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STATUTORY INSTRUMENTS

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**2007 No. 1903**

**The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007**

**Amendments to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**

**12.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 1(2) (application) omit the words “other than a converted block of flats to which section 257 of the Act applies”.

(3) In regulation 2 (interpretation) after “2004” insert—  
“; and

“section 257 HMO” means an HMO which is a converted block of flats to which section 257 of the Act applies”.

(4) For regulation 8 (prescribed standards for deciding the suitability of a house for multiple occupation by a particular maximum number of households or persons) substitute—

**“Prescribed standards for deciding the suitability of a house for multiple occupation by a particular maximum number of households or persons**

**8.**—(1) The standards prescribed for HMOs other than section 257 HMOs for the purpose of section 65 of the Act (tests as to suitability of HMO for multiple occupation) are those set out in Schedule 3.

(2) The standards prescribed for section 257 HMOs for the purpose of section 65 of the Act are—

(a) that all bathrooms and toilets contained in each flat must be of an adequate size and layout, and all wash-hand basins must be suitably located and be fit for purpose, having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms;

(b) those standards set out in paragraph 4(1) of Schedule 3, in so far as it is reasonably practicable to comply with them; and

(c) those standards set out in paragraph 5 of Schedule 3.”

(5) In regulation 11 (registers of licences)—

(a) in paragraph (2) for “The” substitute “Subject to paragraph (3), the”; and

(b) after paragraph (2) insert—

“(3) The particulars mentioned in sub-paragraphs (b), (c)(ii), (d) and (e) of paragraph (2) are not prescribed for any entry in a register referred to in that paragraph in respect of a licence granted in relation to a section 257 HMO.”

(6) In regulation 13 (registers of management orders)—

- (a) in paragraph (2) for “The” substitute “Subject to paragraph (4), the”; and
  - (b) after paragraph (3) add—
    - “(4) The particulars mentioned in sub-paragraphs (b) and (c)(ii) to (v) of paragraph (2) are not prescribed for any entry referred to in that paragraph in respect of a management order made in relation to a section 257 HMO.”.
- (7) In Schedule 2 (content of applications under sections 63 and 87 of the Act)—
- (a) in paragraph 2(1)(f)—
    - (i) after “for which the application is being made” insert “, except in respect of an application in respect of a section 257 HMO”;
    - (ii) in paragraph (f)(xi) for “training” substitute “information”;
  - (b) after paragraph 2(1)(f) insert—
    - “(g) where the application is being made in respect of a section 257 HMO, the following information—
      - (i) the number of storeys comprising the HMO and the levels on which those storeys are situated;
      - (ii) the number of self-contained-flats and, of those, the number —
        - (aa) that the applicant believes to be subject to a lease of over 21 years; and
        - (bb) over which he cannot reasonably be able to exercise control;
      - (iii) in relation to each self-contained flat that is not owner-occupied and which is under the control of or being managed by the proposed licence holder, and in relation to the common parts of the HMO—
        - (aa) details of fire precautions equipment, including the number and location of smoke alarms;
        - (bb) details of fire escape routes and other fire safety information provided to occupiers; and
        - (cc) a declaration that the furniture in the HMO or house that is provided under the terms of any tenancy or licence meets any safety requirements contained in any enactment; and
      - (iv) a declaration that any gas appliances in any parts of the HMO over which the proposed licence holder can reasonably be expected to exercise control meet any safety requirements contained in any enactment.”
- (8) In Schedule 3 (prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons) —
- (a) for paragraph 2(1) and (2) substitute—
    - “2.—(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—
      - (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
      - (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.”; and

(b) after paragraph 4(1), insert—

“(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.”