



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 3

OVERCROWDING STATUTORY NOTICES

18 Matters to be considered prior to service of overcrowding statutory notice

- (1) This section applies where a local authority is considering serving an overcrowding statutory notice in relation to a house.
- (2) The authority may serve the notice only if it is reasonable and proportionate in the circumstances to do so having regard to—
 - (a) the nature of the adverse effect referred to in section 17(2)(b) by reference to which the notice would be served,
 - (b) the degree to which the overcrowding of the house is contributing to or connected to that adverse effect,
 - (c) the likely effects of service of the notice, and
 - (d) whether there are means other than by service of the notice by which the adverse effect could be mitigated or avoided.
- (3) The authority must take into account—
 - (a) the circumstances of the occupier of the house and of any other persons residing in the house (including, in particular, whether any of them is, as a result of the overcrowding of the house, homeless),
 - (b) the views (if known) of the landlord, the occupier and any other persons residing in the house, and
 - (c) the likely effects of service of the notice on the occupier and any other persons residing in the house (including, in particular, whether it may lead to the occupier or any such person becoming homeless or threatened with homelessness).
- (4) For the purposes of subsection (3), whether a person is homeless or threatened with homelessness is to be determined in accordance with section 24 of the Housing (Scotland) Act 1987 (c.26).