



# Housing Act 1985

## 1985 CHAPTER 68

### PART X

#### OVERCROWDING

##### *Powers and duties of local housing authority*

#### **334 Duty to inspect, report and prepare proposals.**

- (1) If it appears to the local housing authority that occasion has arisen for a report on overcrowding in their district or part of it, or if the Secretary of State so directs, the authority shall—
  - (a) cause an inspection to be made,
  - (b) prepare and submit to the Secretary of State a report showing the result of the inspection and the number of new dwellings required in order to abate the overcrowding, and
  - (c) unless they are satisfied that the dwellings will be otherwise provided, prepare and submit to the Secretary of State proposals for providing the required number of new dwellings.
- (2) Where the Secretary of State gives a direction under subsection (1), he may after consultation with the local housing authority fix dates before which the performance of their functions under that subsection is to be completed.

#### **335 Power to require information about persons sleeping in dwelling.**

- (1) The local housing authority may, for the purpose of enabling them to discharge their duties under this Part, serve notice on the occupier of a dwelling requiring him to give them within 14 days a written statement of the number, ages and sexes of the persons sleeping in the dwelling.
- (2) The occupier commits a summary offence if—
  - (a) he makes default in complying with the requirement, or

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*Changes to legislation: Housing Act 1985, Cross Heading: Powers and duties of local housing authority is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(b) he gives a statement which to his knowledge is false in a material particular, and is liable on conviction to a fine not exceeding level 1 on the standard scale.

**336 Power to require production of rent book.**

- (1) A duly authorised officer of the local housing authority may require an occupier of a dwelling to produce for inspection any rent book or similar document which is being used in relation to the dwelling and is in his custody or under his control.
- (2) On being so required, or within seven days thereafter, the occupier shall produce any such book or document to the officer or at the offices of the authority.
- (3) An occupier who fails to do so commits a summary offence and is liable on conviction to a fine not exceeding level 1 on the standard scale.

**337 Power of entry to determine permitted number of persons.**

- (1) A person authorised by the local housing authority may at any reasonable time, on giving 24 hours' notice of his intention to the occupier, and to the owner if the owner is known, enter premises for the purpose of measuring the rooms of a dwelling in order to ascertain for the purposes of this Part the number of persons permitted to use the dwelling for sleeping.
- (2) An authorisation for the purposes of this section shall be in writing stating the particular purpose for which the entry is authorised.

**338 Notice to abate overcrowding.**

- (1) Where a dwelling is overcrowded in circumstances such as to render the occupier guilty of an offence, the local housing authority may serve on the occupier notice in writing requiring him to abate the overcrowding within 14 days from the date of service of the notice.
- (2) If at any time within three months from the end of that period—
  - (a) the dwelling is in the occupation of the person on whom the notice was served or of a member of his family, and
  - (b) it is overcrowded in circumstances such as to render the occupier guilty of an offence,
 the local housing authority may apply to the county court which shall order vacant possession of the dwelling to be given to the landlord within such period, not less than 14 or more than 28 days, as the court may determine.
- (3) Expenses incurred by the local housing authority under this section in securing the giving of possession of a dwelling to the landlord may be recovered by them from him by action.

**Changes to legislation:**

Housing Act 1985, Cross Heading: Powers and duties of local housing authority is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)