



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 5

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

##### *Meaning of “house in multiple occupation”*

#### 125 Meaning of “house in multiple occupation”

- (1) [<sup>F1</sup>HMO” means any living accommodation] occupied by 3 or more persons who are not all members of the same family or of one or other of two families [<sup>F2</sup>
- (a) which—
    - (i) falls within subsection (2), and
    - (ii) is occupied by those 3 or more persons as an only or main residence,or
  - (b) which is of such type, or which is occupied in such manner, as the Scottish Ministers may by order specify.]

[<sup>F3</sup>(1A) Before making an order under subsection (1)(b), the Scottish Ministers must consult—

- (a) local authorities, and
  - (b) such tenants (or tenants' representatives) and such landlords (or landlords' representatives) as they think fit.]
- (2) Living accommodation falls within this subsection if—
- (a) it is a house, or
  - (b) it is, or forms part of, any premises or group of premises owned by the same person and its occupants share one or more of the basic amenities with each other.
- (3) The “basic amenities” are—
- (a) a toilet,
  - (b) personal washing facilities, and
  - (c) facilities for the preparation or provision of cooked food.

(4) For the purposes of this section—

- <sup>F4</sup>(a) .....

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 125. (See end of Document for details)*

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- (b) living accommodation occupied during term time by a person undertaking a full-time course of further or higher education is, at all times during that person's residence, to be treated as being that person's only or main residence,
- (c) a patient in a health service hospital (within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978 (c. 29)) is not to be treated as occupying the hospital,
- (d) a person is not to be treated as sharing a basic amenity if the living accommodation concerned has more than one of any such amenity and the person has exclusive use of at least one of them.

#### **Textual Amendments**

- F1** Words in s. 125(1) substituted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(1)(a)(i)**, 41(3); S.S.I. 2011/270, art. 2, Sch.
- F2** S. 125(1)(a)(b) and word inserted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(1)(a)(ii)**, 41(3); S.S.I. 2011/270, art. 2, Sch.
- F3** S. 125(1A) inserted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(1)(b)**, 41(3); S.S.I. 2011/270, art. 2, Sch.
- F4** S. 125(4)(a) repealed (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 13(1)(c)**, 41(3); S.S.I. 2011/270, art. 2, Sch.

#### **Commencement Information**

- I1** S. 125 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, Section 125.