

HOUSING (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 5 – Licensing of Houses in Multiple Occupation

Terms of HMO licence

161. **Section 133** deals with the conditions contained in licences. A local authority may include any conditions that it considers appropriate. The Scottish Ministers may also specify in regulations conditions which must be included. Conditions can include dates by which they come into effect. A condition requiring work to be carried out to the property must not come into effect sooner than the local authority reasonably considers the work can be completed.
162. **Section 134** states that an HMO licence lasts for three years, or a shorter period which cannot be less than six months. It starts on the date when notice of the decision to grant the licence is served on the owner, or another date specified in the licence. If anyone has made a representation about the licence application, time is allowed for an appeal to be brought before the licence comes into force. In the case of a licence granted because a local authority did not come to a decision within the period required, the licence will last for one year from the end of that period.
163. **Section 135** deals with the expiry date of an HMO licence when an application is made for a new licence for the same HMO before the existing licence has expired. If the new licence is granted, the existing one expires when that comes into effect. If the new licence is refused, the existing licence expires on the latest of three dates. These are the last date on which an appeal may be made against refusal, the date on which an appeal is abandoned or finally refused, and the date on which the existing licence would have expired under its original terms.
164. **Section 136** states that an existing HMO licence transfers to the new owner of a licensed property and lasts for one month from the date of purchase, provided that the new owner is already entered on the local authority's register of landlords. If the new owner submits a licence application before the end of that month, the licence will continue in force until that application is determined, as for renewals. If the new owner is not a registered landlord, the licence expires on the date that ownership transfers.
165. **Section 137** transfers the licence of a deceased sole licence-holder to that person's executor. The licence expires three months after the date of death, unless the authority is satisfied that it is reasonable to extend it in order to wind up the holder's estate.