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

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SCHEDULE 4  
APPLICATIONS FOR HMO LICENCES: PROCEDURE

*Notices: exceptions*

- 3 (1) This paragraph applies where the local authority considers, on the submission of any applicant—
- (a) that the applicant has been unable to comply with paragraph 2(2) or (3) because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights, or
  - (b) that complying with paragraph 2(2) or (3) is likely to jeopardise—
    - (i) the safety or welfare of any persons, or
    - (ii) the security of any premises.
- (2) Where this paragraph applies the local authority must—
- (a) disapply paragraph 2(2) to (8) in relation to the application concerned by serving notice of the disapplication to the applicant, and
  - (b) serve, or require the applicant to serve, notice of HMO application on the occupiers of such premises in the vicinity of the living accommodation concerned as the authority thinks fit.
- (3) The local authority must give notice under paragraph 2(9)(b) where this paragraph applies because of sub-paragraph (1)(a) of this paragraph.
- (4) The local authority must not give notice under paragraph 2(9)(b) where this paragraph applies because of sub-paragraph (1)(b) of this paragraph.
- (5) The Scottish Ministers may give directions to local authorities about circumstances in which authorities must consider that compliance with paragraph 2(2) or (3) is likely to jeopardise—
- (a) the safety or welfare of persons, or
  - (b) the security of premises.
- (6) Directions given under sub-paragraph 5 may be varied or revoked at any time.

**Commencement Information**

**II** Sch. 4 para. 3 in force at 31.8.2011 by S.S.I. 2010/159, art. 3

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