

Version
as at 15 November 2021



Housing Improvement Regulations 1947 (SR 1947/200)

B C Freyberg, Governor-General

Order in Council

At the Government Buildings at Wellington, this 10th day of December 1947

Present:

The Right Hon P Fraser presiding in Council

Pursuant to the Housing Improvement Act 1945, the Governor-General, acting by and with the advice and consent of the Executive Council and on the recommendation of the Minister of Works and the Minister of Health, doth hereby make the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1

These regulations may be cited as the Housing Improvement Regulations 1947.

2 **Interpretation**

In these regulations, unless the context otherwise requires,—

Act means the Housing Improvement Act 1945

adequate means adequate in the opinion of the local authority

approved means approved by the local authority

boarding house means a house or part of a house, other than licensed premises, in which 5 or more persons other than the occupier and the members of his family are lodged, but with the right of entry by the occupier to any room in which such persons are lodged, and in which the occupier supplies any food to such persons

drinking water standards means the standards made under section 47 of the Water Services Act 2021

dwelling unit means a house or a room or group of rooms occupied or intended to be occupied as the living quarters of a single family exclusively, whether or not completely self-contained in respect of domestic equipment; and includes a boarding house and a lodging house

existing house means a house erected before the enactment of these regulations

family means any housekeeping unit, whether of 1 or more persons

habitable room means any room which is used or intended to be used, or, in the opinion of the local authority, is capable of being used, as a living room, dining room, sitting room, or bedroom; and includes a kitchen having a floor area of 80 square feet or more, but does not include a room constructed and used as a garage

licensed premises means a house in respect of which there is for the time being in force a licence under the Sale of Liquor Act 1989

lodging house means a house or part of a house, other than licensed premises, in which 5 or more persons other than the occupier and the members of his family are lodged, but with the right of entry by the occupier to any room in which such persons are lodged, and where such persons obtain and consume their meals off the premises

new house means a house erected after the enactment of these regulations

potable water means water that—

- (a) is safe to drink; and
- (b) complies with the drinking water standards

relocatable home means a structure comprising a group of rooms occupied or intended to be occupied either permanently or temporarily as the living quarters of a single housekeeping unit (whether consisting of 1 or more persons), which is completely self-contained in respect of domestic equipment and facilities and which is designed to be relocatable and is located in a camping ground; but does not include a tent

short stay camps means camps (such as those conducted by churches, guides, schools, and scouts) providing camping shelter and facilities, which are occupied for limited periods by different persons from time to time and which are approved for that purpose by the local authority; but does not include a short stay hostel

short stay hostel means a boarding house or lodging house for the time being declared to be a short stay hostel pursuant to regulation 3A.

Regulation 2 **drinking water standards**: inserted, on 15 November 2021, by section 206(2) of the Water Services Act 2021 (2021 No 36).

Regulation 2 **licensed premises**: amended, on 1 April 1990, pursuant to section 230(2) of the Sale of Liquor Act 1989 (1989 No 63).

Regulation 2 **potable water**: inserted, on 15 November 2021, by section 206(2) of the Water Services Act 2021 (2021 No 36).

Regulation 2 **relocatable home**: inserted, on 1 January 1986, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 4 (SR 1985/262).

Regulation 2 **short stay camps**: inserted, on 1 January 1986, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 4 (SR 1985/262).

Regulation 2 **short stay hostel**: inserted, on 29 August 1975, by regulation 2(1) of the Housing Improvement Regulations 1947, Amendment No 3 (SR 1975/218).

3 Application of regulations

- (1) These regulations shall not apply with respect to—
 - (a) licensed premises:
 - (b) premises situated within a transit housing centre within the meaning of the Local Authorities (Temporary Housing) Emergency Regulations 1944 (SR 1944/164):
 - (c) any house which between 1 April and the last day of November in every year is not occupied or is occupied only occasionally for periods not exceeding 1 month at any one time:
 - (d) accommodation to which the Shearers Accommodation Act 1919 applies:
 - (e) short stay camps.
- (1A) Where, in respect of any relocatable home, the local authority has granted an exemption under regulation 14(2) of the Camping-Grounds Regulations 1985 (SR 1985/261), nothing in these regulations shall apply to or in respect of that relocatable home that would impose any requirement inconsistent with the effect of that exemption.

- (2) Notwithstanding the provisions of these regulations, the bylaws of any local authority shall continue to apply with respect to the erection or alteration or occupation of houses after the enactment of these regulations:

provided that the minimum requirements of these regulations shall also be complied with in any case to which these regulations apply.

Regulation 3(1)(e): inserted, on 1 January 1986, by regulation 3(1) of the Housing Improvement Regulations 1947, Amendment No 4 (SR 1985/262).

Regulation 3(1A): inserted, on 1 January 1986, by regulation 3(2) of the Housing Improvement Regulations 1947, Amendment No 4 (SR 1985/262).

3A Short stay hostels

- (1) On application to it by the proprietor thereof, a local authority in whose district a boarding house or lodging house is situated may, by notice in writing delivered to the applicant, declare it to be a short stay hostel.
- (2) If in the opinion of the local authority a boarding house or lodging house which is a short stay hostel is being used by guests for periods in excess of 3 nights, the local authority may by notice in writing delivered to the proprietor declare that it is no longer a short stay hostel; and it shall thereupon cease to be a short stay hostel.

Regulation 3A: inserted, on 29 August 1975, by regulation 2(2) of the Housing Improvement Regulations 1947, Amendment No 3 (SR 1975/218).

Part 1

Minimum standards of fitness for houses

4

The provisions of this Part prescribe for the purposes of section 4 of the Act standards of fitness with which every house to which these regulations apply, whether erected before or after the passing of the Act, must comply.

5

- (1) Subject to the provisions hereinafter contained, any house to which these regulations apply shall have the following, which shall comply with the provisions of this Part, that is to say—
- (a) an adequate room used, intended to be used, or capable of being used as a living room;
 - (b) a kitchen or kitchenette;
 - (c) a room used, intended to be used, or capable of being used as a bedroom;
 - (d) a bathroom;
 - (e) a water closet, or, if for any good reason that cannot be provided, some other form of privy, for the exclusive use of the occupants of the house; and

- (f) if the house accommodates, is intended to accommodate, or is capable of accommodating more than 2 persons, adequate provision for washing clothes.
- (2) If 1 room having a floor area of not less than 9 sq m in the case of an existing house or 14 sq m in the case of a new house is used, intended to be used, or capable of being used as a kitchen and living room combined, it shall not be necessary for the house to have a separate living room and a separate kitchen.
- (3) In any case where a house is being used to accommodate not more than 2 persons 1 room having an area of not less than 11 sq m if used by 1 person or not less than 14 sq m if used by 2 persons may be used as a bedroom and living room combined, but in that case there shall be a separate kitchen or kitchenette.

Regulation 5(2): amended, on 24 April 1975, by regulation 2(a) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

Regulation 5(3): amended, on 24 April 1975, by regulation 2(b) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

6

Every living room shall be fitted with a fireplace and chimney or other approved form of heating.

7

- (1) Every kitchen or kitchenette shall have a minimum width of 1.5 m and an area of not less than 4 sq m:
provided that in any case where a house is being used to accommodate not more than 2 persons the area may be less than 4 sq m, but not less than 3 sq m.
- (2) There shall be in each kitchen or kitchenette—
- (a) an approved sink with a tap connected to an adequate supply of potable water; and
- (b) adequate means of preparing food and of cooking food, both by boiling and by baking.
- (3) There shall be provided for each kitchen or kitchenette adequate space for the storage of food, so placed, fitted, and ventilated as to protect the food from flies, dust and other contamination, and from the direct rays of the sun.

Regulation 7(1): amended, on 24 April 1975, by regulation 2(c) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

Regulation 7(1) proviso: amended, on 24 April 1975, by regulation 2(c) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

8

- (1) Every bedroom shall have a minimum width of 1.8 m:
provided that for the purpose of computing such width in a room with a sloping ceiling no regard shall be had to any part of the room the height of which from finished floor to finished ceiling is less than 1.5 m.

- (2) Every bedroom shall have an area of not less than 6 sq m:
provided that in an existing house a room with an area of less than 6 sq m but not less than 4.5 sq m may be occupied as a bedroom by a person under 10 years of age.
- (3) In computing the area of a bedroom for the purposes of subclause (2) no regard shall be had to any portion of the bedroom the height of which from finished floor to finished ceiling is less than 1.5 m.
- (4) No bedroom shall contain any cooking appliance.
Regulation 8(1): amended, on 24 April 1975, by regulation 2(d) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).
Regulation 8(1) proviso: amended, on 24 April 1975, by regulation 2(d) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).
Regulation 8(2): amended, on 24 April 1975, by regulation 2(e) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).
Regulation 8(2) proviso: amended, on 24 April 1975, by regulation 2(e) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).
Regulation 8(3): amended, on 24 April 1975, by regulation 2(f) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

9

- (1) Every bathroom or water closet compartment shall have as 1 of its sides an external wall in which is fitted at least 1 window directly opening to the external air, unless other adequate means of ventilation are provided to the satisfaction of the local authority.
- (2) Every bathroom shall contain an approved bath or shower with an adequate supply of wholesome water. Adequate means of heating water shall be provided.
- (3) The water closet pan shall be installed either in a bathroom, a lavatory, or a separate compartment.
- (4) If for any good reason a water closet cannot be provided, the other form of privy which shall be provided shall comply with the bylaws of the local authority as to type, construction, and location.

10

Every habitable room shall have a height from finished floor to finished ceiling of at least 2.1 m in the case of an existing house and of at least 2.4 m in the case of a new house:

provided that where a habitable room has a sloping ceiling it shall have that height over at least one-half of its floor area, and in computing that area no regard shall be had to any portion of the room the height of which from finished floor to finished ceiling is less than 1.5 m.

Regulation 10: amended, on 24 April 1975, by regulation 2(g) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

Regulation 10 proviso: amended, on 24 April 1975, by regulation 2(g) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

11

- (1) Every habitable room shall be provided with 1 or more windows so situated in an external wall or external walls that adequate light is admitted.
- (2) The aggregate area of the glass of the windows of each habitable room shall be not less than a one-tenth part of the area of the floor of the room.
- (3) The windows of each habitable room shall be so constructed that windows with an area amounting to not less than one-twentieth part of the area of the floor of the room can be opened for the admission of air.
- (4) Every room which is not a habitable room shall be provided with such window or windows as the local authority may consider necessary for the adequate lighting and ventilation thereof.

12

Every staircase shall be so constructed and maintained as to provide safe access from one level to another, and shall be—

- (a) provided with a sufficient handrail and adequately ventilated to the satisfaction of the local authority; and
- (b) lighted by natural means wherever possible.

13

There shall be provided to the satisfaction of the local authority means of artificial lighting sufficient to illuminate adequately every habitable room, kitchen, kitchenette, bathroom, water closet, passage, and stairway.

14

- (1) The site of every house shall, to such extent as the local authority deems necessary, be provided with efficient drainage for the removal of storm water, surface water, and ground water. No house shall be occupied which is built on land which is not adequately drained or which is subject to periodic flooding in times of normal rain.
- (2) Every house shall be provided with gutters, downpipes, and drains for the removal of roof water to the satisfaction of the local authority.
- (3) Under every part of every house where the floor is of timber construction there shall be adequate space and vents to ensure proper ventilation for the protection of the floor from damp and decay.

15

Every house shall be free from dampness.

16

- (1) In cases where there is a sewerage system available, every water closet, urinal, bath, lavatory basin, sink, and other sanitary appliance shall be connected to the sewerage system by impervious pipes in accordance with the bylaws or regulations in force in the district.
- (2) In cases where no sewerage system is available the waste matter from every sanitary appliance shall be discharged by waste pipe or soil pipe, as the case may require, into an adequate drainage system connected to an adequate sewage tank or other adequate means of disposal.

17

- (1) The materials of which each house is constructed shall be sound, durable, and, where subject to the effects of the weather, weatherproof, and shall be maintained in such a condition.
- (2) The walls and ceilings of every habitable room, bathroom, kitchen, kitchenette, hall, and stairway shall be sheathed, plastered, rendered, or otherwise treated, and shall be maintained to the satisfaction of the local authority.
- (3) Every room in every house shall be adequately floored so as to have a washable and durable surface, and every floor shall be kept in a good state of repair free from crevices, holes, and depressions.

18

- (1) Every house and all the appurtenances and appliances of every house shall at all times be kept in a state of good repair.
- (2) Where a house is occupied as 2 or more dwelling units and any parts thereof are used in common by the occupiers of more than 1 dwelling unit, the owner shall keep, or cause to be kept, those parts of the house (including the sanitary appliances and other fittings therein) in a state of cleanliness and good repair.

Part 2

Prevention of overcrowding in houses

19

- (1) A house shall be deemed for the purposes of this Part to be overcrowded if the house is so occupied that there are 2 or more dwelling units in the house and any dwelling unit fails to comply with the standards of fitness prescribed by Part 1 in respect of houses in the same manner as it would be required to do if it were a separate house:

provided that with the approval of the local authority given by resolution passed within the preceding 12 months it shall not be necessary for each dwelling unit to have a separate bathroom and water closet or other form of privy if there is provided in the house for the use of the persons in the dwelling units

not less than 1 bathroom and 1 water closet or other form of privy for each 7 persons, or part thereof, and if, where there is more than 1 bathroom and water closet or other form of privy, each bathroom and water closet or other form of privy is set apart for the use either of persons of 1 sex or of members of 1 family:

provided also that it shall not be necessary for each dwelling unit which is being used to accommodate not more than 2 persons to have a separate kitchen if there is in the house an approved kitchen adequately equipped with all necessary fittings and accessories.

- (2) A house shall be deemed for the purposes of this Part to be overcrowded if it is used as a boarding house or lodging house and there is not—
- (a) adequate living room and dining-room accommodation in addition to the kitchen; or
 - (b) 1 bathroom and 1 lavatory basin available for use by each 10 persons, or part thereof, and the appropriate number of water closets or approved privies of some other form calculated in accordance with Schedule 1:
provided that any lavatory basin installed in a bathroom or in a compartment with a water closet or other form of privy and any water closet or other form of privy installed in a bathroom shall not be counted.
- (3) Notwithstanding anything contained in paragraph (b) of subclause (2), in calculating the number of persons for whom provision is to be made under that paragraph no account shall be taken of persons for whose exclusive use adequate provision of such sanitary appliances as aforesaid is made.
- (4) A house shall be deemed for the purposes of this Part to be overcrowded—
- (a) if the number of persons who sleep therein or in any dwelling unit therein is such that any 2 of those persons, being persons 10 years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same bedroom; or
 - (b) if the number of persons who sleep in any bedroom therein of an area specified in the first column of Schedule 2 exceeds the number calculated in accordance with the second column of that schedule in relation to that area.
- (4A) Notwithstanding subclause (4)(b), no short stay hostel shall for the purposes of this Part be deemed to be overcrowded by reason only of the fact that the number of persons who sleep in any bedroom therein of an area specified in the first column of Schedule 2 exceeds the number calculated in accordance with the second such column in relation to that area if—
- (a) the short stay hotel is constructed in accordance with the standards prescribed by the local authority in whose district it is situated or in accordance with New Zealand Standard 1900 and Model General By-law,

- Licensing and Control of Apartment Buildings and Boardinghouses, New Zealand Standard 9201, chapter 3; and
- (b) the bedroom is fitted with windows of such type, construction, and location, and fixed open to such an extent, as may be required by the said local authority; and
 - (c) the bedroom has either 2 external walls or 1 external wall and a permanently open vent in the roof; and
 - (d) the area of the bedroom is such that there is at least 3.5 m² for each person who sleeps in it.
- (5) In determining for the purposes of the last preceding subclause the area of any bedroom, no regard shall be had to any portion of the bedroom the height of which from finished floor to finished ceiling is less than 1.5 m. In determining for the purposes of the last preceding subclause the number of persons sleeping in a bedroom, no account shall be taken of a child under 1 year old, and a child who has attained 1 year and is under 10 years old shall be reckoned as one-half of a unit.
- (6) A house shall be deemed for the purposes of this Part to be overcrowded if the number of persons who sleep in any room therein exceeds such number as may be permitted under the bylaws of the local authority for the district in which the house is situated.

Regulation 19(4A): inserted, on 29 August 1975, by regulation 2(3) of the Housing Improvement Regulations 1947, Amendment No 3 (SR 1975/218).

Regulation 19(5): amended, on 24 April 1975, by regulation 2(h) of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

20

- (1) If the occupier or the owner or any agent of the owner of any house or of any dwelling unit in a house causes or permits the house to be overcrowded, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 or, where the offence is a continuing one, not exceeding \$10 for every day or part of a day during which the offence continues.
- (2) Any person who on the date of the commencement of these regulations is the occupier of a house or of a dwelling unit in a house shall not be guilty of an offence against this regulation in respect of the overcrowding of that house so long as all the persons sleeping in the house or dwelling unit are persons who were living there on that date and thereafter continuously live there, or are children born after that date of any of those persons, unless—
- (a) suitable alternative accommodation is offered to the occupier after that date and he fails to accept it; or
 - (b) suitable alternative accommodation is offered to some person living in the house or dwelling unit, who is not a member of the occupier's family

and whose removal is reasonably practicable in the circumstances, and the occupier fails to require his removal.

- (3) The owner, or an agent of the owner, of an overcrowded house, or, in any case where overcrowding occurs in a dwelling unit in a house, the owner of that dwelling unit or his agent, shall be deemed to cause or permit it to be overcrowded—
- (a) if, after written notice that the house is overcrowded has been served on him or his agent, he fails to take such steps as are reasonably open to him to secure abatement of the overcrowding; or
 - (b) if, when letting the house or dwelling unit after the commencement of these regulations, he or his agent had reasonable cause to believe that the house would become overcrowded or failed to make inquiries for the purpose of ensuring that overcrowding would not occur,—

but not otherwise.

Regulation 20(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 3

Register of houses

21

- (1) Each local authority may if it thinks fit prepare and maintain a register of all houses in its district or any part of its district which are boarding houses or lodging houses or in which there are 2 or more dwelling units, or may prepare and maintain a register of any class of such houses.
- (2) Any such register shall set out in respect of each house registered therein the following particulars:
- (a) the name, description, and address of the owner:
 - (b) the name, description, and address of the occupier:
 - (c) the address of the house:
 - (d) the classification of the house:
 - (e) particulars concerning the occupancy of the house at the time of registration or of any amendment of the registration:
 - (f) such other particulars as the local authority may consider desirable.
- (3) A local authority may from time to time, on the application of any person appearing to be interested or without any such application, amend the register in respect of any particulars entered therein or include in the register particulars in respect of any house not already registered therein.
- (4) Any person may at any time object in writing to the register on the ground that any entry in the register is incorrect or that any house which should be regis-

tered is not registered. Any such objection shall be inquired into and disposed of by the local authority, which shall give the objector an opportunity of being heard in support of his objection.

- (5) Any local authority which pursuant to any bylaw is keeping a register of any class of houses in respect of which this regulation applies may by special order resolve that the register shall be deemed also to be kept under and for the purposes of this regulation, and if the register contains all the particulars required by this regulation it shall be deemed to be kept under and for the purposes of this regulation, and the provisions of this regulation shall apply accordingly.
- (6) Any register kept or deemed to be kept under and for the purposes of this regulation shall be prima facie evidence of the truth of any matters registered therein.
- (7) The local authority may from time to time require any occupier of any dwelling unit to which this regulation applies to supply, in a form to be provided by the local authority, such information and particulars as may reasonably be required for the purpose of preparing or maintaining a register under this regulation.
- (8) Every person who is required under subclause (7) to supply any information or particulars shall be guilty of an offence against this regulation if, without lawful justification or excuse, he—
 - (a) refuses or fails to supply any such information or particulars as aforesaid; or
 - (b) makes any false or misleading statement or any material omission in any such form as aforesaid, or in any notification or communication (whether in writing or otherwise) to the local authority or any officer thereof for the purposes of this regulation.
- (9) Every person who commits an offence against this regulation shall be liable on conviction to a fine not exceeding \$4.

Regulation 21(9): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 4

Delegation of powers by local authority

22

- (1) Any local authority may from time to time, either generally or particularly, delegate to any officer of the local authority any of its powers or functions under these regulations that are not by these regulations required to be exercised by the local authority by resolution or by special order.
- (2) Subject to any general or special directions given by the local authority, the officer to whom any powers or functions are so delegated may exercise those powers or functions in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

- (3) Every officer purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.
- (4) Any delegation under this regulation may be made to any specified officer by name or to the holder for the time being of any specified office.
- (5) The delegation by a local authority of any powers or functions conferred on it by these regulations shall not prevent the exercise of those powers or functions by the local authority itself, and shall not limit or affect in any way the rights of any person under the Act, or the right of any person affected by any direction given or decision made by any officer pursuant to this regulation to appeal to the local authority against that direction or decision, or the right of any person to make any application or objection to the local authority pursuant to these regulations.

Part 5 Appeals

Part 5: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

23

In this Part, unless the context otherwise requires,—

local authority means a local authority to which preliminary notice of appeal has been given

notice of appeal means a formal notice of appeal in the form in Schedule 3 and required to be filed by regulation 25

preliminary notice, in relation to any appeal, means a notice given to a local authority pursuant to subsection (1) of section 7 of the Act.

Regulation 23: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

24

Every appeal preliminary notice of which has been given to a local authority shall be instituted within 14 days from the day on which the preliminary notice was given or within such further time as a District Court Judge, after hearing the local authority or with its consent, may allow.

Regulation 24: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Regulation 24: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

25

- (1) The appellant shall institute his appeal by filing in the office of the District Court nearest to the public office of the local authority a notice of appeal in the form in Schedule 3.
- (2) The appellant shall at the same time lodge with the Registrar of the court a signed duplicate copy of the notice of appeal, together with a copy of the notice to repair, or, as the case may be, given by the local authority under section 5 of the Act in respect of which the appeal is instituted.

Regulation 25: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Regulation 25(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

26

The Registrar shall serve upon the local authority the signed duplicate copy of the notice of appeal.

Regulation 26: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

27

Notwithstanding anything to the contrary in regulation 24, every appeal preliminary notice of which has been given before the commencement of these regulations shall be instituted within 1 month from the commencement of these regulations and in accordance with regulation 25:

provided that the foregoing provisions of this regulation shall not apply to or be deemed to vitiate any appeal that has been brought into the District Court before the commencement of these regulations in some other effective manner and due notice of the bringing into court of which has been given to the local authority.

Regulation 27: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Regulation 27 proviso: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

28

- (1) Where the person who has given preliminary notice of appeal has failed to institute or to bring his appeal into the District Court in accordance with such of the foregoing provisions as are applicable in his case, the local authority may do so by filing in the appropriate District Court a copy of the preliminary notice of appeal.
- (2) Thereupon the preliminary notice of appeal shall be deemed to be the notice of appeal, and the appeal shall be deemed to have been duly instituted by the person who gave the preliminary notice.

- (3) The Registrar shall then fix the time for the hearing, and shall serve notice on the person who gave the preliminary notice that the appeal has been instituted and of the time and place fixed for the hearing.

Regulation 28: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Regulation 28(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

29

Subject to these regulations and so far as they do not extend, the procedure for the institution, hearing, and determination of appeals under the Act shall be in accordance with the ordinary procedure of the court, and in particular with the District Courts Act 1947 and the District Courts Rules 2009; and every notice of appeal filed in the office of the District Court shall for this purpose be deemed to be an originating application within the meaning of rule 6.1 of those rules.

Regulation 29: inserted, on 23 November 1950, by regulation 2 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Regulation 29: amended, on 1 November 2009, pursuant to rule 17.1 of the District Courts Rules 2009 (SR 2009/257).

Regulation 29: amended, on 1 April 1980, pursuant to section 2(3) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 29: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Schedule 1

**Number of water closets or approved privies of some other form to
be provided in boarding houses and lodging houses**

| Number of persons residing in boarding house or lodging house | Number of water closets or approved privies |
|--|--|
| Not exceeding 6 | 1 |
| Not exceeding 14 | 2 |
| Not exceeding 24 | 3 |
| Not exceeding 36 | 4 |
| Not exceeding 48 | 5 |
| Not exceeding 60 | 6 |
| Exceeding 60 | 1 for each 10 persons or part thereof |

Schedule 2

Number of persons permitted to sleep in a bedroom

r 19(4)(b)

Schedule 2: replaced, on 24 April 1975, by regulation 3 of the Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83).

| Area of bedroom | Number of persons |
|---------------------------------------|---|
| Under 4.5 sq m | Nil |
| 4.5 sq m or more but less than 6 sq m | ½ in existing building; nil in new building |
| 6 sq m or more but less than 8 sq m | 1 |
| 8 sq m or more but less than 10 sq m | 1½ |
| 10 sq m or more but less than 12 sq m | 2 |
| 12 sq m or more but less than 14 sq m | 2½ |
| 14 sq m or more but less than 17 sq m | 3 |
| 17 sq m or more but less than 20 sq m | 3½ |
| 20 sq m or more | 4 persons and 1 additional person for each additional complete 5 sq m |

Schedule 3

Notice of appeal

Schedule 3: inserted, on 23 November 1950, by regulation 3 of the Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194).

Schedule 3: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

OA No:

In the District Court at *[place]*

In the matter of the Housing Improvement Act 1945

and

In the matter of an appeal

Between *[name]* of *[place]*, *[occupation]*, appellant

and *[name of local authority]*, respondent

Notice of appeal

Take notice that the above-named appellant will appeal to a District Court Judge sitting in the above-named District Court on *[date and time]*, against the requirements of a notice dated *[date]*, served by the above-named respondent upon **[him]* *[[name]* of *[place of residence of owner]*], as the owner of the house situated at *[address]*, upon the following grounds:

[Here, if the appellant is not the owner, state what is his estate or interest in the land on which the house stands. In every case state the grounds on which the appeal is brought.]

Dated at *[place, date]*:

Signature:

(Appellant)

To the Registrar of the above-named District Court, and

To the above-named respondent

This notice of appeal is filed by **[the appellant in person]* *[[name]*, solicitor or authorised agent for appellant], whose address for service is at *[address]*.

**Delete the words printed within brackets that do not apply.*

W O Harvey,
Clerk of the Executive Council.

Notes

1 *General*

This is a consolidation of the Housing Improvement Regulations 1947 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Water Services Act 2021 (2021 No 36): section 206(2)

Criminal Procedure Act 2011 (2011 No 81): section 413

District Courts Rules 2009 (SR 2009/257): rule 17.1

Sale of Liquor Act 1989 (1989 No 63): section 230(2)

Housing Improvement Regulations 1947, Amendment No 4 (SR 1985/262)

District Courts Amendment Act 1979 (1979 No 125): sections 2(3), 18(2)

Housing Improvement Regulations 1947, Amendment No 3 (SR 1975/218)

Housing Improvement Regulations 1947, Amendment No 2 (SR 1975/83)

Housing Improvement Regulations 1947, Amendment No 1 (SR 1950/194)