Housing (Scotland) Act 2014

2014 asp 14

HOUSING (SCOTLAND) ACT 2014

PART 1

RIGHT TO BUY

1 Abolition of the right to buy
2 Amendment of right to buy provisions

PART 2

SOCIAL HOUSING

Allocation of social housing

3 Reasonable preference in allocation of social housing
4 Rules on priority of allocation of housing: consultation
5 Factors which may be considered in allocation: ownership of property
6 Determination of minimum period for application to remain in force

Short Scottish secure tenancy

7 Creation of short Scottish secure tenancy: antisocial behaviour
8 Grant of short Scottish secure tenancy: homeowners
9 Short Scottish secure tenancy: term
10 Short Scottish secure tenancy: extension of term
11 Short Scottish secure tenancy: recovery of possession

Scottish secure tenancy

12 Assignment, sublet and joint tenancy of Scottish secure tenancy
13 Succession to Scottish secure tenancy
14 Grounds for eviction: antisocial behaviour
15 Recovery of possession of properties designed for special needs

PART 3

PRIVATE RENTED HOUSING
Transfer of sheriff’s jurisdiction to First-tier Tribunal

16 Regulated and assured tenancies etc.
17 Repairing standard
18 Right to adapt rented houses
19 Landlord registration
20 Houses in multiple occupation

Landlord registration: time limit for determining application

21 Landlord registration: time limit for determining application

Repairing standard

22 Carbon monoxide alarms
23 Electrical safety inspections
24 Power to modify repairing standard etc.

Enforcement of repairing standard

25 Third party application in respect of the repairing standard
26 Procedure for third party applications
27 Appeals in relation to third party applications

Private rented housing: Enhanced Enforcement Areas

28 Private rented housing: Enhanced Enforcement Areas

PART 4

LETTING AGENTS

Inclusion in the register

29 Register of letting agents
30 Application for registration
31 Offence of providing false information in an application
32 Decision on application
33 Time limit for determining application
34 Fit and proper person considerations
35 Fit and proper person: criminal record information

Duties of registered letting agents

36 Letting agent registration number
37 Duty to inform: change of circumstances

Removal from the register

38 Duration of registration
39 Revocation of registration
40 Removal from register on application

Appeals

41 Appeals
Consequences of refusal or removal

42 Note on register where refusal or removal
43 No payment for letting agency work where refusal or removal

Offences where no registration

44 Offence of operating as a letting agent without registration
45 Offence of using a registration number where no registration

Code of practice

46 Letting Agent Code of Practice
47 Prohibition on contracting out

Letting agent enforcement orders

48 Applications to First-tier Tribunal to enforce code of practice
49 Variation and revocation of enforcement orders
50 Failure to comply with enforcement order
51 Enforcement orders: offence

Monitoring of compliance

52 Power to obtain information
53 Power to carry out inspections
54 Warrants for entry
55 Inspections: supplemental
56 Information and inspection: offence

General

57 Transfer of jurisdiction of actions involving letting agents
58 Offences by bodies corporate etc.
59 Delegation of functions relating to the register
60 Landlord registration where agent is a registered letting agent
61 Meaning of letting agency work
62 Interpretation of Part 4

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

General application

63 Licensing of sites for permanent residents

Part 1A site licence

64 Relevant permanent site application
65 Issue, renewal, transfer and transmission of a Part 1A site licence
66 Duration of a Part 1A site licence
67 Duty to inform local authority where change
68 Revocation of a Part 1A site licence: fit and proper person
69 Appeals relating to a Part 1A site licence
70 Power to make provision in relation to procedure and appeals
### Fit and proper persons

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>71</td>
<td>Fit and proper person considerations</td>
</tr>
<tr>
<td>72</td>
<td>Fit and proper person: criminal conviction certificate</td>
</tr>
<tr>
<td>73</td>
<td>Fit and proper person: information sharing</td>
</tr>
</tbody>
</table>

### Offences relating to relevant permanent sites

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>74</td>
<td>Offences relating to relevant permanent sites</td>
</tr>
</tbody>
</table>

#### Local authority enforcement at relevant permanent sites

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>75</td>
<td>Improvement notices</td>
</tr>
<tr>
<td>76</td>
<td>Penalty notices</td>
</tr>
<tr>
<td>77</td>
<td>Appointment of interim manager</td>
</tr>
<tr>
<td>78</td>
<td>Emergency action</td>
</tr>
<tr>
<td>79</td>
<td>Powers of entry</td>
</tr>
<tr>
<td>80</td>
<td>Recovery of inspection and enforcement expenses</td>
</tr>
</tbody>
</table>

### Miscellaneous

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>81</td>
<td>Offences by bodies corporate etc. under Part 1A of the 1960 Act</td>
</tr>
<tr>
<td>82</td>
<td>Part 1A of the 1960 Act: miscellaneous provision</td>
</tr>
<tr>
<td>83</td>
<td>Transitional provision for existing site licences</td>
</tr>
<tr>
<td>84</td>
<td>Agreements to which the Mobile Homes Act 1983 applies</td>
</tr>
</tbody>
</table>

#### PART 6

**PRIVATE HOUSING CONDITIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>Tenement management scheme</td>
</tr>
<tr>
<td>86</td>
<td>Notice of potential liability for costs: notice of discharge</td>
</tr>
<tr>
<td>87</td>
<td>Work notices</td>
</tr>
<tr>
<td>88</td>
<td>Maintenance orders</td>
</tr>
<tr>
<td>89</td>
<td>Maintenance plans</td>
</tr>
<tr>
<td>90</td>
<td>Non-residential premises: repayment charges</td>
</tr>
<tr>
<td>91</td>
<td>Repayment charges: recovery of repayable amount</td>
</tr>
<tr>
<td>92</td>
<td>Charging orders</td>
</tr>
</tbody>
</table>

#### PART 7

**MISCELLANEOUS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>Right to redeem heritable security after 20 years: power to exempt</td>
</tr>
<tr>
<td>94</td>
<td>First-tier Tribunal: disqualification of members from exercise of certain functions</td>
</tr>
<tr>
<td>95</td>
<td>Private rented housing panel: disqualification from membership</td>
</tr>
<tr>
<td>96</td>
<td>Delegation of certain functions</td>
</tr>
<tr>
<td>97</td>
<td>Scottish Housing Regulator: transfer of assets following inquiries</td>
</tr>
<tr>
<td>98</td>
<td>Registered social landlord becoming a subsidiary of another body</td>
</tr>
<tr>
<td>99</td>
<td>Repeal of defective designation provisions</td>
</tr>
</tbody>
</table>

#### PART 8

**GENERAL**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Interpretation</td>
</tr>
<tr>
<td>101</td>
<td>Subordinate legislation</td>
</tr>
</tbody>
</table>
Ancillary provision

Minor and consequential amendments

Commencement

Short title

SCHEDULE 1 — Transfer of jurisdiction to First-tier Tribunal

PART 1 — REGULATED TENANCIES, PART VII CONTRACTS AND ASSURED TENANCIES

Rent (Scotland) Act 1984 (c.58)

1. The Rent (Scotland) Act 1984 is amended as follows.

2. In section 7(2), for “sheriff”, where it first occurs, substitute...

3. In section 11 — (a) in subsection (1) —

4. In section 12 — (a) in subsection (1), for “a court”...

5. In section 19(1), for “a court” substitute “ the First-tier...

6. In section 21, for “court”, where it first occurs substitute,...

7. In section 23(1), for “court” substitute “ First-tier Tribunal ”....

8. In section 24 — (a) in subsection (3), for “court”, where...

9. In section 25(1), the definition of “the court” is repealed....

10. In section 26, for “court”, where it first occurs, substitute...

11. Section 27 is repealed.

12. In section 31(2) — (a) for “sheriff” substitute “ First-tier Tribunal...

13. In section 32 — (a) in subsection (4), for “sheriff”, in...

14. In section 35(12), after “court” insert “ or tribunal ” ....

15. In section 39 — (a) for “a court” substitute “ the...

16. In section 43B(4)(b), after “court” insert “ or tribunal ” ....

17. In section 45(3), after “court” substitute “ First-tier Tribunal...

18. In section 46(3) — (a) for “sheriff”, where it first occurs,...

19. In section 64(6)(b), for “sheriff, on a summary application” substitute...

20. In section 75 — (a) for “sheriff”, where it first occurs,...

21. In section 76 — (a) in subsection (2), for “sheriff may,...

22. In section 77, for “sheriff court” substitute “ First-tier Tribunal...

23. In section 97 — (a) in subsection (8), for “sheriff” in...

24. In section 102 — (a) before subsection (1) insert—

25. In section 103, leave out subsections (1) and (2) and...

26. In section 104, before “this Act” insert “ Part IX...

27. In section 115(1), after the definition of “converted tenancy” insert—...

28. In Schedule 1 — (a) in paragraph 3, for “sheriff” substitute...

29. In Schedule 1A — (a) in paragraph 3, for “sheriff” substitute...

30. In paragraph 3 of Schedule 1B, for “sheriff” substitute “...

31. In Schedule 2 — (a) in Cases 3, 4, 5, 9,...

Housing (Scotland) Act 1988 (c.43)

32. The Housing (Scotland) Act 1988 is amended as follows.

33. In section 16(2), for “sheriff” substitute “ First-tier Tribunal ”....

34. In section 17(8), for “sheriff” substitute “ First-tier Tribunal ”....

35. In section 18 — (a) in subsection (1), for “sheriff” substitute...

36. In section 19 — (a) in subsection (1) —

37. In section 20 — (a) in subsection (1) —

38. In section 21(3) — (a) for “sheriff” substitute “ First-tier Tribunal...
In section 22— (a) in subsection (1), for “sheriff” substitute...

In section 25(7), for “sheriff” substitute “ First-tier Tribunal ”....

In section 28(1), for “sheriff” substitute “ First-tier Tribunal ”....

In section 29, for “sheriff”, where it first occurs, substitute...

In section 30(2)— (a) the word “summary” is repealed,

In section 33— (a) in subsection (1)—

In section 36— (a) after subsection (4) insert—

In section 42(1)(c)— (a) in sub-paragraph (i), for “court”, where...

In section 55(1), after the definition of “council tax” insert—...

In Schedule 5— (a) in grounds 1, 2, 5 and...

PART 2 — REPAIRING STANDARD

Housing (Scotland) Act 2006 (asp 1)

The 2006 Act is amended as follows.

In section 24(7)— (a) for “sheriff” substitute “ First-tier Tribunal...”

In section 194, after the definition of “disabled person” insert—...

PART 3 — RIGHT TO ADAPT RENTED HOUSES

Housing (Scotland) Act 2006 (asp 1)

The 2006 Act is amended as follows.

In section 64— (a) subsection (6) is repealed,

Subsections (3) and (4) of section 65 are repealed.

Section 67 is repealed.

PART 4 — LANDLORD REGISTRATION

Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)

The 2004 Act is amended as follows.

In section 92— (a) subsection (4) is repealed,

In section 92ZA— (a) in subsection (1)(b)—

In section 97— (a) in subsection (6), for “court” substitute...

In section 101(1)— (a) before the definition of “house”, insert—...

SCHEDULE 2 — Minor and consequential amendments

Local Government, Planning and Land Act 1980 (c.65)

Section 156(4) of the Local Government, Planning and Land Act...

Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)

Section 13(11) of the Matrimonial Homes (Family Protection) (Scotland) Act...

Rent (Scotland) Act 1984 (c.58)

In Case 7 of Part 1 of Schedule 2 to...

Housing (Scotland) Act 1987 (c.26)

(1) The 1987 Act is amended as follows.

Housing (Scotland) Act 1988 (c.43)

(1) The Housing (Scotland) Act 1988 is amended as follows....
Local Government and Housing Act 1989 (c.42)

6 Section 166(1) to (5) of the Local Government and Housing...

Leasehold Reform, Housing and Urban Development Act 1993 (c.28)

7 Section 156 of the Leasehold Reform, Housing and Urban Development...

Local Government etc. (Scotland) Act 1994 (c.39)

8 Paragraph 152(6) of Schedule 13 to the Local Government etc....

Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)

9 Paragraph 48(3) of schedule 12 to the Abolition of Feudal...

Housing (Scotland) Act 2001 (asp 10)

10 (1) The 2001 Act is amended as follows.

Water Industry (Scotland) Act 2002 (asp 3)

11 Paragraph 18(5) of schedule 7 to the Water Industry (Scotland)...

Scottish Public Services Ombudsman Act 2002 (asp 11)

12 Paragraph 44 of schedule 2 to the Scottish Public Services...

Freedom of Information (Scotland) Act 2002 (asp 13)

13 (1) The Freedom of Information (Scotland) Act 2002 is amended...

Land Reform (Scotland) Act 2003 (asp 2)

14 (1) The Land Reform (Scotland) Act 2003 is amended as...

Agricultural Holdings (Scotland) Act 2003 (asp 11)

15 Section 27(1)(g)(vi) of the Agricultural Holdings (Scotland) Act 2003 is...

Fire (Scotland) Act 2005 (asp 5)

16 Paragraph 13 of schedule 3 to the Fire (Scotland) Act...

Housing (Scotland) Act 2006 (asp 1)

17 In section 22 of the 2006 Act—

Housing (Scotland) Act 2010 (asp 17)

18 (1) The 2010 Act is amended as follows.

Police and Fire Reform (Scotland) Act 2012 (asp 8)

19 Paragraph 56 of schedule 7 to the Police and Fire...
Changes to legislation:
Housing (Scotland) Act 2014 is up to date with all changes known to be in force on or before 02 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.
View outstanding changes

Changes and effects yet to be applied to:
- s. 25 coming into force by S.S.I. 2015/272 art. 2Sch. (This amendment not applied to legislation.gov.uk. The entry for s. 25 is omitted (30.11.2015) by virtue of S.S.I. 2015/349, art. 2)
- s. 35(2) words substituted by 2020 asp 13 sch. 5 para. 6
- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by S.S.I. 2017/330 art. 2
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by S.S.I. 2015/349 art. 2(2)