
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 177

The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000

Interpretation

- 2.—(1) In this Order, unless the context otherwise requires—
- “the 1982 Act” means the Civic Government (Scotland) Act 1982;
 - “the 1991 Order” means the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 1991(1);
 - “house” includes (subject to paragraphs (2) and (4) below) any part of a building, being a part which is occupied as a separate dwelling and, in particular, includes a flat;
 - “house in multiple occupation” means a house occupied during any period mentioned in article 5 of this Order by more qualifying persons than the number specified in that article in relation to that period, being persons who are not all members either of the same family or of one or other of 2 families;
 - “owner” means a person having a heritable interest in the house which is capable of being recorded in the General Register of Sasines or registered in the Land Register (established by section 1 of the Land Registration (Scotland) Act 1979(2)) and “owned” and “ownership” shall be interpreted accordingly;
 - “qualifying person” means (subject to paragraph (3) below) a person whose only or principal residence is the house in multiple occupation;
 - “self-governing school” has the same meaning as in section 1(3) of the Self-Governing Schools etc. (Scotland) Act 1989(3);
 - “women’s refuge” means a house managed by a voluntary organisation and used wholly or principally for the temporary accommodation of persons who have left their homes as a result of—
 - (a) physical violence or mental abuse; or
 - (b) threats of such violence or abuse,from persons to whom they are or were married or with whom they are or were co-habiting.
- (2) Any house—
- (a) which is or requires to be registered—
 - (i) as a nursing home under the Nursing Homes Registration (Scotland) Act 1938(4);
 - (ii) as a residential establishment under section 62 of the Social Work (Scotland) Act 1968(5); or

(1) S.I.1991/1253.
(2) 1979 c. 33.
(3) 1989 c. 39.
(4) 1938 c. 73.
(5) 1968 c. 49.

- (iii) as a private hospital under the Mental Health (Scotland) Act 1984⁽⁶⁾;
- (b) which is occupied principally for the purpose of the provision for school students of residential accommodation by an education authority, the board of management of a self-governing school or the managers of a grant-aided or independent school (or by any other person in pursuance of such arrangements made by an education authority or any such board of management or managers);
- (c) which is occupied by a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering;
- (d) which is occupied only—
 - (i) by qualifying persons, each of whom has a heritable right of ownership in the house; or
 - (ii) by a person who is a member of the same family as such a qualifying person; or
- (e) in respect of which a control order under section 178 of the Housing (Scotland) Act 1987⁽⁷⁾ is in force,

shall not be regarded as a house for the purposes of this Order.

- (3) For the purposes of the definition of “qualifying person” in paragraph (1) above—
 - (a) a person undertaking a full time course of further or higher education who resides during term time in a house shall, during the period of that person’s residence, be regarded as residing there as his only or principal residence; and
 - (b) a patient in a hospital from which National Health Service goods and services are provided under the National Health Service (Scotland) Act 1978⁽⁸⁾ shall be disregarded for the purpose of calculating the number of persons who occupy a house as their only or principal residence.

(4) For purposes of this Order, houses comprised within a building which, although otherwise separate, share use of—

- (a) a sanitary convenience; or
- (b) personal washing facilities; or
- (c) cooking facilities,

shall be taken to form part of a single house.

- (5) For purposes of this Order, a person is a member of the same family as another person if—
 - (a) those persons are married to each other or live together as a couple; or
 - (b) one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other,

and, for the purposes of sub-paragraph (b) above—

- (i) a relationship by marriage shall be treated as a relationship by blood;
- (ii) a relationship of the half-blood shall be treated as a relationship of the whole blood;
- (iii) the stepchild of a person shall be treated as his or her child.

⁽⁶⁾ 1984 c. 36.
⁽⁷⁾ 1987 c. 26.
⁽⁸⁾ 1978 c. 29.