
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 463

The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003

Amendment of principal Order

6. In the Schedule—

(a) after paragraph 3 insert—

“**3A.** After section 7(5) (offences, etc) of the 1982 Act there shall be inserted as follows:—

“(5A) Any person who without reasonable excuse acts as an agent for an owner of a house in multiple occupation when that owner does not hold or has not applied for a licence as required by the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(5B) Where an officer of a licensing authority has reasonable grounds to suspect that the occupation of a house involves the commission of an offence under this Act, that officer may require any agent of the owner of that house to disclose the name and address of that owner.

(5C) Any person who without reasonable excuse fails to comply with a requirement made by virtue of subsection (5B) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5D) For the purposes of this section, a person acts as an agent for an owner of a house if that person acts on behalf of that owner in carrying out any activity which directly permits or facilitates the occupation of that house.”; and

(b) after paragraph 7 insert—

“**7A.** For paragraph 15 (fees) of Schedule 1 to the 1982 Act, there shall be substituted—

“Fees for houses in multiple occupation licences

15.—(1) A licensing authority shall charge such fees in respect of houses in multiple occupation licences and applications for such licences as may be resolved by them from time to time and shall seek to ensure that the total amount of fees received in respect of such licences and applications is, taken together with any money to which sub-paragraph (2) applies, sufficient to meet the expenses incurred by them in carrying out the functions exercisable by them by virtue of the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000.

(2) The money to which this sub-paragraph applies is any money paid by grant to the licensing authority by the Scottish Ministers for the purpose of enabling the authority to carry out the functions exercisable by them by virtue of that Order.”.