



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Offences etc.

157 Disqualification orders etc.

- (1) This section applies where a court convicts a person of an offence under section 154 (other than an offence under subsection (6) of that section committed by a person who is not the owner of the living accommodation concerned nor an agent acting for that owner).
- (2) Where this section applies, the court may, in addition to imposing a penalty under section 156, by order—
 - (a) revoke any HMO licence which has effect in relation to the living accommodation concerned,
 - (b) where the convicted person is the owner of the living accommodation concerned, disqualify the owner (and, where the owner is not an individual, any director, partner or other person concerned in the management of the owner) from holding an HMO licence for such period not exceeding 5 years as may be specified in the order,
 - (c) where the convicted person acted as agent for the owner of the living accommodation concerned, disqualify the convicted person (and, where the convicted person is not an individual, any director, partner or other person concerned in the management of the convicted person) from being able to act as agent for any licence holder for such period not exceeding 5 years as may be specified in the order.
- (3) A person may appeal against an order under subsection (2) in the same manner as the convicted person may appeal against sentence.
- (4) The court which made an order under subsection (2) may suspend its effect pending such an appeal.

Status: This is the original version (as it was originally enacted).

- (5) The court may, on summary application by a person disqualified by an order under subsection (2)(b), revoke the order with effect from such date as the court may specify.
- (6) But no such revocation may be made unless the court is satisfied that there has been a change in circumstances which justifies the revocation of the order.
- (7) No application may be made for the purposes of subsection (5) during the first year of a disqualification.
- (8) The court may order the applicant to pay the whole or part of the expenses arising from an application made for the purposes of subsection (5).