



# Housing Act 2004

## 2004 CHAPTER 34

### PART 2

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Variation and revocation of licences*

#### **69 Variation of licences**

- (1) The local housing authority may vary a licence—
- (a) if they do so with the agreement of the licence holder, or
  - (b) if they consider that there has been a change of circumstances since the time when the licence was granted.

For this purpose “change of circumstances” includes any discovery of new information.

- (2) Subsection (3) applies where the authority—
- (a) are considering whether to vary a licence under subsection (1)(b); and
  - (b) are considering—
    - (i) what number of households or persons is appropriate as the maximum number authorised to occupy the HMO to which the licence relates, or
    - (ii) the standards applicable to occupation by a particular number of households or persons.
- (3) The authority must apply the same standards in relation to the circumstances existing at the time when they are considering whether to vary the licence as were applicable at the time when it was granted.

This is subject to subsection (4).

- (4) If the standards—
- (a) prescribed under section 65, and
  - (b) applicable at the time when the licence was granted,

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have subsequently been revised or superseded by provisions of regulations under that section, the authority may apply the new standards.

- (5) A variation made with the agreement of the licence holder takes effect at the time when it is made.
- (6) Otherwise, a variation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (7) The power to vary a licence under this section is exercisable by the authority either—
  - (a) on an application made by the licence holder or a relevant person, or
  - (b) on the authority’s own initiative.
- (8) In subsection (7) “relevant person” means any person (other than the licence holder)—
  - (a) who has an estate or interest in the HMO concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) who is a person managing or having control of the house (and does not fall within paragraph (a)), or
  - (c) on whom any restriction or obligation is imposed by the licence in accordance with section 67(5).

#### Commencement Information

- II** S. 69 wholly in force at 16.6.2006; s. 69 in force at Royal Assent for certain purposes see s. 270(2) (b); s. 69 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 69 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

## 70 [F1 Power to revoke licences]

- (1) The local housing authority may revoke a licence—
  - (a) if they do so with the agreement of the licence holder;
  - (b) in any of the cases mentioned in subsection (2) (circumstances relating to licence holder or other person);
  - (c) in any of the cases mentioned in subsection (3) (circumstances relating to HMO concerned); or
  - (d) in any other circumstances prescribed by regulations made by the appropriate national authority.
- (2) The cases referred to in subsection (1)(b) are as follows—
  - (a) where the authority consider that the licence holder or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition;
  - (b) where the authority no longer consider that the licence holder is a fit and proper person to be the licence holder; and
  - (c) where the authority no longer consider that the management of the house is being carried on by persons who are in each case fit and proper persons to be involved in its management.

Section 66(1) applies in relation to paragraph (b) or (c) above as it applies in relation to section 64(3)(b) or (d).

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- (3) The cases referred to in subsection (1)(c) are as follows—
- (a) where the HMO to which the licence relates ceases to be an HMO to which this Part applies; and
  - (b) where the authority consider at any time that, were the licence to expire at that time, they would, for a particular reason relating to the structure of the HMO, refuse to grant a new licence to the licence holder on similar terms in respect of it.
- (4) Subsection (5) applies where the authority are considering whether to revoke a licence by virtue of subsection (3)(b) on the grounds that the HMO is not reasonably suitable for the number of households or persons specified in the licence as the maximum number authorised to occupy the house.
- (5) The authority must apply the same standards in relation to the circumstances existing at the time when they are considering whether to revoke the licence as were applicable at the time when it was granted.
- This is subject to subsection (6).
- (6) If the standards—
- (a) prescribed under section 65, and
  - (b) applicable at the time when the licence was granted,
- have subsequently been revised or superseded by provisions of regulations under that section, the authority may apply the new standards.
- (7) A revocation made with the agreement of the licence holder takes effect at the time when it is made.
- (8) Otherwise, a revocation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (9) The power to revoke a licence under this section is exercisable by the authority either—
- (a) on an application made by the licence holder or a relevant person, or
  - (b) on the authority’s own initiative.
- (10) In subsection (9) “relevant person” means any person (other than the licence holder)—
- (a) who has an estate or interest in the HMO concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) who is a person managing or having control of that house (and does not fall within paragraph (a)), or
  - (c) on whom any restriction or obligation is imposed by the licence in accordance with section 67(5).

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#### Textual Amendments

- F1** S. 70 heading substituted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 2 para. 5](#); [S.I. 2018/393](#), reg. 2(b)

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#### Commencement Information

- I2** S. 70 wholly in force at 16.6.2006; s. 70 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 70 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 70 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

#### [<sup>F2</sup>70A Duty to revoke licence in banning order cases

- (1) The local housing authority must revoke a licence if a banning order is made against the licence holder.
- (2) The local housing authority must revoke a licence if a banning order is made against a person who—
  - (a) owns an estate or interest in the house or part of it, and
  - (b) is a lessor or licensor of the house or part.
- (3) The notice served by the local housing authority under paragraph 24 of Schedule 5 must specify when the revocation takes effect.
- (4) The revocation must not take effect earlier than the end of the period of 7 days beginning with the day on which the notice is served.
- (5) In this section “banning order” means a banning order under section 16 of the Housing and Planning Act 2016.]

#### Textual Amendments

- F2** S. 70A inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 2 para. 6](#); [S.I. 2018/393](#), reg. 2(b)

**Changes to legislation:**

Housing Act 2004, Cross Heading: Variation and revocation of licences is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)