1993 No. 38

HOUSING

Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1993

Made . . . . . *5th February 1993*
Coming into operation . . *15th March 1993*

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART II

DUTIES OF MANAGEMENT

3. General
4. Water supply and drainage
5. Supply of gas and electricity
6. Parts of the house in common use
7. Installations in common use
8. Living accommodation
9. Windows and ventilation
10. Means of escape from fire
11. Miscellaneous parts of the premises
12. Disposal of refuse and litter
13. General safety of residents

PART III

ANCILLARY PROVISIONS

14. Manager's duty to display certain documents for information
15. Manager's duty to inform the Executive about occupancy of the house
16. Duties of residents

17. Register of managers
18. Provision of information by persons with an estate in a house
19. Revocation

The Department of the Environment in exercise of the powers conferred upon it by Article 78 of the Housing (Northern Ireland) Order 1992(**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) 1993 and shall come into operation on 15th March 1993.

Interpretation

2.—(1) In these Regulations—

"house" means a house in multiple occupation;

"manager", in relation to a house,—

(i) means the person who, being an owner or lessee of the house, receives rents directly or through an agent or trustee, and

(ii) includes, where those rents are received through another person as agent or trustee, that other person;

"rents" means rents or other payments from tenants of parts of a house, or from lodgers therein and where rents are paid on behalf of any person they shall be treated as rents paid by that person; 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;

"resident" means a tenant or lodger and any other person living in a house; and

"staircase" includes any 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(**b**) and not as being entitled to any tenancy;

(**a**) S.I. 1992/1725 (N.I. 15); *see* Article 2(2) for the definition of "the Department"
(**b**) S.I. 1978/1050 (N.I. 20)

(*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 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 for a room in, or any part of, a house, regard shall be had to the age, character and prospective life of the house and the locality in which it is situated.

PART II

DUTIES OF MANAGEMENT

General

3. Nothing in these Regulations shall—

(*a*) 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, or to oblige the manager to take, in connection with those matters, any action which is the responsibility of a government department, district council, statutory undertaker or any other person, other than such action as may be necessary to bring the matter promptly to the attention of the government department, district council, statutory undertaker or person concerned; or

(*b*) oblige the manager to repair, put or keep in repair or maintain anything which a resident is entitled to remove from the house.

Water supply and drainage

4.—(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 repair, a clean condition and good order (including, where appropriate, proper working order), and shall, in particular, ensure that the water pipes and fittings within the curtilage of the house shall comply with the Water Regulations (Northern Ireland) 1991(**a**).

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

Supply of gas and electricity

5. The manager shall not unreasonably cause a supply of gas or electricity to any resident in the house to be interrupted.

Parts of the house in common use

6.—(1) The manager shall ensure that all parts of the house in common use are in and are maintained in repair (including, where appropriate, decorative repair), a clean condition and good order.

(a) S.R. 1991 No. 50

(2) The manager shall also ensure that such parts of the house in common use as comprise staircases, passageways, corridors, halls, lobbies, balconies and entrances (including entrance doors, porches and steps) are kept reasonably free from obstruction.

(3) The manager's duties as respects the parts of the house mentioned in paragraph (2) shall, without prejudice to the generality of paragraph (1), include the duty to ensure 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, that such additional handrails and banisters as are necessary for the safety of residents are provided and that any staircoverings provided are safe and safely fixed.

(4) This regulation shall extend to any staircase, passageway or corridor which gives access to the living accommodation of a resident 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.

Installations in common use

7.—(1) The manager shall ensure that the following installations in common use, or which serve any part of the house in common use, are in and are maintained in repair, a clean condition and good order (including, where appropriate, proper working order)—

(*a*) installations for the supply of gas and electricity, for lighting and for space heating or heating water;

(*b*) sanitary conveniences, baths, sinks, washbasins and installations for cooking or storing food;

(*c*) receptacles or other installations provided in connection with the delivery to the house of postal packets, within the meaning of the Post Office Act 1953(**a**);

(*d*) other installations (if any) in a kitchen, bathroom, lavatory or washroom which are not subject to any of the foregoing provisions of these Regulations.

(2) The manager shall ensure that installations for lighting serving any part of the house in common use are readily available for use by residents to such extent and at such times as they may reasonably require.

(3) This regulation shall extend to installations for lighting on staircases and at entrances to the house which are used by residents, whether in common or otherwise, except any staircase which is comprised in a resident's living accommodation 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.

Living accommodation

8.—(1) The manager shall ensure that—

(*a*) the internal structure of any part of the house occupied by a resident as his living accommodation is in and is maintained in repair; and

(**a**) 1953 c. 36

(*b*) the installations in the accommodation for the supply of water, gas and electricity, for space heating and heating water and for sanitation are in and are maintained in repair and proper working order.

(2) The manager shall ensure that any living accommodation is in a clean condition at the beginning of a resident's occupation of it.

(3) This regulation does not require the manager to carry out any repair the need for which arises in consequence of use by a resident of his living accommodation otherwise than in a tenant-like manner.

Windows and ventilation

9.—(1) 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 residents are in and are maintained in repair and proper working order.

(2) Except 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 by paragraph (1) to carry out, in a part of the house which is occupied by a resident as his living accommodation, any repair to a window or other means of ventilation the need for which arises in consequence of use of that part otherwise than in a tenant-like manner by the resident.

Means of escape from fire

10.—(1) The manager shall ensure that all means of escape from fire in the house and all apparatus, systems and other things provided by way of fire precautions are in and are maintained in good order and repair and are kept free from obstruction.

(2) The manager shall cause to be displayed in suitable positions in the house so as to be readily visible to residents signs indicating all means of escape from fire in the house.

Miscellaneous parts of the premises

11.—(1) The manager shall ensure that every outbuilding, yard, area and forecourt, which belongs to the house and is in common use, is in and is maintained in repair, clean condition and good order, and that any garden in common use belonging to the house is kept in a reasonable condition.

(2) The manager shall ensure that boundary walls, fences and railings (including basement area railings), in so far as they belong to the house, are kept and maintained in repair so as not to constitute a danger to residents.

(3) If any part of the house is subject to a closing order, or not in use, the manager shall ensure that such part, including any passage and staircase directly giving access to it, is kept reasonably clean and free from refuse and litter.

Disposal of refuse and litter

12. The manager shall ensure that refuse and litter are not allowed to accumulate in, or in the curtilage of, the house except where properly stored pending disposal, and he shall, in particular,—

(*a*) provide, and maintain the provision of, suitable refuse and litter bins or other suitable receptacles on a scale adequate to the requirements of residents, except in so far as such provision is made by the district council, and

(*b*) make such supplementary arrangements for the disposal of refuse and litter from the house as may be necessary having regard to any service provided by the district council.

General safety of residents

13. The manager shall ensure that such precautions are taken as are reasonably required, having regard to the design of and structural conditions in the house and to the number of residents, to protect those residents from injury as a result of those conditions; and in particular he shall (without prejudice to those obligations) ensure as respects any roof or balcony which is not in all respects safe, either that reasonable measures are taken to prevent access to it, or that it is made safe, and that such safeguards as may be necessary are provided against the danger of accidents resulting from the presence on staircases of windows the sills of which are at or near floor level.

PART III

ANCILLARY PROVISIONS

Manager's duty to display certain documents for information

14. The manager shall cause to be displayed in a suitable position in the house so as to be readily visible to the residents—

(*a*) a notice containing the name and address and the telephone number, if any, of the person (or of each person) who is manager of the house, describing him as manager and, where appropriate, as agent or trustee for the receipt of rents;

(*b*) a copy of these regulations; and

(*c*) if the Executive so requires such notice as the Executive may provide for indicating briefly the main provisions of the regulations relating to management of the house and the provisions of the Order as respects failure to comply with them;

and he shall take all reasonable steps to ensure that the documents which are displayed in accordance with this regulation remain so displayed and are amended as necessary.

Manager's duty to inform the Executive about occupancy of the house

15. If required to do so by written notice given by the Executive, the manager shall provide the Executive with such of the following particulars as may be specified in the notice with respect to occupancy of the house, or, where part only of the house is occupied by residents, with respect to occupancy of that part—

(*a*) the number of individuals and households accommodated;

(*b*) the number of individuals in each household;

(*c*) the purpose for which each room in the house, or in the relevant part of the house, is being used;

and he shall provide the particulars within such time and in such manner as the Executive may reasonably specify in the notice.

Duties of residents

16. With a view to ensuring that the manager can effectively carry out his duties under these Regulations, every resident shall—

(*a*) take reasonable care not to hinder or frustrate the due performance of those duties;

(*b*) allow the manager, at all reasonable times, for purposes connected with the carrying out of his management duties, to enter any room or other place occupied by that person;

(*c*) provide the manager, at his request, with all such information as he may reasonably require for the purpose of his duties;

(*d*) comply with any reasonable arrangements made by the manager in respect of means of escape from fire and anything provided by way of fire precautions or for the storage and disposal of refuse and litter; and

(*e*) take reasonable care to avoid causing damage to anything which the manager is obliged by these Regulations to keep in repair.

Register of managers

17.—(1) The Executive shall maintain a register of the names and addresses of persons who are for the time being managers and shall include therein such particulars as it reasonably believes to be correct relating to the capacity in which such persons are managers, that is to say whether as owners or lessees receiving rents, or as agents or trustees through whom rents are received.

(2) As soon as may be after making or amending an entry in the register in reliance on information obtained otherwise than from the person to whom such entry relates the Executive shall take reasonable steps to bring the entry or amendment to the notice of the said person.

(3) The Executive shall, at the request of a person who appears to it to have an interest or prospective interest in a house, to be resident therein, or to be otherwise sufficiently concerned therewith, disclose to him the contents of any entry in the register relating to that house.

Provision of information by persons with an estate in a house

18.—(1) An owner or lessee of a house who receives the rents for that house shall provide the Executive with the following information—

(*a*) his name and address;

(*b*) particulars of his estate in the house;

(*c*) particulars sufficient to show what parts of the house are let to tenants or lodgers from whom he is in receipt of rents; and

(*d*) the name and address of any agent or trustee through whom he receives such rents.

(2) Without prejudice to any other requirement of this regulation, a person who has an estate in a house or any part of a house shall, at the request of the Executive, provide the Executive with such of the following items of information as it may require, namely—

(*a*) any of those mentioned in paragraph (1);

(*b*) the name and address of any other person known to him to be manager of the house with particulars showing how he knows that such person is manager;

(*c*) if he is a person who receives the rents through another person as his agent or trustee, whether, and in what respects, such other person is authorised to act in matters connected with the management of the house apart from the receipt of rents.

(3) An owner or lessee of a house shall, if at any time he appoints a person to receive the rents as his agent or trustee, forthwith give the Executive notice of the fact together with the name and address of the person appointed.

(4) A person who acquires or ceases to hold an estate in a house shall, if he thereby becomes or ceases to be manager of the house, forthwith give the Executive notice of the fact together with particulars of the estate which he had acquired or ceased to hold, and, where he has sold or transferred the estate to some other person, the name and address of that person.

(5) The information called for by or under this regulataion shall, except in so far as the Executive may in any particular case otherwise allow, be provided to the Executive in writing; and any information requested by the Executive under paragraph (2) of this regulation shall be given to it within such time, if any, as it may reasonably specify.

Revocation

19. The Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1985(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 5th February 1993.

(L.S.) *J. McCormick*
Assistant Secretary

(**a**) S.R. 1985 No. 50

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for ensuring that the person managing a house in multiple occupation observes proper standards of management and revoke the Housing (Management of Houses in Multiple Occupation) Regulations (Northern Ireland) 1985.

The Regulations are in three parts. In Part I regulation 1 is in common form and regulation 2 provides for the interpretation of expressions employed. "Manager" is defined principally as an owner or lessee who receives rents or other payments from tenants or lodgers in a house in multiple occupation, but includes also any agent or trustee through whom such payments are received. Regulation 2(3) is a guide to the standard required by provisions of the regulations relating to a repair.

Part II contains the principal duties of management, with introductory provisions in regulation 3. Managers are required to ensure the repair, maintenance, cleansing or good order of all means of water supply and drainage (regulation 4); the parts of the house and installations in common use (regulations 6 and 7); living accommodation (regulation 8); windows and other means of ventilation (regulation 9); means of escape from fire and apparatus, systems, and other things provided by way of fire precautions (regulation 10); and common out-buildings, yards, gardens etc. (regulation 11). Managers shall not unreasonably cause a supply of water, gas or electricity to any resident to be interrupted (regulations 4 and 5).

Managers are also required to make satisfactory arrangements for the disposal of refuse and litter from the house (regulation 12) and to ensure the taking of reasonable precautions for the general safety of residents (regulation 13).

The provisions of Part III are ancillary. The manager is required to display in the house in multiple occupation certain documents (including a copy of the regulations) for the information of the occupants (regulation 14) and to provide specified information to the Executive about the occupancy of the house where the Executive gives him written notice to that effect (regulation 15). Regulation 16 imposes duties on persons who live in the house for the purpose of ensuring that the manager can effectively carry out the duties imposed on him by the Regulations. Regulation 17 requires the Executive to keep a register of managers, containing their names and addresses and other relevant particulars, and provides for the disclosure of entries to persons concerned. Regulation 18 requires persons who have an estate in a house in multiple occupation to provide the Executive with relevant information about that estate and the management of that house.

Under Article 78(5) of the Housing (Northern Ireland) Order 1992 a person who wilfully fails to comply with any of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£400) on the standard scale.