

Subsidiary Legislation made under s.76.

Housing (Miscellaneous Provisions) Regulations 2009

LN.2009/070

		<i>Commencement</i>	26.11.2009
Amending enactments	Relevant current provisions		Commencement date
Act. 2018-19	Sch. 2		26.9.2019

ARRANGEMENT OF REGULATIONS

Regulation

1. Title and commencement.

Measurement of dwelling

2. Measurement of floor space.
3. Mode of measurement.
4. Areas to be excluded.

Decontrol

5. Standards for decontrol of dwelling.

Prescribed sum

6. Financially dependent: prescribed sum.

Public Housing

7. Duties of tenants.
8. Games to be played only where indicated.

Forms

9. Forms.

SCHEDULE 1
Decontrol of dwelling

SCHEDULE 2
Forms

In exercise of the power conferred upon him by section 76 of the Housing Act 2007, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Housing (Miscellaneous Provisions) Regulations 2009 and come into operation on the day of publication.

Measurement of dwelling

Measurement of floor space.

2. The floor space of a dwelling house to which Part II of the Act applies shall be measured and calculated in accordance with regulations 3 and 4.

Mode of measurement.

3.(1) The floor space of any room shall be measured between points on the internal finished surfaces of opposite walls immediately above the skirting, or if there is no skirting nine inches above the surface of the floor, so as to include the area of any chimney breast or other projection which protrudes into a room beyond the general line of the internal finished surface of such walls.

(2) To the area measured in accordance with subregulation (1) of this regulation there shall be added the floor space of any store, cupboard or similar space within or without the external or containing walls of the house which provides general storage.

(3) From the area measured in accordance with subregulation (1) and (2) of this regulation there shall be deducted any area which falls under any one or more of the following heads—

- (a) the floor area of any space that is less than 6 feet 6 inches in height;
- (b) the area occupied by any chimney breast which protrudes into a room beyond the general line of the internal finished surface of such a wall;
- (c) the area of any window and door recess unless such window is a bay window.

Areas to be excluded.

4. In calculating the floor space of a dwelling house for the purposes of this Act there shall be excluded—

- (a) the area of any stairway, corridor, access passage or other means of intercommunication;
- (b) the area occupied by a verandah, balcony, covered open air terrace or porch unless such verandah, balcony, terrace or porch are covered in and are not used for purposes of intercommunication as defined in sub-paragraph (a) of this regulation;
- (c) the area of a wash house used in common with other tenant or tenants or landlord;
- (d) the area of a water closet and ventilating lobby: provided that the area of a bathroom shall not be excluded by virtue of the fact that it is also used as a water closet;
- (e) the area of any yard or patio forming part of the house.

Decontrol

Standards for decontrol of dwelling.

5. Schedule 1 shall have effect for the purposes of section 49(1)(a) of the Act.

Prescribed sum

Financially dependent: prescribed sum.

6. For the purposes of section 33(1) of the Act a person is financially dependent if his income does not exceed the monthly or as the case may be weekly remuneration set out in the Schedule to the Conditions of Employment (Standard Minimum Wage) Order, 2001, as the same may be varied from time to time.

Public Housing

Duties of tenants.

- 7.(1) A tenant shall keep the public housing fit for accommodation and safe from fire and health hazards.

- (2) A tenant shall not wilfully obstruct, disturb, or interrupt any other person in the proper use of the housing area.

- (3) Any person who contravenes the provisions of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Games to be played only where indicated.

8.(1) Where on any part of a housing area as may be determined by the Principal Housing Officer and described in a notice attached to a notice board affixed or set up in some conspicuous position in the ground, declaring the part has been set apart for the purpose of any game specified in the notice board, a person shall not in any space elsewhere in the housing area play or take part in any games so specified.

(2) A person in any housing area who resorts to playing and taking part in any game for which the exclusive use of any space in the housing area has been set apart shall—

- (a) not play on the space any game other than the game for which it is set apart; and
- (b) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the housing area by other persons.

*Forms***Forms.**

9. The forms set out in Schedule 2 shall be used in the circumstances to which they refer.

SCHEDULE 1

Decontrol of dwelling

Regulation 5

The following types and standards of works and structural alterations are prescribed for the purposes of section 49(1)(a) of the Act–

- (a) the dwelling must include, within the premises, kitchen and bathroom facilities exclusive to that dwelling, such facilities must include running potable water, a water closet with a flushing cistern and appropriate outlets to the public sewer system;
- (b) the dwelling must be watertight;
- (c) the dwelling must meet the minimum standard and specification applicable to government rented accommodation;
- (d) the refurbishment of the dwelling must have been carried out in accordance with any legal requirements applicable to such refurbishment works; and
- (e) the dwelling and refurbishment must comply with such other criteria as the Minister may from time to time publish for the purposes of the interpretation of the above paragraphs.

SCHEDULE 2

Forms

Regulation 9

Form No.1

HOUSING ACT 2007

NOTICE OF TERMINATION OF TENANCY UNDER SECTION 8(1)

To(name of tenant).....

of.....(address of property).....

WHEREAS I have reason to believe that you have not personally occupied the abovementioned public housing for 270* or more days in the year commencing on the

I HEREBY GIVE YOU NOTICE that in accordance with the provisions of section 8(1) of the Housing Act 2007, and with the approval of the Housing Allocation Committee and of the Minister, the tenancy granted to you in respect of the abovementioned public housing is hereby terminated.

TAKE NOTE THAT-

- (i) within 30 days from the date of service of this notice you must hand over possession of the abovementioned property,
- (ii) all moveable property remaining in the abovementioned property 21 days after the coming into force of this notice shall be removed and taken into custody by the Government and all perishable goods remaining therein shall be immediately disposed of,
- (iii) within 21 days beginning with the date of service of this notice you may appeal to the Housing Tribunal

Dated

Signed
Principal Housing Officer

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note: The effect of this notice is that the Principal Housing Officer may on behalf of the Government, in accordance with the provisions of section 10 of the Housing Act, enter upon the above-mentioned premises and remove all movable property remaining therein within 21 days after termination of tenancy. If such property is not claimed within 3 months from the date of publication of a notice in the Gazette to that effect, it will vest in and become the property of the Government.

* Where the 270 days has been reduced in accordance with section 6(3) of the Housing Act 2007, that figure shall be inserted in place of 270.

Form No.2

HOUSING ACT 2007

NOTICE OF TERMINATION OF TENANCY UNDER SECTION 8(4)

To(name of tenant).....

of.....(address of property).....

WHEREAS I have reason to believe that you have failed to comply with a condition set out in section 7 of the Housing Act 2007, and have no reasonable justification for doing so, and you have not terminated the tenancy agreement

I HEREBY GIVE YOU NOTICE that in accordance with the provisions of section 8(4) of the Housing Act 2007, and with the approval of the Housing Allocation Committee and of the Minister, the tenancy granted to you in respect of the abovementioned public housing is hereby terminated.

The grounds for the termination are- [insert grounds and, where necessary, information establishing those grounds]

TAKE NOTE THAT-

- (i) within 30 days from the date of service of this notice you must hand over possession of the abovementioned public housing,
- (ii) all moveable property remaining in the property 21 days after the coming into force of this notice shall be removed and taken into custody by the Government and all perishable goods remaining therein shall be immediately disposed of,
- (iii) within 21 days beginning with the date of service of this notice you may appeal to the Housing Tribunal

Dated

Signed
Principal Housing Officer

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note: The effect of this notice is that the Principal Housing Officer may on behalf of the Government, in accordance with the provisions of section 10 of the Housing Act, enter upon the above-mentioned premises and remove all movable property remaining therein within 21 days after termination of tenancy. If such property is not claimed within 3 months from the date of publication of a notice in the Gazette to that effect, it will vest in and become the property of the Government.

Form No.3

HOUSING ACT 2007

SECTION 8(6)

NOTICE OF TERMINATION OF TENANCY

To(name of tenant).....

of.....(address of property).....(hereinafter referred to as “the property”).

In accordance with the provisions of section 8(6) of the Housing Act 2007, I hereby give you notice that the tenancy granted to you in respect of the property is hereby terminated.

The grounds for the termination are that–

- (a) you have failed to comply with a decanting notice issued under section 15 of the Housing Act and have not appealed against its issue*
- (b) you have unsuccessfully appealed against the decanting notice issued under section 15 of the Housing Act*

Take note that within 30 days from the date of service of this notice you must hand over possession of the property,

Dated

Signed
Principal Housing Officer

Acknowledgement of Service

Name of person served:

Signature:

Date:

(*Delete as necessary)

Form No.4

HOUSING ACT 2007

SECTION 15

DECANTING NOTICE

To.....

of.....

HAVING regard to the fact that –

- (a) the majority of the public housing in(*insert name of block of flats*) are empty it is now necessary or desirable to empty the block of flats of its remaining tenants;*
- (b) vacant possession of your public housing is required on the following grounds.....(*insert reasons*).....*

TAKE NOTICE THAT I require you to be decanted with your family (if any) to the following public housing-

- (1) address.....
- (2) composition.....(*insert details of property to which tenant is being decanted to*).....
- (3) weekly rent of £.....per week (which is not higher than your current rent).

I FURTHER require you to move to the allocated public housing by no later than.....(*insert date*)..... and give up vacant possession of your public housing by that date.

You may apply to the Principal Housing Officer for assistance, either financially or with the provision of transport, materials or other resources in connection with your move to the allocated public housing.

You may appeal under section 28 of the Housing Act against this Decanting Notice by filing an appeal with the secretary of the Housing Tribunal within 21 days beginning with the date of service of this order if you consider that the facts or reasons for the decanting are not true or that the alternative public housing is not suitable or the rent of the alternative public housing

is not of the same or a lower rent than your current rent; otherwise this Decanting Notice becomes operative at the end of those 21 days.

Dated this day of , 20 .

Minister for Housing

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note: A tenant who fails, without reasonable excuse, to comply with a decanting notice commits an offence and is liable on summary conviction to a fine not exceeding £200 and in addition is liable to the termination of his tenancy under section 8(6) of the Housing Act.

(*Delete as necessary)

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.5

HOUSING ACT 2007

SECTION 19

RESTORATION ORDER

To

Of
(this address is hereinafter referred to as “your public housing”)

WHEREAS I have reason to believe that you have carried out a development, as defined in the Town Planning Act 2018, in-

- (a) your public housing;*
- (b) the vicinity of your public housing;*
- (c) the housing area which contains your public housing;*
- (d) the vicinity of the housing area which contains your public housing.*

by so doing you acted in contravention of section 18(1) of the Housing Act 2007.

The contravention relates to the following unauthorised development-

.....
.....

NOW THEREFORE in exercise of the powers conferred on me by section 19 of the Housing Act 2007, I hereby **ORDER** you to-

take remedial action as follows-

.....

and to complete this remedial action to my satisfaction by.....20 .

You may appeal against this Restoration Order by filing an appeal with the secretary of the Housing Tribunal within 21 days beginning with the date of service of this order otherwise this order becomes operative at the end of those 21 days.

Dated this day of , 20 .

Principal Housing Officer

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note:

(1) Section 16 of the Town Planning Act 2018 defines “development” as (a) the carrying out of demolition, building, engineering, mining or other operations in, on, over or under land or (b) the making of any material change in the use of any buildings or land.

(2) A tenant who fails, without reasonable excuse, to comply with a Restoration Order commits an offence and is liable on summary conviction to a fine not exceeding £500.

(*Delete as necessary)

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.6

HOUSING ACT 2007

SECTION 20

DEMOLITION ORDER

To

of

(this address is hereinafter referred to as “your public housing”)

WHEREAS I have reason to believe that you have carried out a development, as defined in the Town Planning Act 2018, in-

- (a) your public housing;*
- (b) the vicinity of your public housing;*
- (c) the housing area which contains your public housing;*
- (d) the vicinity of the housing area which contains your public housing.*

by so doing you acted in contravention of section 18(1) of the Housing Act.

The contravention relates to the unauthorised development in your public housing or to the unauthorised erection, construction or development of a building or structure as follows-

.....
.....

NOW THEREFORE in exercise of the powers conferred on me by section 20 of the Housing Act 2007, I hereby **ORDER** you to-

- (a) take remedial action as follows:.....
.....;and
- (b) complete this remedial action to my satisfaction by.....20 .

You may appeal against this Demolition Order by filing an appeal with the secretary of the Housing Tribunal within 21 days beginning with the date of service of this order otherwise this order becomes operative at the end of those 21 days.

Dated this day of , 20 .

Principal Housing Officer

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note:

(1) Section 16 of the Town Planning Act 2018 defines “development” as (a) the carrying out of demolition, building, engineering, mining or other operations in, on, over or under land or (b) the making of any material change in the use of any buildings or land.

(2) A tenant who fails, without reasonable excuse, to comply with a demolition order commits an offence and is liable on summary conviction to a fine not exceeding £500.

(*Delete as necessary)

Form No.7

HOUSING ACT 2007

SECTION 21

STOPPAGE ORDER

To

of

(this address is hereinafter referred to as “your public housing”)

WHEREAS I have reason to believe that you are carrying out a development, as defined in the Town Planning Act 2018, in–

- (a) your public housing;*
- (b) the vicinity of your public housing;*
- (c) the housing area which contains your public housing;*
- (d) the vicinity of the housing area which contains your public housing.*

by so doing you are acting in contravention of section 18(1) of the Housing Act 2007.

The particulars of the nature, address or place of the apparent contravention are–

.....
.....

NOW THEREFORE in exercise of the powers conferred on me by section 21 of the Housing Act, I hereby **ORDER** you to stop the development forthwith and to take such action as is necessary to make safe the area or place of that development.

You may appeal against this Stoppage Order by filing an appeal with the secretary of the Housing Tribunal within 21 days beginning with the date of service of this order.

Dated this day of , 20 .

Principal Housing Officer

RECORD OF SERVICE

Name of person served:

Served by:

Date:

Note:

(1) Section 16 of the Town Planning Act 2018 defines “development” as (a) the carrying out of demolition, building, engineering, mining or other operations in, on, over or under land or (b) the making of any material change in the use of any buildings or land.

(2) A tenant who carries out any unauthorised development in his public housing, housing area or in the vicinity of the public housing or the housing area which contains the public housing commits an offence and is liable on summary conviction to a fine not exceeding £200.

(*Delete as necessary)

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.8

HOUSING ACT 2007

SECTION 41(2)

**NOTICE OF INTENTION TO APPLY TO THE RENT ASSESSOR FOR
DETERMINATION OF RENT PAYABLE**

I,....., of..... being *landlord/tenant of a dwelling house subject to the provisions of Part II of the Housing Act 2007, situated atof which is the *tenant/landlord whose address (or the address of whose registered agent) is desire to apply to the Rent Assessor to determine the correct amount of rent payable in respect of the aforesaid dwelling house in accordance with the provisions of the said Act.

The present rent of the said dwelling house is £.....

The said dwelling house measures squares**

The grounds of my application are as follows:

Particulars.

Date:

Signed:

*Delete as necessary

** “square” means 100 square feet of the floor space measured in accordance with the provisions of the Housing (Miscellaneous Provisions) Regulations 2009.

Form No.9

HOUSING ACT 2007

SECTION 41(3)

NOTICE OF ASSESSMENT OF RENT

To: [name of landlord]

And to: [name of tenant]*

Having considered your application for the determination of the statutory rent in respect of *[address of dwelling]* and having taken into account the prescribed criteria (including the criteria set out in Part 1 of Schedule 4 to the Housing Act 2007) the statutory rent is £....., exclusive of rates, with effect from.....

Dated

Rent Assessor

Note: This assessment is valid for 3 years from the date of issue.

(*Delete as necessary)

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.10

HOUSING ACT 2007

SECTION 41(13)

**NOTICE OF APPEAL TO THE HOUSING TRIBUNAL AGAINST ASSESSMENT
OF RENT ASSESSOR**

TO: The Secretary to the Housing Tribunal

I *[insert name]*of ...*[insert address]*

..... give you notice that I wish
to appeal the assessment of rent made by the Rent Assessor under section 41(1) on *[insert
date]*.

I enclose a copy of the said assessment.

Signed:

Dated:

*Note: under section 41(13) an appeal must be made within 21 days of the date of assessment
by the Rent Assessor*

Housing

2007-36

Housing (Miscellaneous Provisions) Regulations 2009

2009/070

Form No.11

HOUSING ACT 2007

CERTIFICATE UNDER SECTION 45(2)

I hereby certify that in accordance with the provisions of section 45(2) of the Housing Act 2007, suitable alternative accommodation consisting of (accommodation) situated at (address) will be available on the (date).

Date:

Rent Assessor

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.12

HOUSING ACT 2007

CERTIFICATE UNDER SECTION 45(4)

I hereby certify that the extent and details of the accommodation afforded by comparable Government premises to meet the needs of (name of tenant) and his/her family would be as follows—

Description of Accommodation	Recommended No. of Occupants	Government rent chargeable

Date:

Rent Assessor

Form No.13

HOUSING ACT 2007

SECTION 49(8)

NOTICE OF APPEAL TO THE HOUSING TRIBUNAL AGAINST THE DECISION OF THE RENT ASSESSOR

TO: The Secretary to the Housing Tribunal

I *[insert name]*of ...*[insert address]*

On *[insert date]* the Rent Assessor determined an application for the decontrol of *[address of property in question]* under section 49(1) of the Housing Act 2007.

I hereby give you notice of my intention to appeal that decision.

I enclose a copy of the Rent Assessor's decision.

Signed:

Dated:

Note: under section 49(8) an appeal must be made within 21 days of the date of the decision of the Rent Assessor.

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.14

HOUSING ACT 2007

NOTICE UNDER SECTION 53(2)

To the Sub-tenant:

I, (name), Landlord or premises (address) hereby give you notice that the tenancy of the said premises was surrendered to me on the (date).

In accordance with the provisions of section 53(2) of the Housing Act 2007, you are invited to notify me in writing within 14 days of receiving this Notice whether or not you will be willing to take possession of the surrendered premises.

Date:

Landlord

Form No.15

HOUSING ACT 2007

NOTICE BY THE SUBTENANT UNDER SECTION 53(2).

To the Landlord ()
of premises ()

* I/We hereby acknowledge receipt of your Notice dated and wish to inform you that * I/we are *willing/not willing to take possession of the premises situated at

Please let me have details of the proposed tenancy.

Date: Tenant

(*Delete as necessary)

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.16

HOUSING ACT 2007

SECTION 58(1)

**NOTICE OF INTENTION TO APPLY FOR DETERMINATION OF RENT
PAYABLE**

I,....., of..... being *landlord/tenant of a dwelling house subject to the provisions of Part II of the Housing Act 2007, situated atof which is the *tenant/landlord whose address (or the address of whose registered agent) is desire to apply to the Housing Tribunal to determine the correct amount of rent payable in respect of the aforesaid dwelling house in accordance with the provisions of the said Act.

The present rent of the said dwelling house is £.....

The said dwelling house measures squares**

The grounds of my application are as follows:--

Particulars.

Date:

Signed:

To: The Secretary,
Housing Tribunal.

**delete as necessary*

*** "squares" means 100 square feet of the floor space measured in accordance with the provisions of the Housing (Miscellaneous Provisions) Regulations 2009.*

Housing

2007-36

Housing (Miscellaneous Provisions) Regulations 2009

2009/070

Form No.17

HOUSING ACT 2007

SECTION 62(1)

APPLICATION FOR RENT RELIEF

To: The Principal Housing Officer

I, [insert name] of [insert address] hereby apply to the Principal Housing Officer for rent relief in accordance with section 62(1) of the Housing Act 2007.

The rent in respect of the above stated address is £ per annum.

The following persons reside at the above stated address.

The total household income is £ per annum.*

Signed

Dated

**Documentary evidence must be attached to this application.*

2007-36

Housing

2009/070

Housing (Miscellaneous Provisions) Regulations 2009

Form No.18

HOUSING ACT 2007

SECTION 62(2)

**NOTICE OF APPEAL TO THE HOUSING TRIBUNAL AGAINST THE DECISION
OF THE PRINCIPAL HOUSING OFFICER**

TO: The Secretary to the Housing Tribunal

I *[insert name]*of ...*[insert address]*.....
.....

On *[insert date]* the Principal Housing Officer determined an application for rent relief under section 62(2) of the Housing Act 2007.

I hereby give you notice of my intention to appeal that decision.

I enclose a copy of the Principal Housing Officer's decision.

Signed:

Dated:

Note: under section 62(2) an appeal must be made within 21 days of the date of the decision of the Principal Housing Officer.