



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Variation and revocation of HMO licence

138 Variation of HMO licence

- (1) The local authority may vary an HMO licence at any time.
- (2) The local authority may do so on the application of the licence holder or of its own accord.
- (3) But an HMO licence may not be so varied so as to shorten the period for which the licence has effect.
- (4) The local authority must serve notice of any proposed variation on—
 - (a) where the local authority is proposing the variation, the licence holder,
 - (b) the [^{F1}enforcing] authority, and
 - (c) the chief constable,and must invite each of them to make oral representations about the proposed variation.
- (5) Where the local authority is proposing the variation, the notice required by subsection (4) must give the authority's reasons for doing so.
- (6) The notice and invitation required by subsection (4) must be served not less than 7 days before the local authority proposes to hear any invited representation.
- (7) The local authority must consider any such representations made before it decides whether to vary the HMO licence.
- (8) A variation of an HMO licence has effect from the latest of the following dates—
 - (a) the date on which notice of the decision to vary the HMO licence is served on the licence holder under section 158,
 - (b) where the licence holder, the [^{F1}enforcing] authority or the chief constable has objected to the variation—

Changes to legislation: *There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 138. (See end of Document for details)*

- (i) the last date on which the decision to vary the HMO licence may be appealed to the sheriff, or
- (ii) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to vary, and
- (c) any later date as may be specified in the notice of the decision to vary the HMO licence served on the licence holder under section 158.

Textual Amendments

- F1** Words in s. 138(4)(8)(b) 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)(a)**

Commencement Information

- I1** S. 138 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 138.