
Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Paragraph 2. (See end of Document for details)

SCHEDULE 4 APPLICATIONS FOR HMO LICENCES: PROCEDURE

Notice of application

- 2 (1) A “notice of HMO application” is a notice which—
- (a) states that an application for an HMO licence has been made in respect of living accommodation,
 - (b) sets out the information described in paragraph 1(2) and (3) (excluding the information described in sub-paragraph (3)(c) of that provision),
 - (c) states the date of the notice,
 - (d) explains the procedure for making written representations about the application to the local authority.
- (2) The applicant must cause a notice of HMO application to be displayed on or near to the living accommodation concerned for 21 days from the date on which the application is made.
- (3) The applicant must ensure that the notice of HMO application is designed and displayed so that it can be conveniently read by the public.
- (4) The removal, obscuring or defacement of a notice of HMO application does not affect compliance with sub-paragraphs (2) and (3) if the applicant—
- (a) took reasonable steps to prevent (and did not cause) the removal, obscuring or defacement, and
 - (b) on becoming aware of such an event, replaced the notice.
- (5) An applicant who considers that sub-paragraphs (2) and (3) have been complied with must certify that fact to the local authority.
- (6) Where—
- (a) a notice of HMO application is removed, obscured or defaced during the period for which it must be displayed, but
 - (b) the applicant considers that compliance with sub-paragraphs (2) and (3) is, because of sub-paragraph (4), unaffected,
- the certificate must state the relevant circumstances.
- (7) If the local authority is satisfied that sub-paragraph (2) or (3) has not been complied with in the manner certified by the applicant, it may require the applicant to cause a notice of HMO application to be displayed on or near the living accommodation concerned for 21 days from such date as the authority may specify.
- (8) Sub-paragraphs (3) to (7) apply in relation to a duty under sub-paragraph (7) as they apply in relation to a duty under sub-paragraph (2).
- (9) On receiving an application for an HMO licence, the local authority—
- (a) must send a copy of the application to the chief officer of the [^{F1}enforcing authority]^{F1} authority and the chief constable, and
 - (b) may give a notice of HMO application in a newspaper circulating in its area.

Changes to legislation: There are currently no known outstanding effects for the
Housing (Scotland) Act 2006, Paragraph 2. (See end of Document for details)

.....

Textual Amendments

- F1** Words in Sch. 4 para. 2(9)(a) substituted (1.10.2006) by The Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 2(1), **Sch. 1 para. 17(2)(3)(e)**
-

Commencement Information

- I1** Sch. 4 para. 2 in force at 31.8.2011 by S.S.I. 2010/159, **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Paragraph 2.