HOUSING (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 5 – Licensing of Houses in Multiple Occupation

General and supplementary

182.   **Section 160** requires a local authority to keep an HMO register containing details of each application for an HMO licence, the decision made on the application and subsequent progress of the licence. The register is to be publicly available, but the local authority must exclude any information that it considers could put any person or premises at risk.

183.   **Section 161** entitles local authorities to charge fees for an application for a licence and for issuing a certified copy of a licence or of an entry in the HMO register. The Scottish Ministers may make regulations about fees, including maximum amounts to be charged, how fees are to be calculated, and circumstances in which no fee is to be payable, or in which fees are to be refunded.

184.   **Section 162** allows Ministers to make payments to local authorities to enable or assist them to exercise their functions in connection with HMO licensing.

185.   Under **section 163**, a local authority must have regard to guidance issued by Ministers about the exercise of its HMO licensing functions.

186.   **Section 164** deals with the situation where an HMO is owned jointly by more than one person. The application for a licence may be made by one owner or jointly by more than one. Any joint licence holders can request to be removed from the licence at any time, provided one owner continues to hold the licence.

187.   **Section 165** requires that any notice served on an applicant or licence holder must be copied to any specified agent of that owner. Unlike notifications under **section 158**, the provision of a copy of the notice to any agent does not entitle the agent to make representations or appeal decisions on his or her own behalf, but only on behalf of the applicant or licence holder.

188.   **Section 166** provides definitions of terms used in this Part.