



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XVI

GENERAL AND MISCELLANEOUS

Offences

318 Penalty for obstructing execution of Act.

If any person obstructs any officer of a local authority or any officer of the Secretary of State or any person authorised to enter houses, premises or buildings in pursuance of this Act in the performance of anything which such officer, authority or person is by this Act required or authorised to do, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

319 Penalty for preventing execution of works, etc.

(1) If any person, after receiving notice of the intended action—

- (a) being the occupier of any premises, prevents the owner or other person having control of them, or his officers, agents, servants or workmen from carrying into effect with respect to those premises ^{F1} ... any of the provisions of a byelaw made under section 313; or
- (b) being the owner or occupier of any premises, or a person having control of any premises, prevents any officers, agents, servants or workmen of the local authority, from so doing; or
- (c) being the occupier of any part of a house subject to a control order under Part VIII, prevents any officers, agents, servants or workmen of the local authority from carrying out any works in the house,

the sheriff or any two justices of the peace sitting in open court or any magistrate having jurisdiction in the place on proof thereof may order that person to permit to be done on the premises all things requisite for carrying into effect such provisions with respect to the premises or, in a case falling under paragraph (c), everything which the local authority consider necessary.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Offences is up to date with all changes known to be in force on or before 11 May 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

- (2) If any such person fails to comply with such an order, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F1** Words in s. 319(1)(a) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3

Modifications etc. (not altering text)

- C1** S. 319 applied (27.8.1993) by [1993 c. 11](#), [ss. 62\(2\)\(a\)\(ii\)](#), 68(2).
 S. 319 modified (27.8.1993) by [1993 c. 11](#), [ss. 62\(2\)\(d\)](#), 68(2).

320 Penalty for damage to houses, etc.

Any person who wilfully or by culpable negligence damages or suffers to be damaged any house provided under this Act, or any of the fittings or appurtenances of any such house, including the drainage and water supply and any apparatus connected with the drainage or water supply, and the fence of any enclosure, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, without prejudice to any remedy for the recovery of the amount of the damage.

321 Liability of directors, etc. in case of offence by body corporate.

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he, as well as the body corporate, is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) Subject to subsection (3), where a person is convicted of an offence under subsection (1) and the body corporate in question is liable under sections 152 to 177 to a higher penalty by reason of a previous conviction than it would have been if not so convicted, that person shall be liable under those sections to the same penalties as the body corporate would be liable if a natural person, including imprisonment.
- (3) The person mentioned in subsection (2) shall not be so liable if he shows—
- (a) at the time of the offence he did not know of the previous conviction; and
 - (b) at the time of the previous conviction he was not acting, or purporting to act, as a director, manager, secretary, or other similar officer of the body corporate.

Changes to legislation:

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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\(40\)\(a\)\(b\)](#)