



Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Local authority enforcement at relevant permanent sites

78 **Emergency action**

After section 32Y of the 1960 Act (inserted by section 77), insert—

“32Z Power to take emergency action

- (1) A local authority which has issued a Part 1A site licence may take emergency action in relation to the site concerned if it appears to the authority that—
 - (a) the licence holder is failing or has failed to comply with a condition for the time being attached to the Part 1A site licence, and
 - (b) as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (2) A local authority in whose area land is being used as a relevant permanent site may take emergency action in relation to the land concerned if it appears to the authority that—
 - (a) the occupier does not hold a Part 1A site licence in relation to the land, and
 - (b) there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (3) The emergency action a local authority may take is such action as appears to the authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) or, as the case may be, subsection (2)(b).
- (4) Where a local authority proposes to take emergency action, the authority must serve on the licence holder or, as the case may be, the occupier of the relevant permanent site an emergency action notice.
- (5) An emergency action notice is a notice which—

Status: This is the original version (as it was originally enacted).

- (a) identifies the land to which it relates,
 - (b) states that the authority intends to enter onto the land,
 - (c) describes the emergency 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) specifies the powers under this section and section 26 as the powers under which the authority intends to enter onto the land.
- (6) An emergency action notice may state that, if entry onto the land were to be refused, the authority would propose to apply for a warrant under section 26(2).
- (7) The local authority must serve on the licence holder or, as the case may be, the occupier of the relevant permanent site an emergency action report within the period of 7 days beginning with the date when the authority starts taking the emergency action.
- (8) An emergency action report is a notice which—
- (a) describes the imminent risk of serious harm to the health or safety of persons who are or may be on the land,
 - (b) describes the emergency action which has been, and any emergency action which is to be, taken by the authority on the land,
 - (c) sets out when the authority started taking the emergency action and when the authority expects it to be completed,
 - (d) if the person whom the authority has authorised to take the action on its behalf is not an officer of the authority, states the name of that person, and
 - (e) explains the right of appeal conferred by subsection (10).
- (9) The ways in which an emergency action notice and an emergency action report may be served include by fixing it in a prominent place at or near the main entrance to the relevant permanent site.
- (10) A licence holder or, as the case may be, an occupier of land in respect of which a local authority has taken or is taking emergency action may by summary application appeal to the sheriff against the taking of the action by the authority.
- (11) The grounds on which the appeal may be brought are—
- (a) that there was no imminent risk of serious harm as mentioned in subsection (1)(b) or, as the case may be, subsection (2)(b) (or, where the action is still being taken, that there is no such risk),
 - (b) that the action the authority has taken was not necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) or, as the case may be, subsection (2)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).”