



Housing (Scotland) Act 2006

2006 asp 1

PART 9

RIGHTS OF ENTRY

181 Rights of entry: general

- (1) Any person authorised by a local authority is entitled to enter—
- (a) any land or premises for the purposes of enabling or assisting the local authority to decide whether any part of its area should be designated as an HRA,
 - (b) any premises for the purposes of enabling or assisting the local authority to decide whether—
 - (i) to serve a work notice or demolition notice,
 - (ii) any such notice has been complied with, or
 - (iii) to grant a certificate under section 60 in relation to work required by a work notice,
 - (c) any premises which the local authority is required or authorised by Part 1 to carry out work in or to demolish, for the purposes of doing so,
 - (d) any premises for the purposes of enabling the local authority to—
 - (i) decide whether to make a maintenance order,
 - (ii) consider or devise a maintenance plan,
 - (iii) decide whether a maintenance plan has been implemented, or
 - (iv) do anything which the local authority is authorised by section 48(2) or 49(1) to do,
 - (e) any living accommodation for the purposes of enabling or assisting the local authority to decide whether—
 - (i) the living accommodation is an HMO which requires to be licensed under Part 5,
 - (ii) to grant, vary or revoke an HMO licence in relation to the living accommodation,
 - (iii) a condition included in an HMO licence has been breached,
 - (iv) any person has failed to comply with a requirement made by a temporary exemption order,

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 181. (See end of Document for details)

- (v) any person has failed to comply with a requirement made under section 145(2),
 - (vi) to serve an HMO amenity notice,
 - (vii) an HMO amenity notice has been complied with,
 - (viii) to grant a certificate under paragraph 7 of schedule 5 in relation to work required by an HMO amenity notice.
- [^{F1}(1A) Any person authorised by a third party applicant is entitled to enter any house in respect of which an application under section 22 may be made for the purposes of enabling or assisting the third party applicant to decide whether to make an application under section 22(1A).]
- (2) A member of [^{F2}the First-tier Tribunal] , and any person authorised by any such member, is entitled to enter any house in respect of which [^{F3}an application under section 22(1) or (1A)] has been referred to the [^{F4}First-tier Tribunal] for the purposes of enabling or assisting the [^{F4}First-tier Tribunal] to—
- (a) determine the application under section 24(1),
 - (b) decide whether the landlord has complied with, or is likely to comply with, any repairing standard enforcement order made by the [^{F4}First-tier Tribunal] in pursuance of that application, or
 - (c) decide whether to grant a certificate under section 60 in relation to the work required by any such order.
- [^{F5}(2A) A member of the [^{F6}First-tier Tribunal] , and any other person authorised by any such member, is entitled to enter any house in respect of which a decision has been made under section 28A(3) to assist the landlord's exercise of the landlord's right of entry under subsection (4) of this section for the purpose of enabling the landlord to exercise such right of entry.]
- (3) The owner of any premises, or any person authorised by the owner, is entitled to enter the premises for the purposes of—
- (a) carrying out work required by a work notice or an HMO amenity notice,
 - (b) carrying out a demolition required by a demolition notice, or
 - (c) implementing a maintenance plan.
- (4) A landlord in a tenancy to which Chapter 4 of Part 1 applies, or any person authorised by the landlord, is entitled to enter the house concerned for the purpose of—
- (a) viewing its state and condition for the purpose of determining whether the house meets the repairing standard, or
 - (b) carrying out any work necessary to comply with the duty in section 14(1)(b) or a repairing standard enforcement order.
- (5) An authorisation under subsection (1) to (4) must state the particular purpose or purposes for which the entry is authorised.
- (6) Any person who inspects a house in exercise of a right conferred by subsection (2) must provide the [^{F7}First-tier Tribunal] with a report of that inspection.

Textual Amendments

- F1** S. 181(1A) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(6)(a)**, 104(3); S.S.I. 2015/349, art. 3, sch.

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- F2** Words in s. 181(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 6(18)(a)(i)** (with sch. 1)
- F3** Words in s. 181(2) substituted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(6)(b)**, 104(3); S.S.I. 2015/349, art. 3, Sch. 1
- F4** Words in s. 181(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 6(18)(a)(ii)** (with sch. 1)
- F5** S. 181(2A) inserted (1.12.2015) by Private Rented Housing (Scotland) Act 2011 (asp 14), **ss. 35(6)**, 41(3); S.S.I. 2015/326, art. 2(3)
- F6** Words in s. 181(2A) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(16)** (with sch. 1 para. 5)
- F7** Words in s. 181(6) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 6(18)(b)** (with sch. 1)

Commencement Information

- I1** S. 181 partly in force; s. 181 not in force at Royal Assent see s. 195(3); s. 181(1)(c)(5) in force at 4.12.2006 see **S.S.I. 2006/569, art. 2**; s. 181(2)(4)(6) in force at 3.9.2007 by **S.S.I. 2007/270**, {art. 3 Table}
- I2** S. 181(1)(a)(b)(d)(e)(3) in force at 1.4.2009 by **S.S.I. 2009/122, art. 3**

Changes to legislation:

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