



Housing Act 2004

The secondary legislation under the Housing Act has now been published. Much of it appears to contain no surprises, but one little gem has emerged. For those of you who like to read the original text you need to refer to:

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 373 2006):

<http://www.uk-legislation.hmso.gov.uk/si/si2006/20060373.htm - sch1>

In paragraph 2 of schedule 3 it refers to the washing facilities. Basically it states that where you have an HMO (which includes a student house) and there are more than four occupants, each bedroom must have its own washbasin (unless there is a sink in that room instead).

It seems that this provision applies regardless of the licensing requirements. Therefore, if you have a five-bedroom student house on two floors that is not subject to mandatory licensing, you will still need to comply with the washbasin rule.

This is a late change to the draft regulations and was clearly not intended in the original draft. Looking at the wording of the legislation (the reference to sinks) and the original draft it seems that the initial intention was aimed at houses converted into bedsits. However, the late change appears to have caught all student houses with more than four occupants.

There is some doubt as to whether this was intended and clarification is being sought, especially as to whether the three-storey rule also applies to make the washbasins mandatory.

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The information contained in this article is our best understanding of the situation at the time of writing. Yorkshire Residential Letting Agents Landlords' Association does not offer legal advice. You are urged to take your own legal advice before acting on any information provided above.