



Housing (Scotland) Act 2006

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PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Temporary exemptions

142 Temporary exemption orders

- (1) The local authority may, on the application of the owner of any HMO which requires to be licensed under this Part but which is not so licensed, grant an order (“a temporary exemption order”) in respect of the HMO.
- (2) Such an application must specify the steps which the owner of the HMO intends to take with a view to securing that it stops being an HMO which requires to be licensed under this Part.
- (3) The local authority may grant a temporary exemption order only if satisfied that the steps specified in the application will have the intended effect.
- (4) An HMO does not require to be licensed under this Part during any period for which a temporary exemption order has effect in relation to it.
- (5) A temporary exemption order has effect for—
 - (a) 3 months from the date it is granted, or
 - (b) where that period is extended under subsection (6), the extended period.
- (6) The local authority may, on the application of the owner of any HMO in respect of which a temporary exemption order has effect, extend the period during which the order has effect by such period (not exceeding 3 months) as it thinks fit.
- (7) But the local authority may so extend a period only if satisfied that there are exceptional circumstances which justify the extension.
- (8) The 3 month period may not be extended more than once.

143 Temporary exemption orders: requirement to improve safety or security

- (1) A temporary exemption order may require the owner of the HMO concerned to carry out such work in the HMO as the local authority may specify in the order for the purpose of improving the safety or security of its occupants during the period for which the order has effect.
- (2) Any such work must be completed by such date as the local authority may specify in the order.
- (3) But a date so specified must be not earlier than the date by which the local authority reasonably considers that the work required can be completed.
- (4) The local authority may revoke a temporary exemption order if it is satisfied that the owner of the HMO has failed to comply with any requirement included in it.
- (5) A revocation of a temporary exemption order has effect from—
 - (a) the last date on which the decision to revoke the order may be appealed to the sheriff, or
 - (b) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to revoke.