



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VII

#### OVERCROWDING

##### *Powers and duties of local authority*

#### **146 Duty of local authority to inspect district and to make reports and proposals as to overcrowding.**

- (1) A local authority shall, subject to the provisions of this section, carry out an inspection of their district or any part of it for the purpose of identifying houses that are overcrowded.
- (2) An inspection under subsection (1) shall be carried out at such times as—
  - (a) it appears to the local authority that there is occasion to do so, or
  - (b) the Secretary of State so directs.
- (3) On carrying out such an inspection the local authority shall prepare and submit to the Secretary of State a report indicating—
  - (a) the result of the inspection, and
  - (b) the additional housing accommodation required to put an end to overcrowding in the area to which the report relates, and
  - (c) subject to subsection (5), proposals for its provision, and
  - (d) in relation to such proposals, a statement of the steps the local authority propose to take to secure that priority is given to rehousing families living under the worst conditions of overcrowding or otherwise living under unsatisfactory housing conditions.
- (4) The report shall give such details as the Secretary of State may direct.
- (5) The report shall not require to make proposals for the additional housing accommodation required, if the local authority satisfy the Secretary of State that it will be otherwise provided.

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*Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Powers and duties of local authority is up to date with all changes known to be in force on or before 07 July 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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- (6) Where the Secretary of State gives a direction under subsection (2), he may fix dates before which the performance of their duties under this section is to be completed.

**147 Power to require information about persons sleeping in house.**

- (1) The local authority may, for the purpose of enabling them to discharge their duties under this Part, serve notice on the occupier of a house requiring him to give them within 14 days a written statement of the number, ages and sexes of the persons sleeping in the house.
- (2) The occupier shall be guilty of an offence if—
- (a) he makes default in complying with the requirement, or
  - (b) he gives a statement which to his knowledge is false in a material particular, and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

**148 Duty to give information to landlords and occupiers.**

- (1) A local authority shall inform the landlord and the occupier of a house in writing of the permitted number of persons in relation to the house as soon as they have ascertained the floor area of the rooms.
- (2) They shall also so inform the landlord or the occupiers if they apply for the information.

**149 Power to publish information.**

A local authority may publish information for the assistance of landlords and occupiers of houses as to their rights and duties under this Part.

**150 Duty to enforce this Part.**

A local authority shall enforce the provisions of this Part.

**151 Interpretation and application.**

- (1) In this Part, except where the context otherwise requires—
- “house” means any premises used or intended to be used as a separate dwelling . . . <sup>F1</sup>;
- “landlord” means, in relation to any house, the person from whom the occupier derives his right to occupy it;
- “suitable alternative accommodation” means, in relation to the occupier of a house, a house in which the occupier and his family can live without causing it to be overcrowded, being a house which the local authority certify to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and to be suitable in relation to his means.
- (2) The provisions of sections 138(1) to (5), [<sup>F2</sup>139, 140 and 144] apply only to a locality in respect of which a day has been appointed under section 99 of the Housing (Scotland) Act 1966 or under any enactment referred to in that section.

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#### Textual Amendments

- F1** Words repealed by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1)(3), Sch. 8 para. 3, **Sch. 10**
- F2** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), **Sch. 7 para. 6**

**Changes to legislation:**

Housing (Scotland) Act 1987, Cross Heading: Powers and duties of local authority is up to date with all changes known to be in force on or before 07 July 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)