



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 3

OVERCROWDING STATUTORY NOTICES

17 **Overcrowding in private rented housing: statutory notice**

- (1) A local authority may, subject to section 18, require the landlord of a house to which subsection (2) applies to take steps to ensure the house is not overcrowded.
- (2) This subsection applies to any house in the local authority's area—
 - (a) which is overcrowded, and
 - (b) the overcrowding of which is, in the local authority's opinion, contributing or connected to (or is likely to contribute or be connected to)—
 - (i) an adverse effect on the health or wellbeing of any person,
 - (ii) an adverse effect on the amenity of the house or its locality.
- (3) A requirement under subsection (1) must be made by serving a notice (an “overcrowding statutory notice”) on the landlord in accordance with section 28.
- (4) Where there are joint landlords, the duty under subsection (3) may be satisfied by service on any one of them.
- (5) An overcrowding statutory notice—
 - (a) must specify—
 - (i) the steps which require to be carried out to ensure the house is no longer overcrowded, and
 - (ii) the period within which the steps must be completed (being a period not shorter than 28 days),
 - (b) must state the conditions set out in section 20, and
 - (c) may specify other steps which require to be carried out for the purposes of section 20(b) or otherwise.

Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 17. (See end of Document for details)

- (6) An overcrowding statutory notice may not specify any step which would require the landlord to breach any statutory or contractual obligation.
- (7) The Scottish Ministers may by order prescribe—
- (a) the form of an overcrowding statutory notice,
 - (b) other information to be included in the notice,
 - (c) persons who must be given a copy of the notice by the local authority.
- (8) Before making an order under subsection (7), the Scottish Ministers must consult—
- (a) local authorities,
 - (b) such persons or bodies as appear to them to be representative of the interests of—
 - (i) landlords,
 - (ii) occupiers of houses, and
 - (c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses).

Commencement Information

II S. 17 in force for specified purposes at 31.1.2012 by S.S.I. 2012/2, art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 17.