

Temporary exemption notice (Part 3)

To

Of

The ("the Authority")

On 20 received from you, being a a licensable premises, namely:-

notification of your intention to take particular steps with a view to securing that the house is no longer required to be licensed under Part 3 of the Housing Act 2004 ("the Act").

The Authority hereby serve you **A TEMPORARY EXEMPTION NOTICE** (in accordance with section 6(1) and 85(1) not requiring the above licensable premises to be licensed under Part 2 or Part 3 of the Act for the period of 3 months beginning with the date on which this Notice served on:-

20

[The Authority on 20 received a further notification of your intention to take particular steps with a view to securing that the above licensable property is no longer required to be licensed under Part 3 of the Act and consider that there are exceptional circumstances that justify the service of a second temporary exemption notice that will take effect from the end of the period of 3 months applying to the first notice, being 20

Dated

Signed

Designation †

The officer appointed for this purpose

† Insert title of proper officer

These notes are intended as general information to the recipient(s) of this temporary exemption notice. The notes are not intended to be definitive and the recipient should refer to the full version of the Housing Act 2004

86 Temporary exemption from licensing requirement

(1) This section applies where a person having control of or managing a Part 3 house which is required to be licensed under this Part (see section 85(1)) but is not so licensed, notifies the local housing authority of his intention to take particular steps with a view to securing that the house is no longer required to be licensed.

(2) The authority may, if they think fit, serve on that person a notice under this section (“a temporary exemption notice”) in respect of the house.

(3) If a temporary exemption notice is served under this section, the house is (in accordance with section 85(1)) not required to be licensed under this Part during the period for which the notice is in force.

(4) A temporary exemption notice under this section is in force—

(a) for the period of 3 months beginning with the date on which it is served, or

(b) (in the case of a notice served by virtue of subsection (5)) for the period of 3 months after the date when the first notice ceases to be in force.

(5) If the authority—

(a) receive a further notification under subsection (1), and

(b) consider that there are exceptional circumstances that justify the service of a second temporary exemption notice in respect of the house that would take effect from the end of the period of 3 months applying to the first notice,

the authority may serve a second such notice on the person having control of or managing the house (but no further notice may be served by virtue of this subsection).

(6) If the authority decide not to serve a temporary exemption notice in response to a notification under subsection (1), they must without delay serve on the person concerned a notice informing him of—

(a) the decision,

(b) the reasons for it and the date on which it was made,

(c) the right to appeal against the decision under subsection (7), and

(d) the period within which an appeal may be made under that subsection.

(7) The person concerned may appeal to a residential property tribunal against the decision within the period of 28 days beginning with the date specified under subsection (6) as the date on which it was made.

(8) Such an appeal—

(a) is to be by way of a re-hearing, but

(b) may be determined having regard to matters of which the authority were unaware.

(9) The tribunal—

(a) may confirm or reverse the decision of the authority, and

(b) if it reverses the decision, must direct the authority to issue a temporary exemption notice with effect from such date as the tribunal directs.

If you do not understand this temporary exemption notice or wish to know more about it, you should contact the Local Authority. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half an hour of legal advice for a small fee. If you want to know more about the works the Local Authority require you to do, you may wish to consult a surveyor.

