

SCHEDULE

Article 4

MODIFICATIONS OF PART I OF THE 1982 ACT (TO WHICH EFFECT IS GIVEN FOR PURPOSES OF THE LICENSING OF THE GIVING OF PERMISSION FOR THE OCCUPATION OF A HOUSE AS A HOUSE IN MULTIPLE OCCUPATION BY ARTICLE 4 OF THIS ORDER)

1. In section 3 of the 1982 Act (time period for discharge of functions)–
 - (a) in subsection (1), for the words “6 months”, there shall be substituted the words “12 months”; and
 - (b) in subsections (2) and (4), for the words “6 month”, there shall be substituted in each case the words “12 month”.
2. In section 6 of the 1982 Act (powers of entry to and search of unlicensed premises)–
 - (a) in subsections (1) and (2), after the word “constable” in both places where it appears, there shall be inserted in each case the words “(or an authorised officer of the licensing authority)”;
 - (b) in subsection (3)–
 - (i) there shall be inserted after the words “not in uniform” the words “(and where the person executing the warrant is an authorised officer of the licensing authority, that officer)”;
 - (ii) there shall be inserted after the words “the constable” the words “(or such authorised officer)”;
 - (c) in subsection (4)–
 - (i) there shall be inserted after the words “permit a constable” the words “(or an authorised officer of the licensing authority)”;
 - (ii) there shall be inserted after the words “by a constable” the words “(or such authorised officer)”.
3. In section 7(1) (offences, etc.) of the 1982 Act, for the words “level 4”(1) there shall be substituted the words “level 5”.
4. In paragraph 2 of Schedule 1 to the 1982 Act, after sub-paragraph (1), there shall be inserted as follows:–

“(1A) Where an application is made for the grant or renewal of a licence in relation to a house in multiple occupation used as a women’s refuge, the licensing authority shall, as soon as the application is made to them, give notice in writing to such persons residing in the vicinity of the premises in relation to which the application is made as the authority consider fit of the making of the application containing the information specified in sub-paragraph (3) below.”
5. Paragraphs 2(2) and (4) to (8), 3(1)(e)(i) and 5(4) of Schedule 1 to the 1982 Act shall not apply where the application is made in respect of a house in multiple occupation used as a women’s refuge.
6. In paragraph 3(1)(e)(ii) of Schedule 1 to the 1982 Act, there shall be inserted after the words “that date”, the words “(or, where the application is made in respect of a house in multiple occupation used as a women’s refuge, the date on which notice under paragraph 2(1A) above was given to the person making that objection or representation)”.

(1) The reference in section 7(1) of the 1982 Act to a fine not exceeding £500 became a reference to a fine not exceeding level 4 of the standard scale by virtue of section 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), which section by consolidation is now section 225 of the Criminal Procedure (Scotland) Act 1995 (c. 46).

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7. In paragraph 5(2) of Schedule 1 to the 1982 Act, 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)”.

8. After paragraph 19 of Schedule 1 to the 1982 Act there shall be inserted as follows:–

“20. In this Schedule, “women’s refuge” has the same meaning as in the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.”.