



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VII

#### OVERCROWDING

##### *Powers and duties of landlord*

#### **144 Offence by landlord not to inform prospective tenant of permitted number of occupants.**

- (1) The landlord of a house is guilty of an offence if he lets or agrees to let it to any person without—
  - (a) giving that person a written statement in the prescribed form of the permitted number of persons in relation to the house, and
  - (b) obtaining from that person a written acknowledgement in the prescribed form, and
  - (c) exhibiting the acknowledgement to the local authority on demand by them.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) A written statement given under subsection (1)(a) shall be treated as being sufficient and correct if it agrees with information given by the local authority under section 148.

#### **145 Recovery of possession of overcrowded house that is let.**

- [<sup>F1</sup>(1)] —If the occupier of a house is guilty of an offence by reason of it being overcrowded—
- (a) nothing in [<sup>F2</sup>an enactment mentioned in subsection (2)] shall prevent the landlord from obtaining possession of the house;
  - (b) the local authority after giving to the landlord written notice of their intention to do so may take any such steps for the termination of the occupier's tenancy or for his removal or ejection from the house as the landlord could take.

[<sup>F3</sup>(2) The enactments referred to in subsection (1) are—

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**Changes to legislation:** *Housing (Scotland) Act 1987, Cross Heading: Powers and duties of landlord is up to date with all changes known to be in force on or before 06 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) the Rent (Scotland) Act 1984;
- (b) Part II of the Housing (Scotland) Act 1988;
- (c) the Private Housing (Tenancies) (Scotland) Act 2016.]

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#### Textual Amendments

- F1** S. 145(1): s. 145 renumbered as s. 145(1) (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), [sch. 4 para. 4\(7\)\(b\)](#); S.S.I. 2017/346, reg. 2, sch.
- F2** Words in s. 145(1)(a) substituted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), [sch. 4 para. 4\(7\)\(a\)](#); S.S.I. 2017/346, reg. 2, sch.
- F3** S. 145(2) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), [sch. 4 para. 4\(7\)\(c\)](#); S.S.I. 2017/346, reg. 2, sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)