



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART VIII

HOUSES IN MULTIPLE OCCUPATION

Powers of local authority to require works to be done

163 Appeal against notice requiring execution of works

- (1) A person on whom a notice is served under section 160, 161 or 162 or any other person who is an owner or lessee of the house, or a person holding a heritable security over the house, to which the notice relates, may, within 21 days from the service of the notice, or within such longer period as the local authority may in writing allow, appeal to the sheriff on any of the grounds specified in subsection (2).
- (2) Those grounds are—
 - (a) that there has been some informality, defect or error in, or in connection with, the notice;
 - (b) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
 - (c) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
 - (d) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that other person ought to pay the whole or any part of the expenses of executing the works;
 - (e) in the case of a notice under section 160, that the condition of the house did not justify the local authority in requiring the execution of the works specified in the notice;
 - (f) in the case of a notice under section 161, that—

Status: This is the original version (as it was originally enacted).

- (i) having regard to the matters mentioned in subsections (1) and (2) of that section, the condition of the house did not justify the local authority in requiring the execution of the works specified in the notice;
 - (ii) the number of individuals or households, or both, specified in the notice is unreasonably low;
 - (g) in the case of a notice under section 162, that the notice is not justified by the terms of that section.
- (3) In an appeal on ground (a), the sheriff shall dismiss the appeal if he is satisfied that the informality, defect or error was not a material one.
- (4) In an appeal on ground (d)—
- (a) the appellant shall serve a copy of his notice of appeal on each other person referred to in that notice, and
 - (b) on the hearing of the appeal the sheriff may, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, make such order as he thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is executed by the local authority, to the authority.
- (5) If on an appeal under this section against a notice under section 161, the sheriff is satisfied that the number of persons living in the house has been reduced, and that adequate steps (whether by the exercise by the local authority of the power conferred by section 166 to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased, the sheriff may, if he thinks fit, revoke the notice or vary the list of works specified in the notice.