act to the Minister, submit the report to the London County Council;
- (b) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;
- (c) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.

- (2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purposes of the provisions of section seventy-six of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Provided that—

- (a) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when submitting to the London County Council their report under section seventy-six of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses;
- (b) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable

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cost the number of new houses proposed by them, the county council shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils ;

- (c) the London County Council, when submitting their proposals under section seventy-six of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.
- (3) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

## **89 Contributions by London County Council to expenses in relation to overcrowding**

The London County Council may, if they think fit as respects any period, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a public health inspector in connection with—

- (a) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and
- (b) the enforcement of the foregoing provisions of this Part of this Act:

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following conditions are satisfied in relation to that council, that is to say—

- (i) the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;
- (ii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and
- (iii) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section eighty-six of this Act.