



Housing and Planning Act 2016

2016 CHAPTER 22

PART 5

HOUSING, ESTATE AGENTS AND RENTCHARGES: OTHER CHANGES

Housing regulation in England

PROSPECTIVE

125 Licences for HMO and other rented accommodation: additional tests

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 63 (application for licences: houses in multiple occupation), in subsection (6)(c), after “information” insert “ or evidence ”.
- (3) In section 66 (tests for fitness and satisfactory management arrangements: houses in multiple occupation)—
 - (a) after subsection (1) insert—

“(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
 - (b) in subsection (2), in paragraph (c), after “tenant law” insert “ (including Part 3 of the Immigration Act 2014) ”;
 - (c) after subsection (3) insert—

“(3A) Evidence is within this subsection if it shows that P—

 - (a) requires leave to enter or remain in the United Kingdom but does not have it; or
 - (b) is insolvent or an undischarged bankrupt.

(3B) Evidence is within this subsection if—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Housing regulation in England is up to date with all changes known to be in force on or before 26 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

- (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
 - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (4) In section 70 (revocation of licences), in subsection (2), in the words after paragraph (c)—
- (a) for “Section 66(1) applies” substitute “ Section 66(1) and (1A) apply ”;
 - (b) for “it applies” substitute “ they apply ”.
- (5) In section 87 (application for licences: certain other houses), in subsection (6)(c) after “information” insert “ or evidence ”.
- (6) In section 89 (tests for fitness and satisfactory management arrangements: certain other houses)—
- (a) after subsection (1) insert—
 - “(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
 - (b) in subsection (2), in paragraph (c), after “tenant law” insert “ (including Part 3 of the Immigration Act 2014) ”;
 - (c) after subsection (3) insert—
 - “(3A) Evidence is within this subsection if it shows that P—
 - (a) requires leave to enter or remain in the United Kingdom but does not have it; or
 - (b) is insolvent or an undischarged bankrupt.
 - (3B) Evidence is within this subsection if—
 - (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
 - (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (7) In section 93, in subsection (2), in the words after paragraph (c)—
- (a) for “Section 89(1) applies” substitute “ Section 89(1) and (1A) apply ”;
 - (b) for “it applies” substitute “ they apply ”.

126 Financial penalty as alternative to prosecution under Housing Act 2004

Schedule 9 amends the Housing Act 2004 to allow financial penalties to be imposed as an alternative to prosecution for certain offences.

Commencement Information

- 11** S. 126 in force at 10.3.2017 for specified purposes by S.I. 2017/281, reg. 3(b)
- 12** S. 126 in force at 6.4.2017 in so far as not already in force by S.I. 2017/281, reg. 4(f)

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PROSPECTIVE

127 Offence of contravening an overcrowding notice: level of fine

- (1) Section 139 of the Housing Act 2004 (overcrowding notices) is amended as follows.
- (2) In subsection (7), omit “and is liable on summary conviction to a fine not exceeding level 4 on the standard scale”.
- (3) After subsection (7) insert—
 - “(7A) A person who commits an offence under subsection (7) in relation to premises in England is liable on summary conviction to a fine.
 - “(7B) A person who commits an offence under subsection (7) in relation to premises in Wales is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Status:

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Changes to legislation:

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

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

- s. 95(1)(ia) inserted by [2023 c. 36 Sch. 1 para. 2](#)
- s. 100(7)(aa) inserted by [2023 c. 36 Sch. 1 para. 3](#)
- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)