1985 No. 50

HOUSING

Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1985

Made . . . . . *11th March 1985*

Coming into operation . . . *15th April 1985*

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The Department of the Environment in exercise of the powers conferred upon it by Article 105 of the Housing (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1985 and shall come into operation on 15th April 1985.

Revocation

2. The Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1965(**b**) are hereby revoked.

Interpretation

3.—(1) In these regulations—

"Executive" means the Northern Ireland Housing Executive;

"management direction" means a direction under Article 104 of the Order applying these regulations to a house and "the relevant management direction", in a reference to a house or part of a house, means the management direction in force with respect to that house;

"manager", in relation to a house, means a person who is an owner or a lessee of the house and who, directly or through an agent or trustee, receives rents or other payments from persons who are tenants of parts of the house, or who are lodgers; and, where those rents or other payments are received through another person as his agent or trustee, includes that other person;

"the Order" means the Housing (Northern Ireland) Order 1981;

"rents" means rents or other payments from tenants of parts of a house, or from lodgers therein and "the rents", in relation to a person who is an owner or lessee of a house or an agent or trustee through whom rents are received, means such rents or other payments as are received by or through that person; and

"staircase" includes a landing.

(2) In these regulations—

(*a*) references to a lessee of a house include references to a person holding the interest of lessee under a sub-lease of the house or a tenant or sub-tenant of the house or a person having an estate in the house under an agreement for a lease, sub-lease or tenancy and a person who retains possession of the house by virtue of the Rent (Northern Ireland) Order 1978(**c**) and not as being entitled to any tenancy;

(*b*) references to a person having an estate in a house include references to a person who retains possession of the house by virtue of the Rent (Northern Ireland) Order 1978 as aforesaid.

(3) Any requirement of these regulations (howsoever expressed) with respect to repair shall be construed as requiring a standard of repair that is reasonable in all the circumstances, and in determining the appropriate standard of repair for a room in, or

(**a**) S.I. 1981/156 (N.I. 3) as amended by S.I. 1983/1118 (N.I. 15) Art. 107 and Sch. 10
(**b**) S.R. & O. (N.I.) 1965 No. 251
(**c**) S.I. 1978/1050 (N.I. 20)

for any part of, a house regard shall be had to the age, character and prospective life of the house.

PART II

DUTIES OF MANAGEMENT

General

4.—(1) When a management direction is made as respects any house it shall be the duty of a person who is manager of the house by virtue of being an owner or lessee thereof who receives the rents—

(*a*) if he does not live in the house, to make such arrangements (including arrangements for adequate supervision of the house) as may be necessary to enable him, directly or through an agent authorised in that behalf, to discharge effectively his obligations under the following regulations;

(*b*) in any case, to inform any person who is his agent or trustee and through whom he received the rents, that the direction has been made and that these regulations accordingly apply to the house and impose obligations on that person.

(2) Where a person who is manager of a house by virtue of being an agent or trustee through whom rents are received is aware that some action is required to discharge an obligation of the manager under the following regulations, he shall, unless he discharges that obligation himself, take such steps as may be necessary to bring the need for action promptly to the attention of the owner or lessee of the house who receives the rents through him; and where he receives from the Executive a material complaint with respect to management of the house of which he is manager as aforesaid, such a person shall, if required by the Executive so to do:—

(*a*) transmit that complaint to the said owner or lessee; and

(*b*) provide the Executive with the name and address of the person to whom the complaint is accordingly transmitted;

but this paragraph shall not be taken as exempting a person who is a manager of a house by virtue of being an agent or trustee through whom rents are received from the obligations imposed on managers by the following regulations or from liability for failure without reasonable excuse to comply with them.

(3) Nothing in the following regulations shall be taken to require or authorise anything to be done in connection with water supply, drainage, or the supply of gas or electricity otherwise than in accordance with any enactment relating thereto, or to oblige the manager of a house to take, in any matter connected therewith, any action which is the responsibility of a government department, district council or a statutory undertaker, other than such action as may be necessary to bring the matter promptly to the attention of the government department, district council or statutory undertaker concerned.

For this purpose "enactment" includes an enactment in any local Act and an order, rule, regulation, byelaw or scheme made under or by virtue of any Act, including any order or scheme confirmed by Parliament or the Assembly.

Water supply and drainage

5.—(1) The manager shall ensure that all means of water supply and drainage in the house (including the curtilage, if any) are in and are maintained in a proper state of repair, a clean condition and good order, and shall, in particular, ensure that the water pipes and fittings within the curtilage of dwellings shall comply with the Water Regulations (Northern Ireland) 1974(**a**).

(**a**) S.R. 1974 No. 143

(2) The manager shall not unreasonably cause a supply of water to any tenant or lodger in the house to be interrupted.

Supply of gas and electricity and installations for lighting and heating

6.—(1) The manager shall ensure that the installations in the house—

(*a*) for the supply of gas and electricity,

(*b*) for lighting, and

(*c*) for space heating or heating water,

serving any part of the house in common use, are in and are maintained in repair and proper working order, and that installations for lighting in places to which this regulation applies are readily available for use by tenants and lodgers to such extent and at such times as those persons may reasonably require.

(2) Paragraph (1) shall extend to installations for lighting on staircases and at entrances to the house which are used by tenants or lodgers, whether in common or otherwise, except any staircase which is comprised in a part of the house let to a tenant or lodger as his living accommodation and which either does not open directly on to a part of the house in common use or is separated from such part by a door.

(3) The manager shall not unreasonably cause a supply of gas or electricity to any tenant or lodger in the house to be interrupted.

Rooms and installations in common use

7.—(1) The manager shall ensure that the following rooms and installations in the house (including the curtilage, if any), are in and are maintained in a proper state of repair (including, where appropriate, reasonable decorative repair), a clean condition and good order:—

(*a*) all rooms in common use, not being parts of the house to which the next following regulation relates;

(*b*) such of the following installations as are in common use, namely, sanitary conveniences, baths, sinks, washbasins and installations for cooking or for storing food;

(*c*) in the case of any room in common use being a kitchen, bathroom, lavatory or washhouse, such installations therein (if any) as are not subject to any of the foregoing provisions of these regulations.

(2) Nothing in this regulation shall oblige the manager to repair, keep in repair or maintain anything which a tenant or lodger is entitled to remove from the house.

Other parts of the house in common use

8.—(1) The manager shall ensure that such of the following parts of the house as are in common use are in and are maintained in a proper state of repair (including reasonable decorative repair), a clean condition and good order and are kept reasonably free from obstruction:—

(*a*) staircases, passageways and corridors;

(*b*) halls and lobbies;

(*c*) entrances to the house, including entrance doors, porches and entrance steps;

(*d*) balconies.

(2) Paragraph (1) shall extend to any staircase, passageway or corridor which gives access to the living accommodation of a tenant or lodger in the house and which, though not itself in common use, opens directly on to a part of the house in common use from which it is not separated by a door.

(3) The manager's duties under this regulation shall, without prejudice to the generality thereof, include the duty to ensure (in places to which the regulation

applies) that all handrails and banisters are kept in good order and repair, that any missing handrails and (in so far as considerations of safety may require) banisters are replaced and that such additional handrails and banisters as are necessary for the safety of tenants or lodgers living in the house are provided.

Accommodation let to tenants or lodgers

9.—(1) The following provisions of this regulation shall have effect with respect to the repair and maintenance of premises (being a room or set of rooms in part of any house to which these regulations apply) which are let to a tenant or lodger as his living accommodation and to the repair and maintenance of the installations therein, but shall be without prejudice to other provisions of these regulations in so far as they may extend to such premises or installations.

(2) It shall be the duty of the manager, when he lets any premises as aforesaid, to ensure at the commencement of the letting—

(*a*) that the premises are, internally, in a reasonable state of structural repair, and in a clean condition; and

(*b*) that the installations therein for the supply, and for making use of the supply, of water, gas and electricity, and for sanitation (including installations therein for space heating or heating water) are in a reasonable state of repair and proper working order.

(3) With respect to premises which on the date of the making of the relevant management direction are let to a tenant or lodger as his living accommodation, it shall be the duty of the manager, subject to the provisions of paragraph (5), to take within a reasonable time thereafter such steps (if any) as may be necessary—

(*a*) to put the premises, internally, in a reasonable state of structural repair; and

(*b*) to put in a reasonable state of repair and proper working order the installation in the premises—

(i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and sanitary conveniences but not except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity); and

(ii) for space heating or heating water.

(4) While premises to which this regulation applies are occupied by a tenant or lodger as his living accommodation it shall be the duty of the manager, subject to the provisions of paragraph (5), to ensure that the installations falling within sub-paragraph (3)(*b*) are kept in repair and proper working order.

Provided that the manager shall not be required by this paragraph to carry out any repair the need for which arises in consequence of use of the premises otherwise than in a tenant-like manner by the person to whom they are let.

(5) Nothing in this regulation shall oblige the manager to repair, keep in repair or maintain anything which a tenant or lodger is entitled to remove from the premises.

Windows and ventilation

10. The manager shall ensure that all windows and other means of ventilation in any part of the house occupied or used (whether in common or otherwise) by tenants or lodgers, are in and are maintained in good order and repair:

Provided that, save in so far as may be necessary for the proper discharge of any other of his duties under these regulations, the manager shall not be required to carry out in a part of the house which is for the time being let to a tenant or lodger as his living accommodation, any repair to a window or other means of ventilation the need