

Housing Tips and Advice

Smoking and Drugs

The Misuse of Drugs Act 1978 states that it is a criminal offence to allow unlawful drug use in premises which are in your control. Therefore as a tenant with exclusive possession of a property it would be a criminal offence to be in possession of to allow unlawful drug use in your home. So beware if you are sharing with someone who is using unlawful drugs (even cannabis) in your house you are committing a criminal offence by allowing that to occur.

The police have the power to search a person but they can only enter a person's private home with a warrant, however if you are in a joint tenancy then you all have joint possession of the entire house and therefore if the police knock on the door and ask to be let into someone's room a flatmate can do this. If however you are in individual tenancies then you cannot.

In terms of smoking, the Health Act 2006 made it a criminal offence to smoke in certain places except for your private home. This means that technically it is not unlawful to smoke in your own private bedroom (in halls or individual tenancy) or your own private house (if in a joint tenancy) however most contracts will specify that it is a breach and therefore not permitted. Which would mean you could find yourself in breach of contract and facing a cost of repairs for any smoke damage to the property.

FACT: in a joint tenancy it is lawful to smoke anywhere in the house although often not permitted by contract however in an individual tenancy it is a criminal offence to smoke in the communal areas of the house regardless of what the contract says!