



2016 CHAPTER 22

PART 3

Enforcement of licensing requirements

Orders of the court: revocation and disqualification

Revocation orders and disqualification orders

- 38.**—(1) This section applies where a court convicts—
- (a) any person of an offence under section 30, 31, 32 or 33;
 - (b) any person of an offence under section 37(1);
 - (c) any person of an offence under section 60;
 - (d) an owner or managing agent of any living accommodation of an offence under section 80(5) or 82(4) in relation to that accommodation;
 - (e) any person of an offence under paragraph 14 of Schedule 2 (false statement in connection with application for HMO licence).
- (2) The court may (in addition to any other order it makes)—
- (a) revoke any HMO licence having effect in relation to the living accommodation in question;
 - (b) where the convicted person is the owner of the accommodation, disqualify the person from holding an HMO licence;
 - (c) where the convicted person is the managing agent of the accommodation, disqualify the person from being able to act as a managing agent in relation to any HMO.

(3) Where the convicted person is a body (whether incorporated or not), the court may disqualify any director, partner or other person concerned in the management of the body in the same way in which it may disqualify the body.

(4) The court may disqualify a person under subsection (3) whether or not it disqualifies the convicted person.

(5) A disqualification order is to have effect for such period, not exceeding 5 years, as the court specifies in the order (but this is subject to sections 39 and 40).

Revocations and disqualifications: appeals

39.—(1) A person may appeal against a revocation order or disqualification order in the same manner as the convicted person may appeal against sentence.

(2) The court which made a revocation order or disqualification order may suspend its effect pending such an appeal.

Discharge of disqualification orders

40.—(1) The court which made a disqualification order may discharge the order with effect from such date as the court may specify.

(2) Such a discharge is to be made on the application of the person disqualified.

(3) No such discharge is to be made unless the court is satisfied that there has been a change in circumstances which justifies the discharge.

(4) No application under this section may be made during the first year for which a disqualification order has effect.

(5) The court may order the applicant to pay the whole or part of the expenses arising from an application under this section (whether or not the application is granted).