

# **HOUSING (MULTI-OCCUPANCY) ACT 2005**

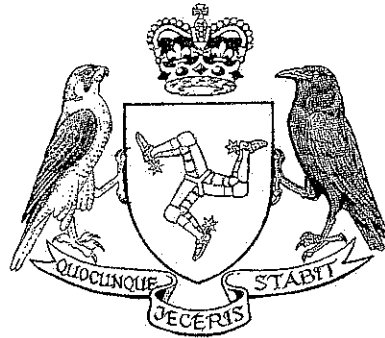
## **Arrangement of Sections**

### Section

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Isle of Man } Signed in Tynwald: 12th July 2005  
 in Wit } Received Royal Assent: 13th July 2005  
 Announced to Tynwald: 13th July 2005

## AN ACT

to make provision for the control of dwellings in multiple occupation; to amend the Housing Act 1955; and for connected purposes.

**WE**, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. (1) In this Act “multi-occupancy dwelling” means any dwelling occupied by persons who do not form a single household.

Control of multi-occupancy dwellings.

(2) The Department may make regulations, or regulations applying standards or codes of practice in respect of multi-occupancy dwellings for all or any of the following purposes —

- (a) the registration and inspection of multi-occupancy dwellings and the levying of charges for such registration and inspection;
- (b) stipulating minimum space standards and the provision of sufficient general storage space;
- (c) the provision of adequate internal arrangements for circulation, privacy and convenience;
- (d) requiring adequate ventilation and lighting;

- (e) requiring adequate thermal insulation;
- (f) the provision of safe and sufficient power supplies and the provision of satisfactory arrangements for the heating of each habitable room and kitchen;
- (g) securing convenient and sanitary provision for the storage of refuse;
- (h) requiring the provision of adequate sanitary accommodation, drainage, water supply, washing accommodation and accommodation for the storage, preparation and cooking of food;
- (i) taking precautions in case of infectious disease; and
- (j) securing adequate sound insulation, from both internal and external sources, in all rooms, and to provide adequate sound insulation in relation to the adjoining property.

(3) Regulations under this section may make provision with respect to a building of which a multi-occupancy dwelling forms part for all or any of the following purposes —

- (a) the inspection of the building;
- (b) the keeping in repair of the building;
- (c) the maintenance of all parts of the building to which the occupants have access in a clean, safe and wholesome condition and in a good state of decoration;
- (d) requiring adequate ventilation and lighting of all parts of the building to which the occupants have access;
- (e) the cleansing and redecoration of all parts of the building to which the occupants have access;
- (f) the paving of any courtyard of the building to which the occupants have access;
- (g) the provision of handrails for any staircase in the building to which the occupants have access;
- (h) the prevention of nuisances arising from or in part of the building of which the multi-occupancy dwelling forms part, or from an underground room, in respect of which a closing order under section 7 of the Housing Act 1955 is in force;
- (i) the provision, where practicable, of satisfactory car parking spaces for use of the occupants;

- (j) the provision, by the affixing of notices in the building, of information identifying the management and ownership of the building and giving emergency telephone numbers; and
- (k) the affixing of fire certificates (as defined in section 1 of the Fire Precautions Act 1975), certificates of registration and public liability insurance certificates. [c.18]

(4) Regulations under this section may impose the duty of executing any works necessary for compliance with the regulations upon —

- (a) the occupiers of the multi-occupancy dwelling;
- (b) the owners of the multi-occupancy dwelling, or of a building of which it forms part, or
- (c) any other person having an interest in the multi-occupancy dwelling or in such a building,

and may prescribe the circumstances and conditions upon and subject to which any such duty is to be performed.

(5) Regulations under this section may —

- (a) be limited in their application to multi-occupancy dwellings of such descriptions, or put to such uses, as may be specified in the regulations;
- (b) provide that any such limitations may apply from different dates and for different periods;
- (c) provide that, in such cases as may be prescribed, a multi-occupancy dwelling shall not be registered thereunder unless it, and any building of which it forms part, complies with any requirements applicable thereto by virtue of regulations under Part I of Schedule 8 to the Fire Precautions Act 1975.

(6) Before making regulations applying any standards or codes of practice under this section, the Department shall consult such local authorities as appear to it to be affected thereby.

(7) Nothing in regulations under this section applies to premises specified in an order made by the Department for the purposes of this subsection.

(8) Regulations and orders under this section shall not have effect unless they are approved by Tynwald.

Approval of documents for purposes of multi-occupancy dwellings.

2. (1) For the purpose of providing practical guidance with respect to the requirements of any provision of regulations under section 1, the Department may by order —

- (a) approve and issue any document (whether or not prepared by it), or
- (b) approve any document issued or proposed to be issued otherwise than by it,

if in the opinion of the Department the document is suitable for that purpose.

(2) An order under subsection (1) shall —

- (a) identify the approved document in question,
- (b) state the date on which the approval of it is to take effect, and
- (c) specify the provisions of regulations under section 1 for the purposes of which the document is approved.

(3) The Department may by order —

- (a) from time to time approve and issue a revision of the whole or any part of an approved document issued by it for the purposes of this section, and
- (b) approve any revision or proposed revision of the whole or any part of an approved document,

and subsection (2), with any necessary modifications, applies in relation to an order under this subsection as it applies in relation to an order under subsection (1).

(4) The Department may by order withdraw its approval of a document under this section, and such a withdrawal of approval shall —

- (a) identify the approved document in question, and
- (b) state the date on which the approval of it is to cease to have effect.

(5) References in this section to a document include references to a part of a document; and accordingly, in relation to a document of which part only is approved, a reference in this section to the approved document is a reference only to the part of it that is approved.

(6) References in this section to an approved document are references to that document as it has effect for the time being, regard being had to any revision of the whole or any part of it that has been approved under subsection (3).

(7) A failure on the part of a person to comply with an approved document does not of itself render him liable to any civil or criminal proceedings; but if, in any proceedings whether civil or criminal, it is alleged that a person has at any time contravened a provision of regulations under section 1 —

- (a) a failure to comply with a document that at that time was approved for the purposes of that provision may be relied upon as tending to establish liability, and
- (b) proof of compliance with such a document may be relied on as tending to negative liability.

(8) In any proceedings, whether civil or criminal, a document that appears to the court to be the approved document to which an order under subsection (1) or (2) refers shall be taken to be that approved document unless the contrary is proved.

3. (1) Regulations under section 1 may provide that contravention of, or failure to comply with, the regulations shall be an offence punishable on summary conviction by a fine not exceeding such amount (which shall not be greater than £5,000) as may be specified in the regulations. Enforcement.

(2) It shall be the duty of each local authority to enforce in each local authority district any regulations under section 1; but the Department shall enforce the regulations in any district where the local authority has failed to enforce them and may recover its expenses from the local authority for so doing.

(3) Regulations under section 1 may empower the Department or the local authority by whom the regulations are to be enforced to require any person mentioned in section 1(4) by notice served on him to execute the works specified in the notice which are necessary to comply with the regulations.

(4) Section 35 (powers of entry) of the Local Government Act 1985 applies to this Act. [c.24]

(5) Sections 35 to 41, 46 to 49 and 57 to 62 of the said Act of 1985 have effect in relation to functions of the Department under this Act as if for references therein to a local authority there were substituted references to the Department.

Variation of  
lease etc.

4. (1) Where the person upon whom any duty is imposed by regulations under section 1 or by a notice referred to in section 3(3) holds premises under a lease or agreement and satisfies the Department that —

- (a) performance of the duty is contrary to the terms of the lease or agreement, or
- (b) the whole or part of the expenses of such performance ought to be borne by the lessor or other superior landlord,

the Department may make application to the High Court for an order under subsection (2).

(2) On an application under this section the High Court may, after giving the lessor or other superior landlord an opportunity of being heard, make an order —

- (a) in a case within subsection (1)(a), varying the terms of the lease or agreement in so far as they are inconsistent with the requirements of the regulations or notice;
- (b) in a case within subsection (1)(b), charging on the lessor's or other superior landlord's interest in the premises an annual sum of such amount, payable over such period, as the Court may determine to repay the expenses properly incurred in carrying out the works, or such part thereof as the Court thinks ought to be so charged.

(3) In this section “premises” means —

- (a) a multi-occupancy dwelling, or
- (b) a building of which a multi-occupancy dwelling forms part.

Interpretation. 5. In this Act —

“the Department” means the Department of Local Government and the Environment;

“multi-occupancy dwelling” has the meaning given by section 1(1);

“owner” includes a joint or part owner, or any person in the actual receipt or possession of the rents of premises, whether on his own account or on account of or as agent or trustee for any other person;

“single household” means a single economic unit in which the liability for the housing and living costs is assumed and



discharged by one or more members of that unit by reason of common occupation of all areas of domestic habitation.

6. (1) Subject to subsection (2), nothing in this Act affects any powers of the Department under Schedule 1 to the Housing (Amendment) Act 1990. Saving for flats.  
[c.7]

(2) If any requirement of regulations under the said Schedule 1 applicable to a building of which a multi-occupancy dwelling and a flat form a part conflicts with a requirements of regulations under section 1, the regulations made under section 1 shall prevail.

(3) In this section “flat” has the same meaning as in the said Schedule 1.

7. In section 92 of the Housing Act 1955, for the definition of “sanitary defects” substitute — Amendment  
of Housing  
Act 1955.

““sanitary defect”, in relation to a house, means a failure to meet one or more of the requirements in paragraphs (a) to (i) below such that, by reason of that failure, the house is not reasonably suitable for occupation —

- (a) it is structurally stable;
- (b) it is free from dampness prejudicial to the health of the occupants;
- (c) it has adequate provision for lighting, heating and ventilation;
- (d) it has an adequate piped supply of wholesome water;
- (e) there are satisfactory facilities in the dwelling-house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;
- (f) it has a suitably located water-closet for the exclusive use of the occupants;
- (g) it has, for the exclusive use of the occupants, a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water;
- (h) it has an effective system for the draining of foul, waste and surface water; and

- (i) it has adequate paving or drainage to courts, yards, or passages.”

Repeals. **8.** The enactments specified in the Schedule are repealed to the extent specified in column 3 of the Schedule.

Short title etc. **9.** (1) This Act may be cited as the Housing (Multi-Occupancy) Act 2005, and the Housing Acts 1955 to 1990 and this Act may be cited together as the Housing Acts 1955 to 2005.

(2) This Act shall be construed as one with the Housing Acts 1955 to 1990.

(3) This Act shall come into operation on such day or days as the Department may by order appoint.

Section 8    SCHEDULE

ENACTMENTS REPEALED

| <i>Volume/Chapter</i> | <i>Short title</i>              | <i>Extent of repeal</i>   |
|-----------------------|---------------------------------|---------------------------|
| XVIII p. 544          | Housing Act 1955                | Section 36<br>Section 36A |
| 1990 c.7              | Housing (Amendment)<br>Act 1990 | Section 1                 |

