



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Terms of HMO licence

135 Application for new HMO licence: effect on existing HMO licence

- (1) Where—
- (a) an HMO licence has been granted (an “existing HMO licence”), and
 - (b) an application for a new HMO licence is made in relation to the living accommodation concerned before the existing HMO licence has expired, the existing HMO licence expires on the date set out in subsection (2).
- (2) That date is—
- (a) where the new HMO licence is granted, the date from which the new HMO licence has effect, ^{F1}...
 - [^{F2}(aa) where the local authority refuses to consider the application for the new HMO licence—
 - (i) the date on which the existing HMO licence would expire had an application for a new HMO licence not been made, or
 - (ii) such later date as the local authority considers reasonable in the circumstances, and]
 - (b) where the local authority refuses to grant the new HMO licence, the latest of the following dates—
 - (i) the last date on which the decision to refuse to grant the new HMO licence may be appealed to the sheriff,
 - (ii) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to refuse to grant the new HMO licence, and
 - (iii) the date on which the existing HMO licence would expire had an application for a new HMO licence not been made.

*Changes to legislation: There are currently no known outstanding effects for the
Housing (Scotland) Act 2006, Section 135. (See end of Document for details)*

- [^{F3}(3) The local authority must serve notice of a decision under subsection (2)(aa)(ii) to extend (or further extend) the duration of an existing HMO licence on—
- (a) the licence holder,
 - (b) the enforcing authority, and
 - (c) the chief constable.]

Textual Amendments

- F1** Word in s. 135(2)(a) repealed (31.1.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), [ss. 13\(5\)\(a\)\(i\)](#), 41(3); S.S.I. 2012/2, art. 2, Sch.
- F2** S. 135(2)(aa) inserted (31.1.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), [ss. 13\(5\)\(a\)\(ii\)](#), 41(3); S.S.I. 2012/2, art. 2, Sch.
- F3** S. 135(3) inserted (31.1.2012) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), [ss. 13\(5\)\(b\)](#), 41(3); S.S.I. 2012/2, art. 2, Sch.

Commencement Information

- I1** S. 135 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 135.