
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of Part 5 of the Housing (Scotland) Act 2006 (“the 2006 Act”) relating to the licensing of houses in multiple occupation (HMO).

Part 5 of the 2006 Act covers sections 124 to 166 of the 2006 Act, which replace the provisions of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (2000/177), (“the 2000 Order”). However some of the provisions require to stay in force for a period to take account of pending applications for HMO licences as well as those granted under the 2000 Order in respect of which proceedings may be ongoing.

Article 3 provides the detail of provisions which are to be commenced.

Articles 4 and 5 introduce transitional provisions. In most cases licences granted under the 2000 Order will become licences under the 2006 Act provisions, with identical currency and conditions. Article 5 provides for notification by licensing authorities of the changes made by this Order to licence holders and prospective licence holders.

However Article 6 preserves the previous licence in some cases by making savings provisions, which will apply to cases where a licence has been suspended or suspension/variation of a licence is being considered. It also preserves the existing system for pending applications or for applications that have been refused (to allow appeal rights to continue). Once the ongoing matters are finally resolved, any licence will become a licence under the 2006 Act provisions.