



# Housing Act 2004

## 2004 CHAPTER 34

### PART 2

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Variation and revocation of licences*

#### **69 Variation of licences**

- (1) The local housing authority may vary a licence—
- (a) if they do so with the agreement of the licence holder, or
  - (b) if they consider that there has been a change of circumstances since the time when the licence was granted.

For this purpose “change of circumstances” includes any discovery of new information.

- (2) Subsection (3) applies where the authority—
- (a) are considering whether to vary a licence under subsection (1)(b); and
  - (b) are considering—
    - (i) what number of households or persons is appropriate as the maximum number authorised to occupy the HMO to which the licence relates, or
    - (ii) the standards applicable to occupation by a particular number of households or persons.
- (3) The authority must apply the same standards in relation to the circumstances existing at the time when they are considering whether to vary the licence as were applicable at the time when it was granted.

This is subject to subsection (4).

- (4) If the standards—
- (a) prescribed under section 65, and
  - (b) applicable at the time when the licence was granted,

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*Changes to legislation: Housing Act 2004, Section 69 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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have subsequently been revised or superseded by provisions of regulations under that section, the authority may apply the new standards.

- (5) A variation made with the agreement of the licence holder takes effect at the time when it is made.
- (6) Otherwise, a variation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (7) The power to vary a licence under this section is exercisable by the authority either—
  - (a) on an application made by the licence holder or a relevant person, or
  - (b) on the authority’s own initiative.
- (8) In subsection (7) “relevant person” means any person (other than the licence holder)—
  - (a) who has an estate or interest in the HMO concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) who is a person managing or having control of the house (and does not fall within paragraph (a)), or
  - (c) on whom any restriction or obligation is imposed by the licence in accordance with section 67(5).

#### **Commencement Information**

- II** S. 69 wholly in force at 16.6.2006; s. 69 in force at Royal Assent for certain purposes see s. 270(2) (b); s. 69 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 69 in force for W. at 16.6.2006 by [S. I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

Housing Act 2004, Section 69 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)