

HOUSING (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part Three – Private Rented Housing

Private Rented Housing: Enhanced Enforcement Areas

82. [Part 3](#) of the Act also makes provision for Enhanced Enforcement Areas. Section 28 of the Act requires that the Scottish Ministers must by regulations introduce a scheme whereby a local authority can apply for additional discretionary powers to enable it to target enforcement in an area subject to poor housing conditions in the private rented sector.
83. [Section 28\(2\)\(a\)](#) specifies that the scheme must provide that a local authority may apply to the Scottish Ministers for an area to be designated as an Enhanced Enforcement Area (EEA) where an area is characterised by an overprovision or concentration of private rented housing of poor environmental standard, overcrowding and a prevalence of antisocial behaviour as defined by section 81(4) of the Antisocial Behaviour etc. (Scotland) Act 2004.
84. [Section 28\(2\)\(b\)](#) requires the scheme to provide that where an area is designated as an EEA, the local authority will acquire such additional discretionary powers as the Scottish Ministers consider appropriate for prescribed purposes, which purposes include checks carried out prior to registering a landlord under Part 8 of the 2004 Act and inspection of properties let by a registered landlord.
85. [Section 28\(2\)\(c\)](#) requires the scheme to provide that the local authority must advertise the fact that an area is designated as an EEA and that the designation will apply for a period of five years starting from the date on which the Scottish Ministers notify the local authority of their decision. The local authority may reapply for the area to be designated as an EEA before the expiry of the first designation.
86. [Section 28\(3\)](#) requires that the Scottish Ministers must consult with local authorities, those representing the interests of landlords and tenants and any other persons or bodies considered appropriate, before making regulations under subsection (1).
87. [Section 28\(4\)](#) requires that draft regulations under subsection (1) must be laid before the Scottish Parliament by 1 April 2015.
88. New section 28(5) makes provision for regulations under subsection (1) to modify or disapply any provision of any enactment, including this Act.