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 Assignation, 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

#### Consequences of refusal or removal

<table>
<thead>
<tr>
<th>41</th>
<th>Appeals</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>Note on register where refusal or removal</td>
</tr>
<tr>
<td>43</td>
<td>No payment for letting agency work where refusal or removal</td>
</tr>
</tbody>
</table>

#### 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

<table>
<thead>
<tr>
<th>46</th>
<th>Letting Agent Code of Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>Prohibition on contracting out</td>
</tr>
</tbody>
</table>

#### Letting agent enforcement orders

<table>
<thead>
<tr>
<th>48</th>
<th>Applications to First-tier Tribunal to enforce code of practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>49</td>
<td>Variation and revocation of enforcement orders</td>
</tr>
<tr>
<td>50</td>
<td>Failure to comply with enforcement order</td>
</tr>
<tr>
<td>51</td>
<td>Enforcement orders: offence</td>
</tr>
</tbody>
</table>

#### Monitoring of compliance

<table>
<thead>
<tr>
<th>52</th>
<th>Power to obtain information</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>Power to carry out inspections</td>
</tr>
<tr>
<td>54</td>
<td>Warrants for entry</td>
</tr>
<tr>
<td>55</td>
<td>Inspections: supplemental</td>
</tr>
<tr>
<td>56</td>
<td>Information and inspection: offence</td>
</tr>
</tbody>
</table>

### General

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

### PART 5

#### Mobile home sites with permanent residents

##### General application

| 63 | Licensing of sites for permanent residents |

##### Part 1A site licence

<table>
<thead>
<tr>
<th>64</th>
<th>Relevant permanent site application</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>Issue, renewal, transfer and transmission of a Part 1A site licence</td>
</tr>
<tr>
<td>66</td>
<td>Duration of a Part 1A site licence</td>
</tr>
<tr>
<td>67</td>
<td>Duty to inform local authority where change</td>
</tr>
<tr>
<td>68</td>
<td>Revocation of a Part 1A site licence: fit and proper person</td>
</tr>
</tbody>
</table>
69 Appeals relating to a Part 1A site licence
70 Power to make provision in relation to procedure and appeals

Fit and proper persons

71 Fit and proper person considerations
72 Fit and proper person: criminal conviction certificate
73 Fit and proper person: information sharing

Offences relating to relevant permanent sites

74 Offences relating to relevant permanent sites

Local authority enforcement at relevant permanent sites

75 Improvement notices
76 Penalty notices
77 Appointment of interim manager
78 Emergency action
79 Powers of entry
80 Recovery of inspection and enforcement expenses

Miscellaneous

81 Offences by bodies corporate etc. under Part 1A of the 1960 Act
82 Part 1A of the 1960 Act: miscellaneous provision
83 Transitional provision for existing site licences
84 Agreements to which the Mobile Homes Act 1983 applies

PART 6

PRIVATE HOUSING CONDITIONS

85 Tenement management scheme
86 Notice of potential liability for costs: notice of discharge
87 Work notices
88 Maintenance orders
89 Maintenance plans
90 Non-residential premises: repayment charges
91 Repayment charges: recovery of repayable amount
92 Charging orders

PART 7

MISCELLANEOUS

93 Right to redeem heritable security after 20 years: power to exempt
94 First-tier Tribunal: disqualification of members from exercise of certain functions
95 Private rented housing panel: disqualification from membership
96 Delegation of certain functions
97 Scottish Housing Regulator: transfer of assets following inquiries
98 Registered social landlord becoming a subsidiary of another body
99 Repeal of defective designation provisions
PART 8

GENERAL

100 Interpretation
101 Subordinate legislation
102 Ancillary provision
103 Minor and consequential amendments
104 Commencement
105 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” insert “or tribunal”....
18 In section 60(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....
39 In section 22—(a) in subsection (1), for “sheriff” substitute...
40 In section 25(7), for “sheriff” substitute “First-tier Tribunal”....
41 In section 28(1), for “sheriff” substitute “First-tier Tribunal”....
42 In section 29, for “sheriff”, where it first occurs, substitute...
43 In section 30(2)—(a) the word “summary” is repealed,
44 In section 33—(a) in subsection (1)—
45 In section 36—(a) after subsection (4) insert—
46 In section 42(1)(c)—(a) in sub-paragraph (i), for “court”, where...
47 In section 55(1), after the definition of “council tax” insert—....
48 In Schedule 5—(a) in grounds 1, 2, 5 and...

**PART 2 — REPAIRING STANDARD**

*Housing (Scotland) Act 2006 (asp 1)*

49 The 2006 Act is amended as follows.
50 In section 24(7)—(a) for “sheriff” substitute “First-tier Tribunal...
51 In section 194, after the definition of “disabled person” insert—....

**PART 3 — RIGHT TO ADAPT RENTED HOUSES**

*Housing (Scotland) Act 2006 (asp 1)*

52 The 2006 Act is amended as follows.
53 In section 64—(a) subsection (6) is repealed,
54 Subsections (3) and (4) of section 65 are repealed.
55 Section 67 is repealed.

**PART 4 — LANDLORD REGISTRATION**

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

56 The 2004 Act is amended as follows.
57 In section 92—(a) subsection (4) is repealed,
58 In section 92ZA—(a) in subsection (1)(b)—
59 In section 97—(a) in subsection (6), for “court” substitute...
60 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)*

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

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

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

*Rent (Scotland) Act 1984 (c.58)*

3 In Case 7 of Part 1 of Schedule 2 to...
Housing (Scotland) Act 1987 (c.26)

4 (1) The 1987 Act is amended as follows.

Housing (Scotland) Act 1988 (c.43)

5 (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 30 September 2018. 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.

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>– s. 3 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 4(2) coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 5 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 6(1) coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 6(2) coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 7(1)(a)(2)-(5) coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 8 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 9 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 10 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 11 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 12 coming into force by S.S.I. 2018/153 art. 2 sch.</td>
</tr>
<tr>
<td>– s. 13 coming into force by S.S.I. 2018/153 art. 2</td>
</tr>
</tbody>
</table>
- s. 14(2) coming into force by  
  S.S.I. 2018/153  
  art. 2  
  sch.
- s. 15 coming into force by  
  S.S.I. 2018/153  
  art. 2  
  sch.
- s. 25 coming into force by  
  S.S.I. 2015/272  
  art. 2  
  Sch.  
  (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. 44 coming into force by  
  S.S.I. 2016/412  
  art. 2  
  Sch.  
  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)