

# HOUSING (SCOTLAND) ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON PARTS

#### **Part 5 – Licensing of Houses in Multiple Occupation**

##### **Offences etc.**

179. **Section 154** lists the criminal offences relating to HMO licensing. An owner of a licensable HMO without a licence is committing an offence (unless the owner has a reasonable excuse). It is also an offence to claim that an HMO licence that has ceased to have effect is valid. A licence holder commits an offence by using an agent not specified on the licence, breaching a condition in a licence or allowing an HMO to be occupied in contravention of a requirement under **section 145(2)**. An agent commits an offence if he or she acts for a licence-holder without being named on that licence, causes a condition of the licence to be breached, or does anything which permits or facilitates occupation of a licensable HMO that either does not have a licence or is occupied in contravention of a requirement under **section 145(2)**. It is an offence to prevent or obstruct any person exercising powers of entry under **section 181(1)(e)**. **Section 155** defines circumstances in which offences are not committed, or where there is a defence of reasonable excuse. **Section 156** sets penalties for these offences.
180. **Section 157** gives a court powers to revoke an HMO licence and disqualify an owner from holding a licence, or an agent from being named on a licence, for a period not exceeding five years. These powers can be used on conviction of an offence under **section 154**. A person other than the owner of the HMO or agent, who is convicted of preventing or obstructing an officer from exercising a power of entry, cannot be disqualified (but any such conviction would be taken into account if they subsequently applied for an HMO licence).