



2016 CHAPTER 22

PART 3

Enforcement of licensing requirements

Offences

Reasonable excuse

34.—(1) This section sets out some circumstances in which the owner of an HMO has a reasonable excuse for the purposes of sections 30(1) and 31(2) and (3).

(2) This section does not limit the circumstances which may amount to a reasonable excuse apart from this section.

(3) For the purposes of section 30(1), the owner of an HMO has a reasonable excuse for not having a licence if—

- (a) an HMO licence held by the owner in respect of the HMO has been revoked, and
- (b) the owner has taken reasonable steps with a view to securing that the living accommodation in question ceases to be an HMO which requires to be licensed, but
- (c) despite having taken those steps, the owner is unable to stop it from being such an HMO without breaching the terms of any tenancy or other occupancy arrangement under which any person occupied it on the day on which the licence was revoked.

(4) For the purposes of section 31(2) and (3), the owner of an HMO has a reasonable excuse for breaching a condition, or for permitting such a breach, if—

- (a) the owner has taken reasonable steps with a view to securing that the condition is not breached, but
- (b) despite having taken those steps, the owner cannot secure compliance with the condition without breaching the terms of any tenancy or other occupancy arrangement under which any person occupied the HMO on the day on which the condition first had effect.