
Changes to legislation: Housing Act 2004, Part 2 is up to date with all changes known to be in force on or before 12 August 2023. 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

LICENCES UNDER PARTS 2 AND 3: PROCEDURE AND APPEALS

PART 2

PROCEDURE RELATING TO VARIATION OR REVOCATION OF LICENCES

Variation of licences

- 14 Before varying a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.

Commencement Information

- I1** Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 15 The notice under paragraph 14 must state that the local housing authority are proposing to make the variation and set out—
- (a) the effect of the variation,
 - (b) the reasons for the variation, and
 - (c) the end of the consultation period.

Commencement Information

- I2** Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 16 (1) This paragraph applies where the local housing authority decide to vary a licence.
- (2) The local housing authority must serve on the licence holder and each relevant person—
- (a) a copy of the authority's decision to vary the licence, and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made,
 - (ii) the right of appeal against the decision under Part 3 of this Schedule,and

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(iii) the period within which an appeal may be made (see paragraph 33(2)).

(3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Commencement Information

I3 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Exceptions from requirements of paragraph 14

- 17 The requirements of paragraph 14 do not apply if—
- (a) the local housing authority consider that the variation is not material, or
 - (b) the variation is agreed by the licence holder and the local housing authority consider that it would not be appropriate to comply with the requirements of that paragraph.

Commencement Information

I4 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 18 The requirements of paragraph 14 do not apply if the local housing authority—
- (a) have already served a notice under that paragraph in relation to a proposed variation, and
 - (b) consider that the variation which is now being proposed is not materially different from the previous proposed variation.

Commencement Information

I5 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Refusal to vary a licence

- 19 Before refusing to vary a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.

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Commencement Information

16 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 20 The notice under paragraph 19 must state that the authority are proposing to refuse to vary the licence and set out—
- (a) the reasons for refusing to vary the licence, and
 - (b) the end of the consultation period.

Commencement Information

17 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 21 (1) This paragraph applies where the local housing authority refuse to vary a licence.
- (2) The authority must serve on the licence holder and each relevant person a notice setting out—
- (a) the authority's decision not to vary the licence,
 - (b) the reasons for the decision and the date on which it was made,
 - (c) the right of appeal against the decision under Part 3 of this Schedule, and
 - (d) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Commencement Information

18 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Revocation of licences

- 22 Before revoking a licence, the local housing authority must—
- (a) serve a notice on the licence holder under this paragraph and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.

Commencement Information

19 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

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- 23 The notice under paragraph 22 must state that the authority are proposing to revoke the licence and set out—
- (a) the reasons for the revocation, and
 - (b) the end of the consultation period.

Commencement Information

I10 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 24 (1) This paragraph applies where the local housing authority decide to revoke a licence.
- (2) The authority must serve on the licence holder and each relevant person—
- (a) a copy of the authority’s decision to revoke the licence, and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made,
 - (ii) the right of appeal against the decision under Part 3 of this Schedule, and
 - (iii) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Commencement Information

I11 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Exception from requirements of paragraph 22

- 25 The requirements of paragraph 22 do not apply if the revocation is agreed by the licence holder and the local housing authority consider that it would not be appropriate to comply with the requirements of that paragraph.

Commencement Information

I12 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- [^{F1}25A The requirements of paragraph 22 do not apply if the revocation is required by section 70A or 93A (duty to revoke licence in banning order cases).]

Textual Amendments

F1 Sch. 5 para. 25A inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 2 para. 12\(3\)](#); [S.I. 2018/393](#), [reg. 2\(b\)](#)

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Refusal to revoke a licence

- 26 Before refusing to revoke a licence, the local housing authority must—
- (a) serve a notice under this paragraph on the licence holder and each relevant person, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.

Commencement Information

I13 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 27 The notice under paragraph 26 must state that the authority are proposing to refuse to revoke the licence and set out—
- (a) the reasons for refusing to revoke the licence, and
 - (b) the end of the consultation period.

Commencement Information

I14 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

- 28 (1) This paragraph applies where the local housing authority refuse to revoke a licence.
- (2) The authority must serve on the licence holder and each relevant person a notice setting out—
- (a) the authority’s decision not to revoke the licence,
 - (b) the reasons for the decision and the date on which it was made,
 - (c) the right of appeal against the decision under Part 3 of this Schedule, and
 - (d) the period within which an appeal may be made (see paragraph 33(2)).
- (3) The notices required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Commencement Information

I15 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 5 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Meaning of “the end of the consultation period”

- 29 (1) In this Part of this Schedule “the end of the consultation period” means the last day on which representations may be made in respect of the matter in question.
- (2) That date must be at least 14 days after the date of service of the notice in question.
- (3) In sub-paragraph (2) “the date of service” of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.

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Meaning of “licence” and “relevant person”

- 30 (1) In this Part of this Schedule “licence” means a licence under Part 2 or 3 of this Act.
- (2) In this Part of this Schedule “relevant person”, in relation to a licence under Part 2 or 3 of this Act, means any person (other than a person excluded by sub-paragraph (3))—
- (a) who, to the knowledge of the local housing authority concerned, is—
 - (i) a person having an estate or interest in the HMO or Part 3 house in question, or
 - (ii) a person managing or having control of that HMO or Part 3 house (and not falling within sub-paragraph (i)), or
 - (b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).
- (3) The persons excluded by this sub-paragraph are—
- (a) the licence holder, and
 - (b) any tenant under a lease with an unexpired term of 3 years or less.

Commencement Information

I17 Sch. 5 wholly in force at 16.6.2006; Sch. 5 not in force at Royal Assent see s. 270(4)(5); Sch. 5 in force for E. at 6.4.2006 by S.I. 2006/1060, **art. 2(1)(a)** (with Sch.); Sch. 5 in force for W. at 16.6.2006 by S.I. 2006/1535, **art. 2(a)** (with Sch.)

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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\(3\)](#)