



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART IV

SUB-STANDARD HOUSES

Powers of local authority

95 Further procedure, powers of local authority on acquisition of land, compensation and agricultural holdings

- (1) Part I of Schedule 8 shall have effect in relation to the procedure to be followed after publication and service of a draft resolution.
- (2) Part II of Schedule 8 shall have effect in relation to the powers of a local authority acquiring land for the purposes of this Part.
- (3) Part III of Schedule 8 shall have effect in relation to compensation in respect of land acquired compulsorily.
- (4) Part IV of Schedule 8 shall have effect in relation to the adjustment of relations between lessors and lessees where improvements have been carried out on agricultural holdings under this Part.

96 Power of local authority to retain houses subject to demolition for temporary occupation

- (1) A local authority, who in a resolution passed under section 89 or 91 have provided that some or all of the buildings in a housing action area should be demolished, may postpone the demolition of any such building on land purchased by or belonging to the authority within that area, being a building which is, or which contains, a house which in the opinion of the authority must be continued in use as housing accommodation for the time being.
- (2) Where the demolition of a building is postponed under subsection (1), the authority shall carry out such works as may in their opinion from time to time be required

for rendering or keeping such house capable of being continued in use as housing accommodation pending its demolition.

- (3) In respect of any house retained by a local authority under this section for use for housing purposes, the authority shall have the same powers and duties as they have in respect of houses provided under Part I.

97 Local authority may control occupation of houses in housing action areas

- (1) Subject to subsection (3) of this section, a local authority may—
- (a) as soon as practicable after they receive notification under section 94(3)(b), or
 - (b) if after the expiry of the period of 28 days mentioned in section 94(3) they have received no notification from the Secretary of State;
- make an order in the prescribed form prohibiting the occupation of the houses in the area which have been identified in accordance with section 92(4)(a) and (c) except with the consent of the authority.
- (2) Within 28 days of making an order under this section, the local authority shall serve a notice in the prescribed form in respect of every such house in the housing action area—
- (a) upon the person having control of the house, and
 - (b) upon any other person who is an owner or occupier of the house,
- stating that the order has been made and indicating the effect of the order.
- (3) An order made under this section shall not prohibit the occupation of a house in the area by a person occupying it on the date of the service of the notice in respect of the house under subsection (2).
- (4) If any person, knowing that an order has been made under this section, occupies or permits to be occupied a house after the date of the service of the notice in respect of the house under subsection (2) in contravention of the order, he shall be guilty of an offence and shall be liable on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence to a further fine of £5 for every day or part of a day which he occupies the house, or permits it to be occupied, after conviction.
- (5) Where an owner or a person having control of a house in respect of which an order under this section is served considers that it is unreasonable in all the circumstances of the case that the order should continue to apply to the house, he may apply to the local authority to revoke the order in respect of the house.
- (6) Where an applicant for a revocation under subsection (5) is aggrieved by the refusal of the local authority to revoke the order, he may appeal to the sheriff by giving notice of appeal within 21 days of the date of the refusal.
- (7) An order made under this section shall cease to have effect in relation to any house affected by any of the following events, that is to say—
- (a) on the date on which the local authority revoke an order under subsection (5);
 - (b) on the date of the passing of a final resolution under paragraph 1 of Schedule 8 identifying a house in accordance with that paragraph as read with section 92(4)(b);

- (c) on the date of the rescinding of a draft resolution under paragraph 1 of Schedule 8;
- (d) in the case where the Secretary of State, in refusing to confirm an order for compulsory purchase submitted to him under paragraph 5 of Schedule 8, directs that any order made under this section shall cease to apply either generally or in respect of individual houses, on the date of that direction;
- (e) in the case where the Secretary of State, in modifying in accordance with the provisions of paragraph 5(3)(e) of Schedule 8 an order for compulsory purchase submitted to him under that paragraph, directs that any order made under this section shall cease to apply either generally or in respect of individual houses, on the date of that direction.

98 Obligation of local authorities in relation to rehousing in housing action areas

Where a person is to be displaced as a result of implementation of the provisions of this Part, and where a local authority are under a duty by virtue of section 36 of the Land Compensation (Scotland) Act 1973 to rehouse him, the authority shall, if so requested by that person and in so far as practicable, secure that he will be provided with suitable alternative accommodation within a reasonable distance from the locality of the house from which he is to be displaced.