



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 5 **S**

#### LICENSING OF HOUSES IN MULTIPLE OCCUPATION

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

#### 126 HMOs exempt from licensing requirement **S**

- (1) An HMO is exempt from the requirement to be licensed under this Part if it is—
- (a) occupied only by the owners of the HMO either alone or together with—
    - (i) any persons in the same family as any of those owners, and
    - (ii) any number of other persons who are unrelated to any of those owners but who are members of the same family or of one or other of two families,
  - (b) provided as part of—
    - (i) a care home service,
    - (ii) an independent health care service,
    - (iii) a school care accommodation service, or
    - (iv) a secure accommodation service,registered under [<sup>F1</sup>Part 5 of the Public Services Reform (Scotland) Act 2010], [<sup>F2</sup>or, as the case may be, under section 10Q(1) of the National Health Service (Scotland) Act 1978 (c.29)]
  - (c) owned by the Crown and occupied only by members of the armed forces of the Crown (either alone or together with any persons in the same family as any of those members),
  - (d) a prison, a young offenders institution or a remand centre,
  - (e) occupied only by—
    - (i) persons who are members of, and fully maintained by, a religious order the main occupation of which is prayer, contemplation, education or the relief of suffering, or
    - (ii) a group consisting of such persons and no more than two other persons,

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**Changes to legislation:** *Housing (Scotland) Act 2006, Section 126 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (f) subject to a management control order made under section 74 (order transferring landlord's rights and obligations to local authority) of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), or
  - (g) owned by a co-operative housing association (within the meaning of section 300(1)(b) of the 1987 Act) the management of which is undertaken by general meeting.
- (2) The Scottish Ministers may by order amend subsection (1) by—
- (a) adding or removing the description of any type of HMO to or from those descriptions for the time being listed in that subsection, or
  - (b) varying any such description which is for the time being so listed.

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**Textual Amendments**

- F1** Words in s. 126(1)(b) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 1 para. 17**
- F2** Words in s. 126(1)(b) inserted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **Sch. 2 para. 10**
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**Commencement Information**

- I1** S. 126 in force at 31.8.2011 by [S.S.I. 2010/159](#), art. 3

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**Changes and effects yet to be applied to :**

- s. 126(1)(d) words substituted by [2024 asp 5 Sch. para. 18\(2\)](#)