
STATUTORY INSTRUMENTS

2005 No. 3208

HOUSING, ENGLAND

**The Housing Health and Safety Rating
System (England) Regulations 2005**

<i>Made</i>	- - - -	<i>17th November 2005</i>
<i>Laid before Parliament</i>		<i>28th November 2005</i>
<i>Coming into force</i>	- -	<i>6th April 2006</i>

The First Secretary of State, in exercise of the powers conferred by sections 2, 4 and 250(2)(a) of the Housing Act 2004⁽¹⁾ makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing Health and Safety Rating System (England) Regulations 2005 and shall come into force on 6th April 2006.

(2) These Regulations apply in relation to residential premises in England only⁽²⁾.

Interpretation

2. In these Regulations—

“the Act” means the Housing Act 2004;

“harm” means harm which is within any of Classes I to IV as set out in Schedule 2 to these Regulations;

“inspector” means a person carrying out an inspection under section 4 of the Act (inspections by local housing authorities to see whether a category 1 or 2 hazard exists); and except in regulation 6(7)(e), “occupier” includes potential occupier.

Prescribed descriptions of hazard

3.—(1) A hazard is of a prescribed description for the purposes of the Act where the risk of harm is associated with the occurrence of any of the matters or circumstances listed in Schedule 1.

⁽¹⁾ 2004 c. 34.

⁽²⁾ The powers conferred by sections 2 and 4 of the Act are exercisable, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales. See the definition of the appropriate national authority in section 261(1).

(2) In Schedule 1, a reference to a matter or circumstance is, unless otherwise stated, to a matter or circumstance in or, as the case may be, at the dwelling or HMO in question, or in any building or land in the vicinity of the dwelling or HMO.

Prescribed fire hazard

4. For the purposes of section 10 of the Act a category 1 or 2 hazard⁽³⁾ is a prescribed fire hazard if the risk of harm is associated with exposure to uncontrolled fire and associated smoke.

Inspections

5. An inspector must—

- (a) have regard to any guidance for the time being given under section 9 of the Act in relation to the inspection of residential premises;
- (b) inspect any residential premises with a view to preparing an accurate record of their state and condition; and
- (c) prepare and keep such a record in written or in electronic form.

Seriousness of hazards

6.—(1) Where, following an inspection of residential premises under section 4 of the Act, the inspector—

- (a) determines that a hazard of a prescribed description exists; and
- (b) considers, having regard to any guidance for the time being given under section 9 of the Act in relation to the assessment of hazards, that it is appropriate to calculate the seriousness of that hazard,

the seriousness of that hazard shall be calculated in accordance with paragraphs (2) to (4) of this regulation.

(2) The inspector shall assess the likelihood, during the period of 12 months beginning with the date of the assessment, of a relevant occupier suffering any harm as a result of that hazard as falling within one of the range of ratios of likelihood set out in column 1 of Table 1.

Table 1

<i>Column 1</i> <i>Range of ratios of likelihood</i>	<i>Column 2</i> <i>Representative scale point of range</i>
Less likely than 1 in 4200	5600
1 in 4200 to 1 in 2400	3200
1 in 2400 to 1 in 1300	1800
1 in 1300 to 1 in 750	1000
1 in 750 to 1 in 420	560
1 in 420 to 1 in 240	320
1 in 240 to 1 in 130	180
1 in 130 to 1 in 75	100

(3) See the definition of category 1 and category 2 hazard in section 2(1) of the Act.

<i>Column 1</i> <i>Range of ratios of likelihood</i>	<i>Column 2</i> <i>Representative scale point of range</i>
1 in 75 to 1 in 42	56
1 in 42 to 1 in 24	32
1 in 24 to 1 in 13	18
1 in 13 to 1 in 7.5	10
1 in 7.5 to 1 in 4	6
1 in 4 to 1 in 2.5	3
1 in 2.5 to 1 in 1.5	2
More likely than 1 in 1.5	1

(3) The inspector shall assess which of the four classes of harm (set out in Schedule 2) a relevant occupier is most likely to suffer during the period mentioned in paragraph (2).

(4) The inspector shall—

- (a) assess the possibility of each of the other classes of harm occurring as a result of that hazard, as falling within one of the range of percentages of possibility set out in column 1 of Table 2;
- (b) record each possibility so assessed as the corresponding RSPRR set out in column 2 of Table 2; and
- (c) record the possibility (which shall be known, for the purposes of the formula in paragraph (5), as the RSPPR) of the most likely class of harm occurring as a percentage calculated using the following formula—

$$100\% - (A + B + C)$$

Where—

A is the RSPPR recorded under sub paragraph (b) as the second most likely class of harm;

B is the RSPPR recorded under sub paragraph (b) as the third most likely class of harm; and

C is the RSPPR recorded under sub paragraph (b) as the fourth most likely class of harm.

Table 2

<i>Column 1</i> <i>Range of percentages of possibility</i>	<i>Column 2</i> <i>Representative scale point of the percentage range (RSPPR)</i>
Below 0.05%	0%
0.05 to 0.15%	0.1%
0.15% to 0.3%	0.2%
0.3% to 0.7%	0.5%
0.7% to 1.5%	1%
1.5% to 3%	2.2%

<i>Column 1</i> <i>Range of percentages of possibility</i>	<i>Column 2</i> <i>Representative scale point of the percentage range (RSPPR)</i>
3% to 7%	4.6%
7% to 15%	10%
15% to 26%	21.5%
26% to 38 %	31.6%
Above 38%	46.4%

(5) When the inspector has assessed likelihood under paragraph (2) and assessed the possibility of each harm occurring under paragraph (3), the seriousness of that hazard shall be expressed by a numerical score calculated using the following formula—

$$S1 + S2 + S3 + S4$$

Where—

$$S1 = 10000 \times \frac{1}{L} \times O1$$

$$S2 = 1000 \times \frac{1}{L} \times O2$$

$$S3 = 300 \times \frac{1}{L} \times O3$$

$$S4 = 10 \times \frac{1}{L} \times O4$$

(6) For the purposes of the formula in paragraph (5)—

- (a) L is the representative scale point of range in column 2 of Table 1 corresponding to the range that has been recorded under paragraph (2);
- (b) O1 is the RSPPR recorded under paragraph (4) in relation to Class I harm;
- (c) O2 is the RSPPR recorded under paragraph (4) in relation to Class II harm;
- (d) O3 is the RSPPR recorded under paragraph (4) in relation to Class III harm;
- (e) O4 is the RSPPR recorded under paragraph (4) in relation to Class IV harm.

(7) In this regulation—

“relevant occupier” means, where the risk of harm concerned is associated with the occurrence of any of the matters or circumstances listed in—

- (a) paragraph 1 of Schedule 1, an occupier under the age of 15 years;
- (b) paragraph 2, 3 or 6(a) of Schedule 1, an occupier aged 65 years or over;
- (c) paragraph 7 of Schedule 1, an occupier under the age of 3 years;
- (d) paragraph 8 of Schedule 1, an occupier aged 60 years or over who has been exposed to radon since birth;
- (e) paragraph 11 of Schedule 1, the actual occupier;
- (f) paragraph 17, 22, 23 or 25 of Schedule 1, an occupier under the age of 5 years;
- (g) paragraph 19, 20, 21, 24 or 28 of Schedule 1, an occupier aged 60 years or over;

(h) paragraph 26—

- (i) except where a collision is with low architectural features, an occupier under the age of 5 years, and
- (ii) where a collision is with low architectural features, an occupier aged 16 years or over;
- (i) any other paragraph of Schedule 1, any occupier; and

“RSPPR” means the representative scale point of the percentage range.

(8) In making assessments under this regulation, an inspector shall have regard to any guidance for the time being given under section 9 of the Act.

Prescribed bands

7. For the purposes of the Act a hazard falls within a band identified by a letter in column 1 of Table 3 where it achieves a numerical score calculated in accordance with regulation 6(5) which is within the range corresponding to that letter in column 2 of that Table.

Table 3

<i>Column 1</i> <i>Band</i>	<i>Column 2</i> <i>Numerical Score Range</i>
A	5000 or more
B	2000 to 4999
C	1000 to 1999
D	500 to 999
E	200 to 499
F	100 to 199
G	50 to 99
H	20 to 49
I	10 to 19
J	9 or less

Category of hazard

8. For the purposes of the Act—

- (a) a hazard falling within band A, B or C of Table 3 is a category 1 hazard; and
- (b) a hazard falling within any other band in that Table is a category 2 hazard.

SCHEDULE 1

Regulation 3(1)

Matters and Circumstances

Damp and mould growth

1. Exposure to house dust mites, damp, mould or fungal growths.

Excess cold

2. Exposure to low temperatures.

Excess heat

3. Exposure to high temperatures.

Asbestos and MMF

4. Exposure to asbestos fibres or manufactured mineral fibres.

Biocides

5. Exposure to chemicals used to treat timber and mould growth.

Carbon monoxide and fuel combustion products

6. Exposure to—
 - (a) carbon monoxide;
 - (b) nitrogen dioxide;
 - (c) sulphur dioxide and smoke.

Lead

7. The ingestion of lead.

Radiation

8. Exposure to radiation.

Uncombusted fuel gas

9. Exposure to uncombusted fuel gas.

Volatile organic compounds

10. Exposure to volatile organic compounds.

Crowding and space

11. A lack of adequate space for living and sleeping.

Entry by intruders

12. Difficulties in keeping the dwelling or HMO secure against unauthorised entry.

Lighting

13. A lack of adequate lighting.

Noise

14. Exposure to noise.

Domestic hygiene, pests and refuse

- 15.—(1) Poor design, layout or construction such that the dwelling or HMO cannot readily be kept clean.
- (2) Exposure to pests.
- (3) An inadequate provision for the hygienic storage and disposal of household waste.

Food safety

16. An inadequate provision of facilities for the storage, preparation and cooking of food.

Personal hygiene, sanitation and drainage

17. An inadequate provision of—
- (a) facilities for maintaining good personal hygiene;
- (b) sanitation and drainage.

Water supply

18. An inadequate supply of water free from contamination, for drinking and other domestic purposes.

Falls associated with baths etc

19. Falls associated with toilets, baths, showers or other washing facilities.

Falling on level surfaces etc

20. Falling on any level surface or falling between surfaces where the change in level is less than 300 millimetres.

Falling on stairs etc

21. Falling on stairs, steps or ramps where the change in level is 300 millimetres or more.

Falling between levels

22. Falling between levels where the difference in levels is 300 millimetres or more.

Electrical hazards

23. Exposure to electricity.

Fire

24. Exposure to uncontrolled fire and associated smoke.

Flames, hot surfaces etc

25. Contact with—
- (a) controlled fire or flames;
 - (b) hot objects, liquid or vapours.

Collision and entrapment

26. Collision with, or entrapment of body parts in, doors, windows or other architectural features.

Explosions

27. An explosion at the dwelling or HMO.

Position and operability of amenities etc

28. The position, location and operability of amenities, fittings and equipment.

Structural collapse and falling elements

29. The collapse of the whole or part of the dwelling or HMO.

SCHEDULE 2

Regulation 2

Classes of Harm

Class I

1. A Class I harm is such extreme harm as is reasonably foreseeable as a result of the hazard in question, including—

- (a) death from any cause;
- (b) lung cancer;
- (c) mesothelioma and other malignant tumours;
- (d) permanent paralysis below the neck;
- (e) regular severe pneumonia;
- (f) permanent loss of consciousness;
- (g) 80% burn injuries.

Class II

2. A Class II harm is such severe harm as is reasonably foreseeable as a result of the hazard in question, including—

- (a) cardio-respiratory disease;
- (b) asthma;
- (c) non-malignant respiratory diseases;
- (d) lead poisoning;
- (e) anaphylactic shock;

- (f) cryptosporidiosis;
- (g) legionnaires disease;
- (h) myocardial infarction;
- (i) mild stroke;
- (j) chronic confusion;
- (k) regular severe fever;
- (l) loss of a hand or foot;
- (m) serious fractures;
- (n) serious burns;
- (o) loss of consciousness for days.

Class III

3. A Class III harm is such serious harm as is reasonably foreseeable as a result of the hazard in question, including—

- (a) eye disorders;
- (b) rhinitis;
- (c) hypertension;
- (d) sleep disturbance;
- (e) neuropsychological impairment;
- (f) sick building syndrome;
- (g) regular and persistent dermatitis, including contact dermatitis;
- (h) allergy;
- (i) gastro-enteritis;
- (j) diarrhoea;
- (k) vomiting;
- (l) chronic severe stress;
- (m) mild heart attack;
- (n) malignant but treatable skin cancer;
- (o) loss of a finger;
- (p) fractured skull and severe concussion;
- (q) serious puncture wounds to head or body;
- (r) severe burns to hands;
- (s) serious strain or sprain injuries;
- (t) regular and severe migraine.

Class IV

4. A Class IV harm is such moderate harm as is reasonably foreseeable as a result of the hazard in question, including—

- (a) pleural plaques;
- (b) occasional severe discomfort;

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- (c) benign tumours;
- (d) occasional mild pneumonia;
- (e) broken finger;
- (f) slight concussion;
- (g) moderate cuts to face or body;
- (h) severe bruising to body;
- (i) regular serious coughs or colds.

Signed on behalf of the First Secretary of State

17th November 2005

Kay Andrews
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Housing Act 2004 (the Act) introduces the Housing Health and Safety Rating System (HHSRS), an evidence-based system for assessing housing conditions. Sections 2 and 4 of the Act provide for regulations to be made to prescribe descriptions of hazards, the method for assessing the seriousness of hazards and the manner and extent of inspections of residential premises to see whether category 1 or 2 hazards exist. The Act imposes a duty on local authorities to take enforcement action where a category 1 hazard exists and gives discretion to take action where a category 2 hazard exists.

Regulation 3 prescribes descriptions of hazards with reference to the occurrence of matters or circumstances listed in Schedule 1. These matters and circumstances reflect the profiles of hazards set out in Annex D of the operating guidance given by the Secretary of State under section 9(1)(a) of the Act.

Section 10 of the Act imposes a duty on local authorities to consult with the fire and rescue authority for the area where enforcement action is to be taken under Part 1 in relation to a prescribed fire hazard. Regulation 4 prescribes a fire hazard for the purposes of section 10 as one where the risk of harm arises from exposure to uncontrolled fire and associated smoke.

Regulation 5 provides for the manner in which, and the extent to which, premises are to be inspected under the HHSRS. In particular, a record of the inspection must be prepared and kept either in written or electronic form.

Regulation 6 prescribes the method for calculating the seriousness of hazards to be expressed as a numerical score.

Regulation 7 prescribes the bands applicable to the range of numerical scores and regulation 8 provides that where a hazard falls within bands A, B or C the hazard is a category 1 hazard and where it falls within any other band it is a category 2 hazard.

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Schedule 2 describes each class of harm and includes examples of each class of harm.