

SCHEDULES

SCHEDULE 5

Part 4 notices: further provision

Part 3

Variation and revocation

Variation

- 6.—(1) The council may vary a Part 4 notice in accordance with this paragraph.
- (2) A notice may be varied—
- (a) on an application by any person on whom the notice was required to be served under paragraph 1(1), or
 - (b) on the council's own initiative.
- (3) The date specified (as the date by which work must be completed) in—
- (a) a statement of remedial work under section 53, or
 - (b) a works requirement in a hazard notice,
- may not be varied under this paragraph (but see paragraph 3 of Schedule 3).
- (4) If a council varies a Part 4 notice, the council must serve, on each person on whom the notice was required to be served under paragraph 1(1), notice of the variation, accompanied by a copy of the notice as varied.
- (5) If a person applies for a variation of a Part 4 notice but the council decides to refuse it, the council must serve, on each person on whom the notice was required to be served under paragraph 1(1), notice of that refusal.
- (6) If a notice is varied with the agreement of every person on whom the notice was required to be served under paragraph 1(1), the variation has effect from the date on which it is made.
- (7) Otherwise a variation does not have effect until—
- (a) the last date on which the decision to vary the notice may be appealed in accordance with section 67(4), or
 - (b) where such an appeal is made, the date on which the appeal is finally determined.

Revocation

7.—(1) The council may, or must, revoke a Part 4 notice in accordance with this paragraph.

(2) A notice may be revoked—

- (a) on an application by any person on whom the notice was required to be served under paragraph 1(1), or
- (b) on the council's own initiative.

(3) A suitability notice must be revoked if the work specified in a statement of remedial work under section 53 is carried out by the date specified in that statement.

(4) A hazard notice must be revoked if the council is satisfied that the hazard in respect of which the notice was made does not then exist in the HMO specified in the notice.

(5) Where a hazard notice relates to a number of hazards—

- (a) sub-paragraph (4) is to be read as applying separately in relation to each of those hazards, and
- (b) if, as a result, the council is required to revoke only part of the notice, it may vary the remainder as it considers appropriate.

(6) The council must serve on each person on whom the notice was required to be served under paragraph 1(1)—

- (a) notice of any revocation under this paragraph;
- (b) notice of any variation under sub-paragraph (5), accompanied by a copy of the notice as varied;
- (c) if a person applies for a revocation but the council decides to refuse it, notice of that refusal.

(7) A revocation under this paragraph has effect from the date when it is made.