



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Application for HMO licence

[^{F1}131A Overprovision

- (1) The local authority may refuse to grant an HMO licence if it considers that there is (or, as a result of granting the licence, would be) overprovision of HMOs in the locality in which the living accommodation concerned is situated.
- (2) In considering whether to refuse to grant an HMO licence under subsection (1), the local authority must have regard to—
 - (a) whether there is an existing HMO licence in effect in respect of the living accommodation,
 - (b) the views (if known) of—
 - (i) the applicant, and
 - (ii) if applicable, any occupant of the living accommodation,
 - (c) such other matters as the Scottish Ministers may by order specify.
- (3) It is for the local authority to determine the localities within its area for the purpose of this section.
- (4) In considering whether there is or would be overprovision for the purposes of subsection (1) in any locality, the local authority must have regard to—
 - (a) the number and capacity of licensed HMOs in the locality,
 - (b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need,
 - (c) such other matters as the Scottish Ministers may by order specify.
- (5) Before making an order under subsection (2)(c) or (4)(c), the Scottish Ministers must consult—
 - (a) local authorities,

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 131A. (See end of Document for details)

- (b) such persons or bodies as appear to them to be representative of the interests of—
 - (i) landlords,
 - (ii) occupiers of houses, and
- (c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses).]

Textual Amendments

- F1** S. 131A inserted (31.1.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(4)**, **41(3)**; S.S.I. 2012/2, **art. 2**, **Sch.** (with **art. 3**)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 131A.