WELSH STATUTORY INSTRUMENTS

2007 No. 3229 (W.281)

HOUSING, WALES

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

Made - - - -	*12 November 2007*
Laid before the National Assembly for Wales - -	*13 November 2007*
Coming into force - -	*5 December 2007*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 63(5) and (6), 65(3) and (4), 87(5) and (6), 232(3) and (7) and 234 of the Housing Act 2004(**1**) and now vested(**2**) in the Welsh Ministers, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 and they come into force on 5 December 2007.

(2) Regulations 2 to 11 apply to any HMO(**3**) in Wales which is an HMO to which section 257 of the Housing Act 2004 applies and regulation 12 applies to any HMO in Wales to which Part 2 of that Act (licensing of houses in multiple occupation) applies.

Interpretation

2. In these Regulations—

(a) "the Act" ("*y Ddeddf*") means the Housing Act 2004;

(b) "fixtures, fittings or appliances" ("*gosodion, ffitiadau neu gyfarpar*") are—

(i) lighting, space heating or water heating appliances;

(ii) toilets, baths, showers, sinks, or wash basins or any cupboards, shelving or fittings supplied in a bathroom or lavatory;

(**1**) 2004 c. 34. The powers conferred by sections 63(5) and (6), 65(3) and (4), 87(5) and (6), 232(3) and (7) and 234 of the Act are exercisable, as respects Wales, by the National Assembly for Wales. *See* the definition of the "appropriate national authority" in section 261(1) of the 2004 Act.

(**2**) As respects Wales, by virtue of paragraph 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercisable by the National Assembly for Wales are now exercisable by the Welsh Ministers.

(**3**) For the meaning of "HMO" *see* sections 254 to 259 of the Act.

(iii) cupboards, shelving or appliances used for the storage, preparation or cooking of food; and

(iv) washing machines or other laundry appliances; and

(c) "the manager" ("*y rheolwr*"), in relation to an HMO, means the person managing(**4**) the HMO.

Manager's duties: general

3.—(1) Regulations 4 to 10 apply subject to the following limitations—

(a) the manager's duty only applies in relation to such parts of the HMO over which it would be reasonable to expect the licence holder, in all the circumstances, to exercise control; and

(b) the manager's duty to maintain or keep in repair is to be construed as requiring a standard of maintenance or repair that is reasonable in all the circumstances, taking account of the age, character and prospective life of the house and the locality in which it is situated.

(2) Nothing in regulations 4 to 10 will—

(a) require or authorise anything to be done in connection with the water supply or drainage or the supply of gas or electricity otherwise than in accordance with any enactment; or

(b) oblige the manager to take, in connection with those matters, any action which is the responsibility of a local authority or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the authority or person concerned.

Duty of manager to provide information to occupier

4. The manager must ensure that the manager's name, address and any telephone contact number are clearly displayed in a prominent position in the common parts of the HMO so that they may be seen by all occupiers.

Duty of manager to take safety measures

5.—(1) The manager must ensure that all means of escape from fire in the HMO are—

(a) kept free from obstruction; and

(b) maintained in good order and repair.

(2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

(3) The manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the common parts of the HMO that enable them to be clearly visible to all the occupiers.

(4) The manager must take all such measures as are reasonably required to protect the occupiers of the HMO from injury, having regard to—

(a) the design of the HMO;

(b) the structural conditions in the HMO; and

(c) the number of flats or occupiers in the HMO.

(5) In performing the duty imposed by paragraph (4) the manager must in particular—

(a) in relation to any roof or balcony that is unsafe, either ensure that it is made safe or take all reasonable measures to prevent access to it for so long as it remains unsafe; and

(**4**) For the meaning of "person managing" *see* section 263(3) of the Act.

(b) in relation to any window the sill of which is at or near floor level, ensure that bars or other such safeguards as may be necessary are provided to protect the occupiers against the danger of accidents which may be caused in connection with such windows.

Duty of manager to maintain water supply and drainage

6.—(1) The manager must ensure that the water supply and drainage system serving the HMO is maintained in good, clean and working condition and in particular the Manager must ensure that—

(a) any tank, cistern or similar receptacle used for the storage of water for drinking or other domestic purposes is kept in a good, clean and working condition, with a cover kept over it to keep the water in a clean and proper condition; and

(b) any water fitting which is liable to damage by frost is protected from frost damage.

(2) The manager must not unreasonably cause or permit the water or drainage supply that is used by any occupier at the HMO to be interrupted.

(3) In this regulation "water fitting" ("*ffitiad dŵr*") means a pipe, tap, cock, valve, ferrule, meter, cistern, bath, water closet or soil pan used in connection with the supply or use of water, but the reference in this definition to a pipe does not include an overflow pipe or the mains supply pipe.

Duty of manager to supply and maintain gas and electricity

7.—(1) The manager must supply to the local housing authority within 7 days of receiving a request in writing from that authority the latest gas appliance test certificate the manager has received in relation to the testing of any gas appliance at the HMO by a recognised engineer.

(2) In paragraph (1), "recognised engineer" ("*peiriannydd cydnabyddedig*") means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing.

(3) The manager must—

(a) ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing;

(b) obtain a certificate from the person conducting that test, specifying the results of the test; and

(c) supply that certificate to the local housing authority within 7 days of receiving a request in writing for it from that authority.

(4) The manager must not unreasonably cause the gas or electricity supply that is used by any occupier within the HMO to be interrupted.

Duty of manager to maintain common parts, fixtures, fittings and appliances

8.—(1) The manager must ensure that all common parts of the HMO are—

(a) maintained in good and clean decorative repair;

(b) maintained in a safe and working condition; and

(c) kept reasonably clear from obstruction.

(2) In performing the duty imposed by paragraph (1), the manager must in particular ensure that—

(a) all handrails and banisters are at all times kept in good repair;

(b) such additional handrails or banisters as are necessary for the safety of the occupiers of the HMO are provided;

(c) any stair coverings are safely fixed and kept in good repair;

(d) all windows and other means of ventilation within the common parts are kept in good repair;

(e) the common parts are fitted with adequate light fittings that are available for use at all times by every occupier of the HMO; and

(f) subject to paragraph (3), fixtures, fittings or appliances used in common by two or more households within the HMO are maintained in good and safe repair and in clean working order.

(3) The duty imposed by paragraph (2)(f) does not apply in relation to fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.

(4) The manager must ensure that—

(a) outbuildings, yards and forecourts which are used in common by two or more households living within the HMO are maintained in repair, clean condition and good order;

(b) any garden belonging to the HMO is kept in a safe and tidy condition; and

(c) boundary walls, fences and railings (including any basement area railings), in so far as they belong to the HMO, are kept and maintained in good and safe repair so as not to constitute a danger to occupiers.

(5) If any part of the HMO is not in use the manager must ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

(6) In this regulation—

(a) "common parts" ("*rhannau cyffredin*") means—

(i) the entrance door to the HMO and the entrance doors leading to each unit of living accommodation within the HMO; and

(ii) all such parts of the HMO as comprise staircases, lifts, passageways, corridors, halls, lobbies, entrances, balconies, porches and steps that are used by the occupiers of the units of living accommodation within the HMO to gain access to the entrance doors of their respective unit of living accommodation.

Duty of manager to maintain living accommodation

9.—(1) Subject to paragraph (4), the manager must ensure that each unit of living accommodation within the HMO and any furniture supplied with it are in clean condition at the beginning of a person's occupation of it.

(2) Subject to paragraphs (3) and (4), the manager must ensure, in relation to each part of the HMO that is used as living accommodation, that—

(a) the internal structure is maintained in good repair;

(b) any fixtures, fittings or appliances within the part are maintained in good repair and in clean working order; and

(c) every window and other means of ventilation are kept in good repair.

(3) The duties imposed under paragraph (2) do not require the manager to carry out any repair the need for which arises in consequence of use by the occupier of the occupier's living accommodation otherwise than in a tenant-like manner.

(4) The duties imposed under paragraphs (1) and (2) do not apply in relation to furniture, fixtures, fittings or appliances that the occupier is entitled to remove from the HMO or which are otherwise outside the control of the manager.