



# Housing Act 2004

## 2004 CHAPTER 34

### PART 3

#### SELECTIVE LICENSING OF OTHER RESIDENTIAL ACCOMMODATION

##### *Variation and revocation of licences*

#### **92 Variation of licences**

- (1) The local housing authority may vary a licence—
  - (a) if they do so with the agreement of the licence holder, or
  - (b) if they consider that there has been a change of circumstances since the time when the licence was granted.

For this purpose “change of circumstances” includes any discovery of new information.

- (2) A variation made with the agreement of the licence holder takes effect at the time when it is made.
- (3) Otherwise, a variation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).
- (4) The power to vary a licence under this section is exercisable by the authority either—
  - (a) on an application made by the licence holder or a relevant person, or
  - (b) on the authority’s own initiative.
- (5) In subsection (4) “relevant person” means any person (other than the licence holder)—
  - (a) who has an estate or interest in the house concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) who is a person managing or having control of the house (and does not fall within paragraph (a)), or

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*Status: This is the original version (as it was originally enacted).*

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- (c) on whom any restriction or obligation is imposed by the licence in accordance with section 90(6).

### **93 Revocation of licences**

- (1) The local housing authority may revoke a licence—
  - (a) if they do so with the agreement of the licence holder,
  - (b) in any of the cases mentioned in subsection (2) (circumstances relating to licence holder or other person),
  - (c) in any of the cases mentioned in subsection (3) (circumstances relating to house concerned), or
  - (d) in any other circumstances prescribed by regulations made by the appropriate national authority.
- (2) The cases referred to in subsection (1)(b) are as follows—
  - (a) where the authority consider that the licence holder or any other person has committed a serious breach of a condition of the licence or repeated breaches of such a condition;
  - (b) where the authority no longer consider that the licence holder is a fit and proper person to be the licence holder; and
  - (c) where the authority no longer consider that the management of the house is being carried on by persons who are in each case fit and proper persons to be involved in its management.

Section 89(1) applies in relation to paragraph (b) or (c) above as it applies in relation to section 88(3)(a) or (c).

- (3) The cases referred to in subsection (1)(c) are as follows—
  - (a) where the house to which the licence relates ceases to be a Part 3 house;
  - (b) where a licence has been granted under Part 2 in respect of the house;
  - (c) where the authority consider at any time that, were the licence to expire at that time, they would, for a particular reason relating to the structure of the house, refuse to grant a new licence to the licence holder on similar terms in respect of it.
- (4) A revocation made with the agreement of the licence holder takes effect at the time when it is made.
- (5) Otherwise, a revocation does not come into force until such time, if any, as is the operative time for the purposes of this subsection under paragraph 35 of Schedule 5 (time when period for appealing expires without an appeal being made or when decision to vary is confirmed on appeal).

This is subject to subsection (6).

- (6) A revocation made in a case within subsection (3)(b) cannot come into force before such time as would be the operative time for the purposes of subsection (5) under paragraph 35 of Schedule 5 on the assumption that paragraph 35 applied—
  - (a) to an appeal against the Part 2 licence under paragraph 31 of the Schedule as it applies to an appeal under paragraph 32 of the Schedule, and
  - (b) to the period for appealing against the Part 2 licence mentioned in paragraph 33(1) of the Schedule as it applies to the period mentioned in paragraph 33(2) of the Schedule.

- (7) The power to revoke a licence under this section is exercisable by the authority either—
- (a) on an application made by the licence holder or a relevant person, or
  - (b) on the authority’s own initiative.
- (8) In subsection (7) “relevant person” means any person (other than the licence holder)—
- (a) who has an estate or interest in the house concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
  - (b) who is a person managing or having control of the house (and does not fall within paragraph (a)), or
  - (c) on whom any restriction or obligation is imposed by the licence in accordance with section 90(6).