



# Housing Act 2004

## 2004 CHAPTER 34

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISIONS

##### *Meaning of “house in multiple occupation”*

#### **260 HMOs: presumption that sole use condition or significant use condition is met**

- (1) Where a question arises in any proceedings as to whether either of the following is met in respect of a building or part of a building—
- (a) the sole use condition, or
  - (b) the significant use condition,
- it shall be presumed, for the purposes of the proceedings, that the condition is met unless the contrary is shown.
- (2) In this section—
- (a) “the sole use condition” means the condition contained in—
    - (i) section 254(2)(d) (as it applies for the purposes of the standard test or the self-contained flat test), or
    - (ii) section 254(4)(e),as the case may be; and
  - (b) “the significant use condition” means the condition contained in section 255(2) that the occupation of the living accommodation or flat referred to in that provision by persons who do not form a single household constitutes a significant use of that accommodation or flat.

**Changes to legislation:**

Housing Act 2004, Section 260 is up to date with all changes known to be in force on or before 24 May 2023. 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.

[View outstanding changes](#)

**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. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)