

The London Borough of Barking & Dagenham (Registration of Houses in Multiple Occupation) Notification Scheme 2001

The Council of Barking & Dagenham in exercise of their powers under sections 346 to 348A of the Housing Act 1985(a) and section 70(3) of the Housing Act 1996(b) hereby make the following scheme.

CITATION AND COMMENCEMENT.

1. (1) This scheme may be cited as the London Borough of Barking & Dagenham (Registration of Houses in Multiple Occupation) Scheme 2001.
- (2) This scheme shall come into force on 1st August 2001

INTERPRETATION

2. In this scheme
 - “1985 Act” means the Housing Act 1985;
 - “authority” means the London Borough of Barking & Dagenham;
 - “house” has the same meaning as in section 399 of the 1985 Act;
 - “house in multiple occupation” has the same meaning as in section 345 of the 1985 Act(c) and “multiple occupation” shall be construed accordingly;
 - “person having control” and “person managing” have the same meaning as in section 398 of the 1985 Act(d)
 - “responsible person” means the person having control or the person managing;
 - “storey” excludes any storey lying wholly or mainly below the floor level of the principal entrance to the house.

AREA OF REGISTRATION

3. This scheme shall apply to the whole of the Borough of Barking & Dagenham.

(a) Sections 346 to 348 were substituted and section 348A was inserted by sections 65 and 66 of the Housing Act 1996 (c.52)
(b) 1996 c.52.
(c) Section 345 was amended by paragraph 44 of Schedule 9 to the Local Government and Housing Act 1989 (c.42).
(d) The definition of “person managing” was substituted by section 79(2) of the Housing Act 1996

APPLICATION

4. (1) This scheme shall not apply to
- (a) any house in which the authority has an interest, whether freehold or leasehold;
 - (b) any house subject to a control order made under section 379 of the 1985 Act;
 - (c) any house used as a children's home or community home which is registered or provided under the Children Act 1989**(a)**;
 - (d) any house registered under the Registered Homes Act 1984**(b)**;
 - (e) any house occupied by no more than two persons;
 - (f) any house which is occupied by no more than two persons in addition to the responsible person and any other member of his household;
 - (g) any house where the living accommodation consists entirely of self-contained flats and either
 - (i) at least one third of the flats are either
 - (aa) let on leases of more than 21 years and wholly occupied by the lessees and their households; or
 - (bb) wholly occupied by any freeholder of the house and his household; or
 - (ii) when the flats were created
 - (aa) the building was required to comply with the requirements relevant to fire safety contained in the Building Regulations 1985**(c)** or regulations made subsequently under section 1(1) of the Building Act 1984**(d)**,
 - (bb) a building notice had been given to, or full plans deposited with, a local authority, or an initial notice or a public body's notice had been given in accordance with sections 47(1) and 54(1) respectively of the Building Act 1984, and
 - (cc) the building work in respect of the creation of the flats was carried out in accordance with any such notice or plans, whether with or without any departure from them;
 - (h) any house of which the responsible person is a health service body as defined in section 519A of the Income and Corporation Taxes Act 1988**(e)**;
 - (i) any house of which the responsible person is a social landlord registered in accordance with Part I of the Housing Act 1996;

(a) 1989 c.41.

(b) 1984 c.23.

(c) S.I. 1985/1065.

(d) 1984 c.55.

(e) Section 519A was inserted by section 61 of the National Health Service and Community Act 1990 (c.19) and amended by paragraph 114 of Schedule 1 to the Health Authorities Act 1995 (c.17)

- (j) any house of which the responsible person is
 - I. a university or other institution within the higher education sector within the meaning given by section 91(5) of the Further and Higher Education Act 1992**(a)** or a college or other institution in the nature of a college in such a university or other institution;
 - II. an institution within the further education sector within the meaning given by section 91(3) of that Act;
 - III. an institution which provides a course qualifying for funding under Part I of the Education Act 1994**(b)**; or
- (k) any house approved by the Secretary of State under section 27 of the Probation Services Act 1993**(c)**;
- (2) For the purposes of sub-paragraph (1)(g)
 - (a) a “flat” means any part of a building which was originally constructed or subsequently adapted for occupation by a single household; and
 - (b) “self-contained” means that the flat has for the exclusive use of its occupants the facilities mentioned in section 352(1A)(a) to (c) of the 1985 Act**(d)**.

AUTHORITY GIVEN BY THE SCHEME

- 5. Subject to paragraphs 3 and 4(1) the authority shall compile and maintain a register of all houses in multiple occupation.

PARTICULARS TO BE INSERTED IN THE REGISTER

- 6. Each entry in the register in respect of a house shall contain the following particulars:-
 - (a) address of the house;
 - (b) the number of storeys;
 - (c) the number of rooms in the house;
 - (d) the number of those rooms used exclusively as
 - kitchens
 - bathrooms (with or without water closets, and with a bath or a shower);
 - (e) the total number of
 - fixed wash hand basins
 - fixed sinks
 - fixed baths or showers
 - water closets (a) external
 - (b) internal;

(a) 1992 c.13.
(b) 1994 c.30; Part I was amended by section 29(3) of the Disability Discrimination Act 1995 (c.50) and by paragraphs 126 to 128 of Schedule 37 to the Education Act 1996 (c.56).
(c) 1993 c.47.
(d) Subsection (1A) was added by paragraph 49 of Schedule 9 to the Local Government and Housing Act 1989 (c.42)

- (f) the name and address of the person managing the house and of any other person who is an owner, lessee or mortgagee in possession of the house or any part of it. In the case of a body corporate the address shall be the registered address and, if different, that of the secretary or other principal officer;
- (g) a description of any such person as owner, lessee, mortgagee, agent or trustee;
- (h) the number of households and persons occupying the house; and
- (i) particulars of any works carried out subsequent to registration pursuant to a notice given under sections 352 or 372 or under an order made under section 377A of the 1985 Act
(a);

REGISTRATION

- 7.(1) The responsible person of a house in multiple occupation shall apply to register the house with the authority.
- (2) On a first application for registration, the responsible person shall
 - (a) give the authority the particulars of the house specified in paragraph 6, and
 - (b) pay a fee of a reasonable amount determined by the authority (not exceeding the amount specified by the Secretary of State).
- (3) Registration shall be for an initial period of five years from the date of first registration, and may be renewed for further periods of five years at a time.
- (4) On or before expiry of a period of registration, the responsible person shall apply for renewal of the registration.
- (5) On renewal of registration, the responsible person shall
 - (a) notify the authority of any changes in the particulars entered in the register in respect of the house, and
 - (b) pay a fee of one-half of the amount which would at that time have been payable for first registration of the house.
- (6) During any period of registration, the responsible person shall notify the authority of any change in the particulars entered in the register which makes it necessary to alter the particulars inserted in the register except a decrease in number registered under paragraph 6(h)

[Date and authentication]