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STATUTORY INSTRUMENTS

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**1991 No. 1253 (S. 123)**

**LICENCES AND LICENSING  
HOUSING, SCOTLAND**

The Civic Government (Scotland) Act 1982 (Licensing  
of Houses in Multiple Occupation) Order 1991

*Made* - - - - 22nd May 1991  
*Coming into force* - - 3rd June 1991

The Secretary of State, in exercise of the powers conferred on him by section 44 of the Civic Government (Scotland) Act 1982(1) and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

**Citation and commencement**

1. This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 1991 and shall come into force on 3rd June 1991.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Civic Government (Scotland) Act 1982;

“family” and the reference to membership thereof shall be construed in accordance with section 83 of the Housing (Scotland) Act 1987(2);

“house” includes any part of a building, being a part which is occupied as a separate dwelling and, in particular, includes a flat;

“house in multiple occupation” means a house (other than a house in respect of which a control order under section 178 of the Housing (Scotland) Act 1987 is in force) which is the only or principal residence of more than 4 persons, being persons who are not all members either of the same family or of one or other of 2 families.

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(1) 1982 c. 45.  
(2) 1987 c. 26.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) For purposes of the definition of “house in multiple occupation” in paragraph (1) above, a house in which a person undertaking a full time course of education resides during term time shall, during the period of that person’s residence, be regarded as being his only or principal residence.

(3) For purposes of this Order, dwellings comprised within a building which, although otherwise separate, share use of a sanitary convenience or of personal washing facilities shall be taken to form part of a single house.

### **Licensing of houses in multiple occupation**

**3.—**(1) Use of premises as a house in multiple occupation is hereby designated as an activity for which, subject to a resolution of the licensing authority in relation to it in accordance with section 9 of the Act, a licence shall be required.

(2) Part I of the Act shall have effect, subject to the modification specified in the Schedule to this Order, for the purposes of the licensing of the use of premises as a house in multiple occupation.

St Andrew’s House,  
Edinburgh  
22nd May 1991

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

## SCHEDULE

Article 3(2)

### Modification of Part I of the Act

In paragraph 5(2) of Schedule 1 to the Act (to which effect is given for purposes of the licensing of the use of premises as a house in multiple occupation by article 3(2) of this Order) there shall be added after the words “such reasonable conditions” the words “(other than conditions relating to the amount of rent or other charges which may be imposed upon occupiers of the house)”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates use of premises as a house in multiple occupation as an activity for which a licence under the Civic Government (Scotland) Act 1982 may be required, subject to the relevant district or islands council so resolving.

The Order defines “house in multiple occupation” for this purpose, and contains provision to prevent licensing authorities from using the licensing powers to control the level of rent charged to tenants of such premises.