



Housing (Scotland) Act 2006

2006 asp 1

PART 5

LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Variation and revocation of HMO licence

139 Revocation of HMO licence

- (1) The local authority may revoke an HMO licence at any time if it considers—
 - (a) that, if an application for that HMO licence were to be made at that time, it would be required by section 130 (suitability of applicants and agents) to refuse to grant it,
 - (b) that the living accommodation concerned is no longer suitable for occupation as an HMO and cannot be made so suitable by varying the conditions included in the HMO licence, or
 - (c) that any condition of an HMO licence has been breached (regardless of whether the local authority has taken any other action, or of whether criminal proceedings have been commenced, in respect of that breach).
- (2) The local authority must serve notice of a proposed revocation on—
 - (a) the licence holder,
 - (b) any person who has made a written representation which the local authority considers relevant to a proposed revocation,
 - (c) the [^{F1}enforcing] authority, and
 - (d) the chief constable,inviting each of them to make oral representations about the proposal.
- (3) A notice under subsection (2) must—
 - (a) set out the ground on which the local authority proposes to revoke the HMO licence,
 - (b) be accompanied by a copy of any written representation which the local authority considers relevant to the proposed revocation, and
 - (c) be given not less than 21 days before the proposed hearing.

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 139. (See end of Document for details)

- (4) The local authority must consider any oral representations made at the hearing before it decides whether to revoke the HMO licence.
- (5) A revocation of an HMO licence has effect from—
- (a) the last date on which the decision to revoke the HMO licence may be appealed to the sheriff, or
 - (b) where such an appeal is made, the date on which it is abandoned or finally determined other than by quashing the decision to revoke.

Textual Amendments

- F1** Words in s. 139(2)(c) 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)(b)**
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Commencement Information

- I1** S. 139 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 139.