

**Changes to legislation:** Housing and Planning Act 2016, SCHEDULE 2 is up to date with all changes known to be in force on or before 27 July 2023. 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

## SCHEDULES

### SCHEDULE 2

Section 25

#### BANNED PERSON MAY NOT HOLD HMO LICENCE ETC

1 The Housing Act 2004 is amended as follows.

##### Commencement Information

**I1** Sch. 2 para. 1 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

2 In section 64 (grant or refusal of HMO licence), in subsection (3), after paragraph (a) insert—

“(aa) that no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who—

- (i) owns an estate or interest in the house or part of it, and
- (ii) is a lessor or licensor of the house or part;”.

##### Commencement Information

**I2** Sch. 2 para. 2 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

3 In section 66 (HMO licence: tests for fitness etc), after subsection (3) insert—

“(3C) A person is not a fit and proper person for the purposes of section 64(3)(b) or (d) if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.”

##### Commencement Information

**I3** Sch. 2 para. 3 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

4 In section 68 (licences: general requirements and duration), in subsection (3)(b), after “section 70” insert “ or 70A ”.

##### Commencement Information

**I4** Sch. 2 para. 4 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

5 For the heading of section 70 substitute “ Power to revoke licences ”.

##### Commencement Information

**I5** Sch. 2 para. 5 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

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6 After section 70 insert—

**“70A Duty to revoke licence in banning order cases**

- (1) The local housing authority must revoke a licence if a banning order is made against the licence holder.
- (2) The local housing authority must revoke a licence if a banning order is made against a person who—
  - (a) owns an estate or interest in the house or part of it, and
  - (b) is a lessor or licensor of the house or part.
- (3) The notice served by the local housing authority under paragraph 24 of Schedule 5 must specify when the revocation takes effect.
- (4) The revocation must not take effect earlier than the end of the period of 7 days beginning with the day on which the notice is served.
- (5) In this section “banning order” means a banning order under section 16 of the Housing and Planning Act 2016.”

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

7 In section 88 (grant or refusal of Part 3 licence), in subsection (3), after paragraph (a) insert—

- “(aa) that no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who—
- (i) owns an estate or interest in the house or part of it, and
  - (ii) is a lessor or licensor of the house or part;”.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

8 In section 89 (Part 3 licences: tests for fitness etc), after subsection (3) insert—

- “(3C) A person is not a fit and proper person for the purposes of section 88(3)(a) or (c) if a banning order under section 16 of the Housing and Planning Act 2016 is in force against the person.”

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

9 In section 91 (licences: general requirements and duration), in subsection (3)(b), after “section 93” insert “ or 93A ”.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

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- 10 For the heading of section 93 substitute “ Power to revoke licences ”.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 11 After section 93 insert—

**“93A Duty to revoke licence in banning order cases**

- (1) The local housing authority must revoke a licence if a banning order is made against the licence holder.
- (2) The local housing authority must revoke a licence if a banning order is made against a person who—
  - (a) owns an estate or interest in the house or part of it, and
  - (b) is a lessor or licensor of the house or part.
- (3) The notice served by the local housing authority under paragraph 24 of Schedule 5 must specify when the revocation takes effect.
- (4) The revocation must not take effect earlier than the end of the period of 7 days beginning with the day on which the notice is served.
- (5) In this section “banning order” means a banning order under section 16 of the Housing and Planning Act 2016.”

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 12 (1) Schedule 5 (licences under Parts 2 and 3: procedure and appeals) is amended as follows.
- (2) After paragraph 11 insert—
- “11A The requirements of paragraph 5 do not apply where the refusal to grant the licence was because of section 66(3C) or 89(3C) (person with banning order not a fit and proper person).”
- (3) After paragraph 25 insert—
- “25A The requirements of paragraph 22 do not apply if the revocation is required by section 70A or 93A (duty to revoke licence in banning order cases).”
- (4) After paragraph 32 insert—

*“No rights of appeal where banning order involved*

- 32A (1) The right of appeal under paragraph 31(1)(a) does not apply where a licence is refused because of section 66(3A) or 89(3A) (person with banning order not a fit and proper person).

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- (2) The right of appeal under paragraph 32(1)(a) does not apply in relation to the revocation of a licence required by section 70A or 93A (duty to revoke licence in banning order cases).”

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**Commencement Information**

**I12** [Sch. 2 para. 12](#) in force at 6.4.2018 by [S.I. 2018/393](#), **reg. 2(b)**

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

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

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)