



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 5

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Variation and revocation of HMO licence*

#### **138 Variation of HMO licence**

- (1) The local authority may vary an HMO licence at any time.
- (2) The local authority may do so on the application of the licence holder or of its own accord.
- (3) But an HMO licence may not be so varied so as to shorten the period for which the licence has effect.
- (4) The local authority must serve notice of any proposed variation on—
  - (a) where the local authority is proposing the variation, the licence holder,
  - (b) the [<sup>F1</sup>enforcing] authority, and
  - (c) the chief constable,and must invite each of them to make oral representations about the proposed variation.
- (5) Where the local authority is proposing the variation, the notice required by subsection (4) must give the authority's reasons for doing so.
- (6) The notice and invitation required by subsection (4) must be served not less than 7 days before the local authority proposes to hear any invited representation.
- (7) The local authority must consider any such representations made before it decides whether to vary the HMO licence.
- (8) A variation of an HMO licence has effect from the latest of the following dates—
  - (a) the date on which notice of the decision to vary the HMO licence is served on the licence holder under section 158,
  - (b) where the licence holder, the [<sup>F1</sup>enforcing] authority or the chief constable has objected to the variation—

*Status: Point in time view as at 31/08/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Variation and revocation of HMO licence. (See end of Document for details)*

- (i) the last date on which the decision to vary the HMO licence may be appealed to the sheriff, or
- (ii) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to vary, and
- (c) any later date as may be specified in the notice of the decision to vary the HMO licence served on the licence holder under section 158.

#### **Textual Amendments**

**F1** Words in s. 138(4)(8)(b) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(1), **Sch. 1 para. 17(2)(3)(a)**

#### **Commencement Information**

**II** S. 138 in force at 31.8.2011 by [S.S.I. 2010/159](#), **art. 3**

### **139 Revocation of HMO licence**

- (1) The local authority may revoke an HMO licence at any time if it considers—
  - (a) that, if an application for that HMO licence were to be made at that time, it would be required by section 130 (suitability of applicants and agents) to refuse to grant it,
  - (b) that the living accommodation concerned is no longer suitable for occupation as an HMO and cannot be made so suitable by varying the conditions included in the HMO licence, or
  - (c) that any condition of an HMO licence has been breached (regardless of whether the local authority has taken any other action, or of whether criminal proceedings have been commenced, in respect of that breach).
- (2) The local authority must serve notice of a proposed revocation on—
  - (a) the licence holder,
  - (b) any person who has made a written representation which the local authority considers relevant to a proposed revocation,
  - (c) the [<sup>F2</sup>enforcing] authority, and
  - (d) the chief constable,
 inviting each of them to make oral representations about the proposal.
- (3) A notice under subsection (2) must—
  - (a) set out the ground on which the local authority proposes to revoke the HMO licence,
  - (b) be accompanied by a copy of any written representation which the local authority considers relevant to the proposed revocation, and
  - (c) be given not less than 21 days before the proposed hearing.
- (4) The local authority must consider any oral representations made at the hearing before it decides whether to revoke the HMO licence.
- (5) A revocation of an HMO licence has effect from—
  - (a) the last date on which the decision to revoke the HMO licence may be appealed to the sheriff, or

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- (b) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to revoke.

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**Textual Amendments**

- F2** Words in s. 139(2)(c) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(1), **Sch. 1 para. 17(2)(3)(b)**

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**Commencement Information**

- I2** S. 139 in force at 31.8.2011 by [S.S.I. 2010/159](#), **art. 3**

**Status:**

Point in time view as at 31/08/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Variation and revocation of HMO licence.