



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

General and supplementary

160 HMO register

- (1) A local authority must keep a register containing information about HMO licences for living accommodation situated in its area (and applications for them).
- (2) A local authority must enter in its HMO register—
 - (a) details of each application for an HMO licence including—
 - (i) the name of the applicant,
 - (ii) the address of the living accommodation concerned,
 - (iii) the name of any agent specified in the application,
 - (iv) a note of the date on which the application is made,
 - (b) a note of its decision on each such application,
 - (c) details of any HMO licence granted in pursuance of that decision including—
 - (i) a note of any conditions included in the HMO licence,
 - (ii) a note of any variation, revocation or cancellation of the HMO licence, and
 - (d) such other information as it thinks fit.
- (3) A local authority must exclude from its HMO register any information it would otherwise be required by subsection (2) to enter in the register if the authority considers that entering the information is likely to jeopardise—
 - (a) the safety or welfare of any person, or
 - (b) the security of any premises.
- (4) A local authority must make its HMO register available for public inspection at all reasonable times.
- (5) A person who requests a local authority to provide a certified copy of any entry in its HMO register is, if the request is reasonable, entitled to be given that certified copy.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: General and supplementary. (See end of Document for details)

- (6) Any such copy entry which purports to be certified by a proper officer of the local authority is sufficient evidence of the terms of the entry.

Commencement Information

I1 [S. 160](#) in force at 31.8.2011 by [S.S.I. 2010/159](#), [art. 3](#)

161 Fees

- (1) The local authority is entitled to charge a fee in relation to—
- (a) an application for an HMO licence,
 - (b) the issue of a certified copy of an HMO licence under section 140(3),
 - (c) the issue of a certified copy of an entry in the authority's HMO register.
- (2) The Scottish Ministers may by order make provision about the charging of fees under subsection (1).
- (3) Such an order may, in particular—
- (a) set the amount, or maximum amount, of any such fee,
 - (b) set out how such fees are to be arrived at,
 - (c) specify circumstances in which no fee is payable,
 - (d) specify circumstances in which fees are to be refunded.

Commencement Information

I2 [S. 161](#) in force at 31.8.2011 by [S.S.I. 2010/159](#), [art. 3](#)

162 Grants: exercise of functions in relation to HMOs

The Scottish Ministers may pay to a local authority such sums as they think fit for the purpose of enabling or assisting the authority to exercise its functions under this Part.

Commencement Information

I3 [S. 162](#) in force at 31.8.2011 by [S.S.I. 2010/159](#), [art. 3](#)

163 Guidance

- (1) A local authority must have regard to any guidance issued by the Scottish Ministers about the exercise of its functions under this Part [^{F1}and section 186 (so far as that section relates to this Part)].
- (2) Such guidance may make different provision for different cases and, in particular, for different areas, different types of living accommodation, different types of person or different types of local authority.
- (3) Before issuing any such guidance the Scottish Ministers must consult—
- (a) local authorities, and
 - (b) such other persons as they think fit.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: General and supplementary. (See end of Document for details)

- (4) The Scottish Ministers must issue any such guidance in such manner as they consider appropriate for the purpose of bringing it to the notice of local authorities generally or, as the case may be, the local authority concerned.
- (5) The Scottish Ministers may vary or revoke any guidance issued for the purposes of this section.

Textual Amendments

F1 Words in s. 163(1) inserted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), ss. [16](#), [41\(3\)](#); [S.S.I. 2011/270](#), art. 2, Sch.

Commencement Information

I4 S. 163 in force at 31.8.2011 by [S.S.I. 2010/159](#), art. 3

164 Joint licence holders

- (1) Where living accommodation is owned jointly by two or more persons, an application for an HMO licence for the living accommodation may be made by—
 - (a) any one of those owners, or
 - (b) any two or more of those owners jointly,and references in this Part to an “applicant” or a “licence holder” are to be construed accordingly.
- (2) Where one or more (but not all) of the joint licence holders ceases to be an owner of the living accommodation concerned, the HMO licence is to be treated as having been granted to any licence holder who remains an owner.
- (3) Where one or more (but not all) of the joint licence holders applies to the local authority to be removed as licence holders, the local authority must—
 - (a) vary the HMO licence accordingly, and
 - (b) serve notice of that variation on—
 - (i) the persons removed as licence holders,
 - (ii) the remaining licence holder,
 - (iii) the [^{F2}enforcing] authority, and
 - (iv) the chief constable,within 7 days of the variation.
- (4) A variation under subsection (3) has effect from the day on which notice of the variation is served on the remaining licence holder.

Textual Amendments

F2 Words in s. 164(3)(b)(iii) substituted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 2(1), [Sch. 1 para. 17\(2\)\(3\)\(d\)](#)

Commencement Information

I5 S. 164 in force at 31.8.2011 by [S.S.I. 2010/159](#), art. 3

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: General and supplementary. (See end of Document for details)

165 Agents

- (1) Where the local authority serves a notice on an applicant or licence holder under this Part (except section 144), the local authority must serve a copy of the notice (and any documents accompanying it) on any agent specified in the application or, as the case may be, the HMO licence.
- (2) But service under subsection (1) does not entitle the agent to make representations or appeal any decision under this Part except on behalf of the applicant or licence holder.

Commencement Information

I6 S. 165 in force at 31.8.2011 by [S.S.I. 2010/159](#), [art. 3](#)

166 Interpretation of Part 5

In this Part—

“applicant” means a person who applies for an HMO licence,

[^{F3} “chief constable” means the chief constable of the Police Service of Scotland,]

[^{F4} “enforcing authority” has the meaning given by section 61(9) of the Fire (Scotland) Act 2005 (asp 5),]

“finally determined”, in relation to an appeal to the sheriff, has the meaning given in section 159(12),

“HMO register”, in relation to a local authority, means the register kept by it under section 160,

“licence holder” means a person who holds an HMO licence,

“proper officer”, in relation to a local authority, is to be construed in accordance with section 235(3) of the Local Government (Scotland) Act 1973 (c. 65).

Textual Amendments

F3 Words in s. 166 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 30](#); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

F4 S. 166: definition inserted (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), [art. 2\(2\)](#), [Sch. 1 para. 17\(5\)](#)

Commencement Information

I7 S. 166 in force at 31.8.2011 by [S.S.I. 2010/159](#), [art. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross
Heading: General and supplementary.