



Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Local authority enforcement at relevant permanent sites

75 Improvement notices

After section 32T of the 1960 Act (inserted by section 74), insert—

“Local authority enforcement at relevant permanent sites

32U Breach of licence condition: improvement notice

- (1) If it appears to a local authority which issued a Part 1A site licence that the licence holder is failing or has failed to comply with a condition of the Part 1A site licence, the authority may serve an improvement notice on the licence holder.
- (2) An improvement notice is a notice which—
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) requires the licence holder to take such steps as the local authority considers appropriate and as are specified in the notice in order to ensure that that condition is complied with,
 - (c) specifies the period within which those steps must be taken,
 - (d) explains the right of appeal conferred by subsection (3).
- (3) The holder of a Part 1A site licence who has been served with an improvement notice may by summary application appeal to the sheriff against—
 - (a) the issue of that notice,
 - (b) the terms of that notice.
- (4) The period specified in an improvement notice under subsection (2)(c) must begin on the later of—

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- (a) the day on which the period during which the person may make an appeal under subsection (3) expires, or
 - (b) where such an appeal is made, the day on which the appeal is finally determined or abandoned.
- (5) A local authority may—
- (a) suspend an improvement notice,
 - (b) revoke an improvement notice,
 - (c) vary an improvement notice by extending the period specified in the notice under subsection (2)(c).
- (6) The power to suspend, revoke or vary an improvement notice is exercisable by the local authority—
- (a) on an application made by the licence holder, or
 - (b) on the authority's own initiative.
- (7) Where a local authority suspends, revokes or varies an improvement notice, the authority must notify the licence holder to whom the notice relates of the decision as soon as is reasonably practicable.

32V Improvement notice: offence

- (1) It is an offence for a licence holder who has been served with an improvement notice to fail to take the steps specified in the notice within the period so specified.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £10,000.
- (3) In proceedings against a licence holder for an offence under subsection (1), it is a defence that the licence holder had a reasonable excuse for failing to take the steps referred to in subsection (1) within the period referred to in that subsection.

32W Local authority power to carry out steps in an improvement notice

- (1) This section applies where—
 - (a) an improvement notice has been served in relation to a relevant permanent site, and
 - (b) the licence holder fails to take the steps specified in the notice within the period so specified.
- (2) The local authority which issued the improvement notice may—
 - (a) take any steps required by the improvement notice to be taken by the occupier, but which have not been so taken, and
 - (b) take such further action as the authority considers appropriate for ensuring that the condition specified in the improvement notice is complied with.
- (3) Where a local authority proposes to take action under subsection (2), the authority must serve on the occupier of the relevant permanent site a notice which—
 - (a) identifies the land and the improvement notice to which it relates,

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- (b) states that the authority intends to enter onto the land,
 - (c) describes the action the authority intends to take on the land,
 - (d) if the person whom the authority proposes to authorise to take the action on its behalf is not an officer of the authority, states the name of that person, and
 - (e) sets out the dates and times on which it is intended that the action will be taken (in particular, when the authority intends to start taking the action and when it expects the action to be completed).
- (4) The notice must be served sufficiently in advance of when the local authority intends to enter onto the land as to give the occupier of the relevant permanent site reasonable notice of the intended entry.”.