

## SCHEDULES

### SCHEDULE 2

Section 25

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

- 1 The Housing Act 2004 is amended as follows.
- 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;”.
- 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.”
- 4 In section 68 (licences: general requirements and duration), in subsection (3)(b),  
after “section 70” insert “or 70A”.
- 5 For the heading of section 70 substitute “Power to revoke licences”.
- 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.”
- 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

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(ii) is a lessor or licensor of the house or part;”.

- 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.”
- 9 In section 91 (licences: general requirements and duration), in subsection (3)(b), after “section 93” insert “or 93A”.
- 10 For the heading of section 93 substitute “Power to revoke licences”.
- 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.”
- 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(3C) or 89(3C) (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).”