



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 3

#### PRIVATE RENTED HOUSING

##### *Private rented housing: Enhanced Enforcement Areas*

#### **28 Private rented housing: Enhanced Enforcement Areas**

- (1) The Scottish Ministers must by regulations provide a scheme whereby a local authority may apply to the Scottish Ministers for additional discretionary powers to enable it to target enforcement action at an area characterised by poor conditions in houses subject to tenancies and occupancy agreements of the type mentioned in section 16(1) (“private rented housing”).
- (2) The scheme under subsection (1) must provide—
  - (a) that a local authority may apply to the Scottish Ministers for an area to be designated as an Enhanced Enforcement Area where it considers that the area is characterised by—
    - (i) an overprovision or a concentration of private rented housing that appears to the local authority to be—
      - (A) of a poor environmental standard,
      - (B) overcrowded, and
    - (ii) a prevalence of antisocial behaviour, as defined by section 81(4) of the 2004 Act,
  - (b) where the Scottish Ministers agree to designate an area as an Enhanced Enforcement Area, that the local authority will acquire such additional discretionary powers as the Scottish Ministers consider necessary or expedient, to be exercised for prescribed purposes, including in relation to—
    - (i) the checks it may carry out before entering a relevant person on the register of landlords that it maintains under Part 8 of the 2004 Act,
    - (ii) authority to inspect dwellings let by a landlord who is entered on that register,
  - (c) where the Scottish Ministers agree to designate an area as an Enhanced Enforcement Area, that—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the local authority must take steps to advertise the fact that the designation has been granted,
  - (ii) the designation will apply for a period of five years commencing from the date on which the Scottish Ministers notify a local authority of its decision,
  - (iii) the local authority may make a further application for the area to be designated as an Enhanced Enforcement Area before the expiry of its first designation.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult—
  - (a) local authorities,
  - (b) persons or bodies who appear to them to represent the interests of—
    - (i) landlords,
    - (ii) tenants,
  - (c) such other persons or bodies as they consider appropriate.
- (4) The Scottish Ministers must lay before the Scottish Parliament a draft Scottish statutory instrument containing regulations under subsection (1) by 1 April 2015.
- (5) Regulations under subsection (1) may modify, or disapply any provision of, any enactment (including this Act) for the purposes of this section.