

*These notes refer to the Housing Act 2004 (c.34) which received Royal Assent on Thursday 18 November 2004*

# HOUSING ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – Licensing of Houses in Multiple Occupation**

##### ***Section 70: Revocation of licences***

200. Normally the conditions of an HMO licence will remain the same for its duration. However, it may be necessary for the local authority to vary the licence in particular circumstances, particularly in relation to either to the maximum occupancy or the standards required for a particular number of occupants. Section 69 allows the local authority to vary a licence.
201. **Section 70** provides for the circumstances in which an LHA may revoke a licence. These are:
- with the agreement of the licence holder e.g. if the house is converted to single occupancy
  - where the licence holder has committed a serious breach of a condition of the licence or repeated breaches of such a condition
  - where the LHA no longer believes that the licence holder is a fit and proper person
  - where the LHA believes the property is no longer meets the standards required for a licence
202. There is also a power for the appropriate national authority to make regulations setting out other circumstances in which a licence may be revoked.
203. **Part 2** of Schedule 5 sets out the procedure to be followed in respect of a variation or revocation of a licence and **Part 3** of Schedule 5 sets out the right of appeal to the RPT against variation and revocation decisions.
204. A variation or revocation made with the agreement of the licence holder takes effect immediately. Otherwise it does not come into effect until the time for making an appeal has expired, or any appeal against it is disposed of or withdrawn.
205. ***Section 71: Procedural requirements and appeals against licence decisions***
206. **Section 71** gives effect to the procedural requirements and appeals procedure set out in Schedule 5.