STATUTORY INSTRUMENTS

2018 No. 616

HOUSING, ENGLAND

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

Made - - - -	*23rd May 2018*
Coming into force - -	*1st October 2018*

The Secretary of State, in exercise of the powers conferred by sections 250(2) and 261(1) of, and paragraph 3 of Schedule 4 to, the Housing Act 2004(**1**), makes the following Regulations:

A draft of this instrument was laid before and approved by a resolution of each House of Parliament in accordance with section 250(6)(f) of the Housing Act 2004.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and come into force on 1st October 2018.

(2) The amendments to the Housing Act 2004 made by regulation 2 do not apply to a licence granted before 1st October 2018.

Amendment to Schedule 4 to the Housing Act 2004

2. In Schedule 4 to the Housing Act 2004 (licences under Parts 2 and 3: mandatory conditions), after paragraph 1 insert—

"**Additional conditions to be included in licences under Part 2: floor area etc**

1A.—(1) Where the HMO is in England, a licence under Part 2 must include the following conditions.

(2) Conditions requiring the licence holder—

(a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;

(**1**) 2004 c.34. There are amendments to section 250 and Schedule 4 which are not relevant to this instrument.

(b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;

(c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;

(d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

(3) Conditions requiring the licence holder to ensure that—

(a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;

(b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;

(c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

(4) Conditions which apply if—

(a) any of the conditions imposed pursuant to sub-paragraph (2) or (3) have been breached in relation to the HMO,

(b) the licence holder has not knowingly permitted the breach, and

(c) the local housing authority have notified the licence holder of the breach,

and which require the licence holder to rectify the breach within the specified period.

(5) In sub-paragraph (4) the specified period means the period, of not more than 18 months beginning with the date of the notification, which is specified in the notification.

(6) Conditions requiring the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.

(7) In this paragraph a reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier(**2**) of the HMO.

(8) For the purposes of this paragraph a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.

(9) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.

(10) This paragraph does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—

(a) is a night shelter, or

(b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

(**2**) For the definition of occupier see section 262(6) of the Housing Act 2004, c.34.