



2016 CHAPTER 22

PART 2

Licensing of Houses in multiple occupation

Other provision about licences

Restriction on applications

25.—(1) This section applies where a council refuses to grant an HMO licence, except where the refusal is solely because the council is not satisfied as mentioned in section 8(2)(a) (planning control).

(2) Where the refusal is on the ground that any person is not a fit and proper person (see sections 8(2)(b) and 11(b)), that person is to be regarded as not being a fit and proper person for the purposes of any application for an HMO licence made in the restricted period.

(3) Where the refusal is on one or both of the grounds mentioned in section 8(2)(d) and (e) (overprovision, and accommodation not habitable or not suitable for HMO), the council may not consider any application for an HMO licence in relation to the living accommodation in question made in the restricted period.

(4) The “restricted period” is the period of 1 year beginning with the date on which notice of refusal is served under paragraph 13 of Schedule 2.

(5) This section does not prevent the council from considering an application made in the restricted period if the council is satisfied that there has been a material change of circumstances.

Joint licence holders

26.—(1) This section applies where living accommodation is owned jointly by two or more persons.

(2) An application for an HMO licence may be made by, and an HMO licence may be granted to—

- (a) any one of those owners, or
- (b) any two or more of those owners jointly.

(3) In a case falling within subsection (2), any reference in this Act to the “owner” of the accommodation is a reference to the owner or owners in question; and in particular, in a case falling within subsection (2)(b)—

- (a) any requirement to be fulfilled by the owner must be fulfilled by all of them, and
- (b) anything required to be done in relation to the owner must be done in relation to all of them.

(4) Where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer one or more joint licensees (but not all of them) cease to be an owner of the HMO,

the licence is to be treated as being held, from the date of the transfer, by the remaining owner or owners.

(5) Where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer there is a new owner (or more than one), and
- (c) at least one person who was a licensee before the transfer continues to be an owner after it,

the new owner (or any of them) may apply to the council to be added as a joint licensee.

(6) The council must—

- (a) treat an application under subsection (5) as an application to renew the licence made jointly by the existing licensee and the new owner, and
- (b) if it decides to grant the application, vary the licence accordingly.

(7) Where one or more joint licensees (but not all of them) apply to the council to be removed as such, the council must vary the licence accordingly.

(8) Where a licence is varied under subsection (6) or (7), the council must serve a copy of the licence as varied on each joint licensee and on each person who was a joint licensee before the variation.

(9) In this section—

“transfer of ownership” includes the creation of a new estate;

“new owner” means a person who is an owner after the transfer but was not an owner before it.

Surrender of HMO licence

27.—(1) The holder of an HMO licence may surrender the licence by giving notice to the council to that effect.

(2) Notice under subsection (1) is to be in such form as the council may specify by general notice.

Change of ownership: effect on licence

28.—(1) A licence may be transferred to another person only in accordance with this section.

(2) Accordingly, except as set out in subsection (3), where—

- (a) there is a transfer of ownership of a licensed HMO,
- (b) as a result of the transfer there is a new owner (or more than one), and
- (c) no person who was a licensee before the transfer continues to be an owner after it,

the licence ceases to have effect on the date of the transfer.

(3) If—

- (a) there is a transfer of ownership of a licensed HMO, and
- (b) before the date of the transfer, the proposed new owner (or any of them) applies for a licence in respect of the HMO (a “new licence”),

the licence which is already in effect in respect of the HMO (“the existing licence”) is to be treated as being held, from the date of the transfer, by the person or persons who made the application for the new licence (“the transferee”).

(4) But the existing licence ceases to have effect on the date mentioned in subsection (5).

(5) That date is—

- (a) if the transferee’s application is granted, the date from which the new licence has effect (determined in accordance with section 19(1) or (4)(a));
- (b) if the transferee’s application is refused—
 - (i) one month after the last date on which the decision to refuse the transferee’s application may be appealed in accordance with section 67(4), or
 - (ii) if such an appeal is made, one month after the date on which the appeal is finally determined.

(6) Subsection (4) and (5) are subject—

- (a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and
 - (b) if the transferee dies, to section 29, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.
- (7) In this section—
- “transfer of ownership” includes the creation of a new estate;
- “new owner” means a person who is an owner after the transfer but was not an owner before it.

Death of sole licence holder: effect on licence

29.—(1) Where a sole licensee dies, the HMO licence—

- (a) is to be treated as being held, from the date of death, by the licensee’s personal representatives, but
 - (b) ceases to have effect 3 months after that date.
- (2) The council may, on the application of the personal representatives of the licensee, extend the period for which the licence has effect beyond the date mentioned in subsection (1)(b) if the council considers that it is reasonable to do so for the purpose of winding up the licensee’s estate.
- (3) An application under subsection (2) must be made within the period mentioned in subsection (1)(b).
- (4) The council must serve on the personal representatives notice of its decision under subsection (2).
- (5) Subsections (1)(b) and (2) are subject—
- (a) to sections 23 (revocation) and 27 (surrender), which provide for a licence in certain circumstances to cease to have effect earlier than as provided by this section, and
 - (b) if the personal representatives of the licensee transfer ownership of the HMO, to section 28, which provides for a licence in certain circumstances to cease to have effect earlier than, or later than, as provided by this section.