



# Housing Act 2004

## 2004 CHAPTER 34

### PART 2

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Supplementary provisions*

#### **76 Transitional arrangements relating to introduction and termination of licensing**

- (1) Subsection (2) applies where—
  - (a) an order under section 55(3) which prescribes a particular description of HMOs comes into force; or
  - (b) a designation under section 56 comes into force in relation to HMOs of a particular description.
- (2) This Part applies in relation to the occupation by persons or households of such HMOs on or after the coming into force of the order or designation even if their occupation began before, or in pursuance of a contract made before, it came into force.

This is subject to subsections (3) to (5).

- (3) Subsection (4) applies where—
  - (a) an HMO which is licensed under this Part, or a part of such an HMO, is occupied by more households or persons than the number permitted by the licence; and
  - (b) the occupation of all or any of those households or persons began before, or in pursuance of a contract made before, the licence came into force.
- (4) In proceedings against a person for an offence under section 72(2) it is a defence that at the material time he was taking all reasonable steps to try to reduce the number of households or persons occupying the house to the number permitted by the licence.
- (5) Subsection (4) does not apply if the licence came into force immediately after a previous licence in respect of the same HMO unless the occupation in question began

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*Status: This is the original version (as it was originally enacted).*

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before, or in pursuance of a contract made before, the coming into force of the original licence.

- (6) An order under section 270 may make provision as regards the licensing under this Part of HMOs—
- (a) which are registered immediately before the appointed day under a scheme to which section 347 (schemes containing control provisions) or 348B (schemes containing special control provisions) of the Housing Act 1985 (c. 68) applies, or
  - (b) in respect of which applications for registration under such a scheme are then pending.
- (7) In subsection (6) “the appointed day” means the day appointed for the coming into force of section 61.

## 77 **Meaning of “HMO”**

In this Part—

- (a) “HMO” means a house in multiple occupation as defined by sections 254 to 259, and
- (b) references to an HMO include (where the context permits) any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, it (or any part of it).

## 78 **Index of defined expressions: Part 2**

The following table shows where expressions used in this Part are defined or otherwise explained.

<i>Expression</i>	<i>Provision of this Act</i>
Anti-social behaviour	Section 57(5)
Appropriate national authority	Section 261(1)
Category 1 hazard	Section 2(1)
Category 2 hazard	Section 2(1)
District of local housing authority	Section 261(6)
HMO	Section 77
HMO to which this Part applies	Section 55(2)
Licence and licence holder	Section 61(6)
Licence (to occupy premises)	Section 262(9)
Local housing authority	Section 261(2) to (5)
Modifications	Section 250(7)
Occupier (and related expressions)	Section 262(6)
Person having control	Section 263(1) and (2) (and see also section 66(7))
Person having estate or interest	Section 262(8)

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<i>Expression</i>	<i>Provision of this Act</i>
Person managing	Section 263(3)
Person involved in management	Section 263(5)
Residential property tribunal	Section 229
Tenant	Section 262(1) to (5).

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