
Changes to legislation: There are currently no known outstanding effects for the Houses in Multiple Occupation Act (Northern Ireland) 2016, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 24.

Variation and revocation of HMO licences: procedure

Notice of proposal to vary or revoke

1.—(1) This paragraph applies where the council proposes to vary or revoke a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,
- (b) if the proposal is in response to an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

(3) If the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

(4) A notice under this paragraph must—

- (a) state what the council proposes to do,
- (b) if the council proposes to vary the licence, set out the proposed variation,
- (c) state the reasons for the proposed decision, and
- (d) specify the date by which written representations by the recipient of the notice must be made.

Commencement Information

II Sch. 4 para. 1 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice of proposal not to vary

2.—(1) This paragraph applies where the council proposes to refuse an application under section 22(2)(a) or (b) to vary a licence.

(2) The council must serve a notice under this paragraph on—

- (a) the owner,

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- (b) if the application was made under section 22(2)(b), the applicant, and
 - (c) the statutory authorities.
- (3) A notice under this paragraph must—
- (a) state that the council proposes to refuse the application,
 - (b) state the reasons for the proposed decision, and
 - (c) specify the date by which written representations by the recipient of the notice must be made.

Commencement Information

I2 Sch. 4 para. 2 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Hearings

3.—(1) This paragraph applies if the council decides (whether on a submission by an applicant under section 22(2)(a) or (b), or on its own initiative) to hear oral representations about a proposal mentioned in paragraph 1 or 2.

- (2) The council must serve notice of the hearing on—
- (a) the owner,
 - (b) if the proposal is in response to an application under section 22(2)(b), the applicant,
 - (c) if the proposal is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), that person, and
 - (d) any other person the council considers to be appropriate.
- (3) The notice must state the date, time and place of the hearing.
- (4) The notice must be served not less than 7 days before the date of the proposed hearing.

Commencement Information

I3 Sch. 4 para. 3 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Consideration of application

4 In determining whether (and in what way) to vary a licence, or whether to revoke a licence, the council must consider—

- (a) any written representations made by a recipient of a notice under paragraph 1 or 2 before the date specified under paragraph 1(4)(d) or 2(3)(c), and

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(b) any oral representations made at a hearing under paragraph 3.

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Commencement Information

I4 Sch. 4 para. 4 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Notice of determination

5.—(1) The council must serve on—

- (a) the owner,
- (b) if the decision was made on an application under section 22(2)(b), the applicant, and
- (c) the statutory authorities.

notice of its decision whether to vary or revoke an HMO licence.

(2) If the decision is to include a condition, or to vary an existing condition, which imposes a restriction or obligation on any person (except the owner), the council must also serve a notice on that person.

(3) The notice must—

- (a) state the council's decision,
- (b) if the decision is to vary a licence, be accompanied by a copy of the licence as varied,
- (c) if the licence is varied in terms different from those applied for, include a statement of the reasons for that difference, and
- (d) state the date on which the decision was made.

(4) The notice must be served before the end of the period of 7 days beginning with the day on which the decision is made.

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Commencement Information

I5 Sch. 4 para. 5 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Effective date of decision

6 A variation or revocation has effect from—

- (a) the last date on which the decision to vary or revoke the licence may be appealed in accordance with section 67(4), or
- (b) if such an appeal is made, the date on which the appeal is finally determined.

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Commencement Information

I6 Sch. 4 para. 6 in operation at 1.4.2019 by S.R. 2019/39, art. 2 (with art. 3)

Changes to legislation:

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