



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 5

#### MOBILE HOME SITES WITH PERMANENT RESIDENTS

##### *Local authority enforcement at relevant permanent sites*

#### 77 Appointment of interim manager

After section 32X of the 1960 Act (inserted by section 76), insert—

##### **“32Y Power to appoint interim manager**

- (1) A local authority which has issued a Part 1A site licence may apply to the sheriff for an order appointing an interim manager of the site.
- (2) An order may be granted by the sheriff if—
  - (a) the authority has refused to renew a Part 1A site licence under section 32D,
  - (b) the authority has revoked a Part 1A site licence under section 32L, or
  - (c) the sheriff is satisfied that—
    - (i) the licence holder is failing or has failed, either seriously or repeatedly, to comply with a condition of the Part 1A site licence,
    - (ii) the site is not being managed by a person who is a fit and proper person to manage the site, or
    - (iii) there is no one managing the site.
- (3) The appointment of an interim manager is to be on terms (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (4) The interim manager has—
  - (a) any power specified in the appointment, and
  - (b) any other power in relation to the management of the site required by the interim manager for the purposes specified in the appointment

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**Changes to legislation:** *Housing (Scotland) Act 2014, Section 77 is up to date with all changes known to be in force on or before 27 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. (See end of Document for details) View outstanding changes*

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(including the power to enter into agreements and take other action on behalf of the occupier of the site).

- (5) The Scottish Ministers may by regulations subject to the negative procedure make further provision about the appointment of an interim manager.
- (6) Regulations under subsection (5) may, in particular, make provision in relation to—
  - (a) the procedure to be followed in making an application,
  - (b) the powers of an interim manager,
  - (c) property which vests in the interim manager on the interim manager's appointment,
  - (d) the qualifications that must be held by any person appointed as interim manager,
  - (e) the actions that must be carried out by an interim manager during and after the manager's appointment,
  - (f) the payment and recovery of the remuneration and expenses of the interim manager,
  - (g) the assistance to be provided to the interim manager by the licence holder and other persons,
  - (h) powers of entry to the relevant permanent site,
  - (i) criminal offences which are to apply to failures to comply with the regulations,
  - (j) the procedure for and consequences of the termination of the interim manager's appointment.”.

#### Commencement Information

- I1** [S. 77](#) in force at 20.11.2014 for specified purposes by [S.S.I. 2014/264](#), [art. 2](#), [Sch.](#)
- I2** [S. 77](#) in force at 1.5.2017 in so far as not already in force by [S.S.I. 2016/412](#), [art. 2](#), [sch.](#)

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**Changes and effects yet to be applied to :**

- 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\(2\)](#)