
Changes to legislation: Housing Act 2004, SCHEDULE 4 is up to date with all changes known to be in force on or before 06 December 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Sections 67 and 90

LICENCES UNDER PARTS 2 AND 3: MANDATORY CONDITIONS

Conditions to be included in licences under Part 2 or 3

- 1 (1) A licence under Part 2 or 3 must include the following conditions.
- (2) Conditions requiring the licence holder, if gas is supplied to the house, to produce to the local housing authority annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
- (3) Conditions requiring the licence holder—
- (a) to keep electrical appliances and furniture made available by him in the house in a safe condition;
 - (b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture.
- (4) Conditions requiring the licence holder—
- [^{F1}(za) where the house is in England—
 - (i) to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and
 - (ii) to keep each such alarm in proper working order;]
 - (a) [^{F2}where the house is in Wales,] to ensure that smoke alarms are installed in the house and to keep them in proper working order;
 - (b) [^{F3}in either case,] to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms.
- [^{F4}(4A) Where the house is in England, conditions requiring the licence holder—
- (a) to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;
 - (b) to keep any such alarm in proper working order; and
 - (c) to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm.]
- (5) Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it.
- [^{F5}(6) In sub-paragraph (4A) “room” includes a hall or landing.
- (7) For the purposes of sub-paragraphs (4) and (4A), a bathroom or lavatory is to be treated as a room used as living accommodation.]

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Textual Amendments

- F1** Sch. 4 para. 1(4)(za) inserted (E.) (1.10.2015) by [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(S.I. 2015/1693\)](#), regs. 1(1), **15(1)(a)(i)** (with reg. 15(2))
- F2** Words in Sch. 4 para. 1(4)(a) inserted (E.) (1.10.2015) by [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(S.I. 2015/1693\)](#), regs. 1(1), **15(1)(a)(ii)** (with reg. 15(2))
- F3** Words in Sch. 4 para. 1(4)(b) inserted (E.) (1.10.2015) by [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(S.I. 2015/1693\)](#), regs. 1(1), **15(1)(a)(iii)** (with reg. 15(2))
- F4** Sch. 4 para. 1(4A) inserted (E.) (1.10.2015) by [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(S.I. 2015/1693\)](#), regs. 1(1), **15(1)(b)** (with reg. 15(2))
- F5** Sch. 4 para. 1(6)(7) inserted (E.) (1.10.2015) by [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(S.I. 2015/1693\)](#), regs. 1(1), **15(1)(c)** (with reg. 15(2))

Commencement Information

- I1** Sch. 4 para. 1 wholly in force at 16.6.2006; Sch. 4 para. 1 not in force at Royal Assent see s. 270(4)(5); Sch. 4 para. 1 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with [Sch.](#)); Sch. 4 para. 1 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), **art. 2(a)** (with [Sch.](#))

^{F6}Additional conditions to be included in licences under Part 2: floor area etc

Textual Amendments

- F6** Sch. 4 paras. 1A-1C inserted (1.10.2018) by [The Licensing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018 \(S.I. 2018/616\)](#), regs. 1(1), **2** (with reg. 1(2))

- 1A. (1) Where the HMO is in England, a licence under Part 2 must include the following conditions.
- (2) Conditions requiring the licence holder—
- (a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
 - (b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
 - (c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
 - (d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- (3) Conditions requiring the licence holder to ensure that—
- (a) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
 - (b) where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
 - (c) where any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such

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by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.

- (4) Conditions which apply if—
- (a) any of the conditions imposed pursuant to sub-paragraph (2) or (3) have been breached in relation to the HMO,
 - (b) the licence holder has not knowingly permitted the breach, and
 - (c) the local housing authority have notified the licence holder of the breach,
- and which require the licence holder to rectify the breach within the specified period.
- (5) In sub-paragraph (4) the specified period means the period, of not more than 18 months beginning with the date of the notification, which is specified in the notification.
- (6) Conditions requiring the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres.
- (7) In this paragraph a reference to a number of persons using a room in an HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.
- (8) For the purposes of this paragraph a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.
- (9) Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this paragraph.
- (10) This paragraph does not apply to an HMO which is managed by a charity registered under the Charities Act 2011 and which—
- (a) is a night shelter, or
 - (b) consists of temporary accommodation for persons suffering or recovering from drug or alcohol abuse or a mental disorder.

Time for compliance with conditions under paragraph 1A(2) and (3)

- 1B. (1) This paragraph applies in relation to an HMO in England in respect of the first licence granted on or after 1st October 2018 in relation to the HMO, regardless of whether a licence was in force in relation to the HMO immediately before that date.
- (2) If the local housing authority consider that, at the time the licence is granted, the licence holder is not complying with one or more of the conditions of the licence imposed pursuant to paragraph 1A(2) and (3), the authority must when granting the licence provide the licence holder with a notification specifying the condition or conditions and the period within which the licence holder is required to comply with the condition or conditions.
- (3) The period specified in the notification must not exceed 18 months from the date of the notification.
- (4) Within the period specified in the notification—
- (a) the local housing authority may not revoke the licence for a breach (or repeated breach) of any condition of the licence specified in the notification,

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- (b) the licence holder does not commit an offence under section 72(3) in respect of any failure to comply with such a condition, and
 - (c) the local housing authority may not impose a financial penalty under section 249A on the licence holder in respect of such a failure.
- (5) Sub-paragraphs (2) to (4) do not apply if, before the licence was granted, the licence holder was convicted of an offence under section 72(2) or (3) in relation to the HMO.

Additional conditions to be included in licences under Part 2: household waste

- 1C. Where the HMO is in England, a licence under Part 2 must include conditions requiring the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection.]

Additional conditions to be included in licences under Part 3

- 2 A licence under Part 3 must include conditions requiring the licence holder to demand references from persons who wish to occupy the house.

Commencement Information

- I2** Sch. 4 para. 2 wholly in force at 16.6.2006; Sch. 4 para. 2 not in force at Royal Assent see s. 270(4)(5); Sch. 4 para. 2 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 4 para. 2 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Power to prescribe conditions

- 3 The appropriate national authority may by regulations amend this Schedule so as to alter (by the addition or removal of conditions) the conditions which must be included—
- (a) in a licence under Part 2 or 3, or
 - (b) only in a licence under one of those Parts.

Commencement Information

- I3** Sch. 4 para. 3 wholly in force at 16.6.2006; Sch. 4 para. 3 in force for certain purposes at Royal Assent see s. 270(2)(b); Sch. 4 para. 3 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 4 para. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Interpretation

- 4 In this Schedule “the house” means the HMO or Part 3 house in respect of which the licence is granted.

Commencement Information

- I4** Sch. 4 para. 4 wholly in force at 16.6.2006; Sch. 4 para. 4 not in force at Royal Assent see s. 270(4)(5); Sch. 4 para. 4 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 4 para. 4 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)