

**Houses in Multiple Occupation Bill**  
**Proposed amendments**  
**to be moved at Consideration Stage**

**Clause 3, Page 2, Line 35**

After ‘residence’ insert ‘there’

**Clause 3, Page 2, Line 36**

At end insert –

‘( ) A person who occupies living accommodation for the purpose of engaging in seasonal work is to be treated, at all times during that person’s residence there, as occupying that accommodation as the person’s only or main residence.’

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**Clause 10, Page 7, Line 34**

Leave out from ‘living’ to end of line 35 and insert ‘relevant living accommodation whilst in the accommodation, or’

**Clause 10, Page 7, Line 37**

Leave out subsection (7) and insert –

‘(7) In subsection (6)—

“anti-social behaviour” means—

- (i) acting or threatening to act in a manner causing or likely to cause a nuisance or annoyance to a person residing in, visiting or otherwise engaging in a lawful activity in residential premises or in the locality of such premises, or
- (ii) using or threatening to use residential premises for immoral or illegal purposes;

“relevant living accommodation” means living accommodation of which P is or was the owner or managing agent.’

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**Clause 9, Page 6, Line 37**

Leave out paragraph (b)

**Clause 9, Page 6, Line 39**

Leave out ‘and (i)’

**Clause 20**, Page 13, Line 10

Leave out from ‘sections’ to end of line 11 and insert ‘the following provisions do not apply to applications to renew—

- (a) sections 8(2)(a) and 9 and paragraphs 8 to 10 of Schedule 2 (breach of planning control);
- (b) sections 8(2)(d) and 12 (overprovision).’

**Clause 21**, Page 13, Line 19

Leave out paragraph (b)

**Clause 21**, Page 13, Line 25

Leave out ‘if the council refuses the application on any other ground’ and insert ‘if the application is refused’

**Clause 21**, Page 13, Line 33

Leave out subsection (3)

**Clause 67**, Page 36, Line 14

Leave out from ‘unless’ to end of line 16

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**Clause 18**, Page 12, Line 11

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

**Clause 21**, Page 13, Line 28

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

**Schedule 4**, Page 64, Line 37

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

**Schedule 5**, Page 67, Line 12

Leave out ‘under section 67’ and insert ‘in accordance with section 67(4)’

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**Clause 26, Page 15, Line 21**

Leave out '(2)(b)' and insert '(2)'

**Clause 26, Page 15, Line 22**

After second 'the' insert 'owner or'

**Clause 26, Page 15, Line 23**

At end insert ', in a case falling within subsection (2)(b)'

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**Clause 26, Page 15, Line 28**

Leave out from first 'in' to end of line 32 and insert –

- '(a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer one or more joint licensees (but not all of them) ceases to be an owner of the HMO,'

**Clause 26, Page 15, Line 35**

Leave out subsection (5) and insert-

'(5) Where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer there is a new owner (or more than one), and
- (c) at least one person who was a licensee before the transfer continues to be an owner after it,

the new owner (or any of them) may apply to the council to be added as a joint licensee.

(5A) The council must—

- (a) treat an application under subsection (5) as an application to renew the licence made jointly by the existing licensee and the new owner, and
- (b) if it decides to grant the application, vary the licence accordingly.'

**Clause 26, Page 15, Line 41**

After 'subsection' insert '(5A) or'

**Clause 26, Page 15, Line 43**

At end insert-

'(8) In this section—

“transfer of ownership” includes the creation of a new estate;

“new owner” means a person who is an owner after the transfer but was not an owner before it.’

**Clause 28**, Page 16, Line 7

Leave out subsections (1) and (2) and insert –

‘**28.**—(1) A licence may be transferred to another person only in accordance with this section.

(2) Accordingly, except as set out in subsection (2A), where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer there is a new owner (or more than one), and
- (c) no person who was a licensee before the transfer continues to be an owner after it,

the licence ceases to have effect on the date of the transfer.

(2A) If—

- (a) there is a transfer of ownership of a licensed HMO, and
- (b) before the date of the transfer, the proposed new owner (or any of them) applies for a licence in respect of the HMO (a “new licence”),

the licence which is already in effect in respect of the HMO (“the existing licence”) is to be treated as being held, from the date of the transfer, by the person or persons who made the application for the new licence (“the transferee”).

(2B) But the existing licence ceases to have effect on the date mentioned in subsection (2C).

(2C) That date is—

- (a) if the transferee’s application is granted, the date from which the new licence has effect (determined in accordance with section 19(1) or (4)(a));
- (b) if the transferee’s application is refused—
  - (i) one month after the last date on which the decision to refuse the transferee’s application may be appealed in accordance with section 67(4), or
  - (ii) if such an appeal is made, one month after the date on which the appeal is finally determined.

(2D) Subsection (2B) and (2C) are subject—

- (a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and
- (b) if the transferee dies, to section 29, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.’

**Clause 28, Page 16, Line 12**

Leave out ‘subsection (2)’ and insert ‘this section’

**Clause 29, Page 16, Line 22**

After ‘period’ insert ‘for which the licence has effect beyond the date’

**Clause 29, Page 16, Line 28**

Leave out subsection (5) and insert—

‘(5) Subsections (1)(b) and (2) are subject—

- (a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and
  - (b) if the personal representatives of the licensee transfer ownership of the HMO, to section 28, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.’
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**Clause 62, Page 32, Line 32**

Leave out ‘its register available for public inspection’ and insert ‘any entry relating to an HMO available for inspection, by any person who falls within subsection (8A) in relation to that entry,’

**Clause 62, Page 32, Line 35**

Leave out ‘a register, or of an extract from it, to any person who’ and insert ‘an entry relating to an HMO to any person who falls within subsection (8A) in relation to that entry and’

**Clause 62, Page 32, Line 36**

At end insert-

‘(8A) A person falls within this subsection in relation to an entry if the person appears to the council—

- (a) to have an interest or prospective interest in the HMO,
- (b) to be a resident of the HMO, or
- (c) to be otherwise sufficiently concerned with the information contained in the entry.

(8B) In subsection (8A), an “interest” is—

- (a) a freehold or leasehold estate;
- (b) a mortgage, charge or lien.

- (8C) The council must, on the request of any statutory authority—
- (a) make its register available for inspection by the authority;
  - (b) supply a certified copy of its register, or of an extract from it, to the authority.’

**Clause 62**, Page 32, Line 38

After ‘(8)’ insert ‘or (8C)’

**Clause 62**, Page 32, Line 39

After ‘an’ insert ‘entry in or other’

**New clause**

After clause 73 insert-

**‘Sharing of information between councils**

**73A.**—(1) A council may provide to any other council any information held by the council in connection with its functions under this Act.

(2) Information may be provided under subsection (1) only on the request of the other council; and may be used by that council only in connection with its functions under this Act.

(3) This section—

- (a) has effect notwithstanding any restriction on the disclosure of information imposed by any statutory provision or rule of law, and
- (b) does not limit the circumstances in which information may be used or provided apart from this section.’

*[Clause 74, Page 41, Line 10*

*New clause heading: ‘Failure to provide information or provision of false information’]*

**Clause 74**, Page 41, Line 17

At end insert ‘or a request under section 73A’

*[Clause 75, Page 41, Line 26*

*At end of clause heading add ‘or 73A’]*

**Clause 75**, Page 41, Line 31

After ‘73’ insert ‘or 73A’

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**Clause 83**

*The Minister for Social Development gives notice of his intention to oppose the question that clause 83 stand part of the Bill.*

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**Clause 88, Page 49, Line 5**

Leave out ‘, niece or cousin’ and insert ‘or niece’

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**Schedule 1, Page 50**

Leave out lines 12 to 14

**Schedule 1, Page 50, Line 18**

At end insert –

‘(2) A building where the person managing it is—

(a) the Northern Ireland Housing Executive, or

(b) a housing association registered under Part 2 of the Housing (Northern Ireland) Order 1992.’