



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Enforcement by local authority

144 Suspension of rent etc.

- (1) The local authority may, if satisfied—
 - (a) that an HMO which requires to be licensed under this Part is not so licensed, or
 - (b) that any condition included in an HMO licence has been breached (regardless of whether the local authority has taken any other action, or of whether criminal proceedings have been commenced, in respect of that breach),by order provide that no rent or other sums for occupation are to be payable under any tenancy or occupancy arrangement by virtue of which any person occupies the living accommodation concerned.
- (2) A notice under section 158 giving notice of the decision to make an order under subsection (1) must specify—
 - (a) the name of the owner of the living accommodation concerned (where the local authority is aware of it),
 - (b) the address of the living accommodation concerned,
 - (c) the effect of the order, and
 - (d) the date on which it is take effect (which must not be earlier than the date on which the notice is served on the owner).
- (3) Where the local authority is aware of the name and address of a person who acts for the owner on whom that notice is served the local authority must serve a copy of the notice (accompanied by a copy of the order) on that person.
- (4) The local authority must revoke an order under subsection (1) if—
 - (a) in the case of an order made in pursuance of paragraph (a) of that subsection, the local authority—
 - (i) subsequently grants an HMO licence to the owner of the living accommodation concerned, or

Status: This is the original version (as it was originally enacted).

- (ii) is subsequently satisfied, on the application of any person with an interest or otherwise, that the living accommodation concerned is no longer an HMO, or
 - (b) in the case of an order made in pursuance of paragraph (b) of that subsection, the local authority is subsequently satisfied, on the application of any person with an interest or otherwise—
 - (i) that the condition is no longer being breached, or
 - (ii) that the living accommodation concerned is no longer an HMO.
- (5) The local authority must serve notice of any such revocation, as soon as practicable after doing so, on—
- (a) the owner of the living accommodation concerned,
 - (b) the occupiers of the living accommodation concerned, and
 - (c) where the local authority is aware of the name and address of a person who acts for the owner, that person,
- and the revocation is to have effect from the day on which notice is served under paragraph (a).
- (6) An order under subsection (1) does not affect the terms or validity of the tenancy or occupancy arrangement to which it relates (otherwise than by suspending the rent or other sums payable for occupation under that tenancy or occupancy arrangement).
- (7) Revocation of an order under subsection (1) does not make any person liable to pay any rent or sums which that person would, but for the order, have been liable to pay under the tenancy or occupancy arrangement concerned while the order had effect.
- (8) Failure to comply with—
- (a) section 158(6)(b), or
 - (b) subsection (3) or (5)(b) or (c),
- does not invalidate the order or, as the case may be, the revocation concerned.