



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VII

#### OVERCROWDING

##### *Responsibility of occupier*

#### **139 Penalty for occupier causing or permitting overcrowding.**

- (1) The occupier of a house who causes or permits it to be overcrowded is guilty of an offence, subject to subsection (2).
- (2) The occupier is not guilty of an offence—
  - (a) if the overcrowding is within the exceptions specified in sections 140 or 141 (children attaining [<sup>F1</sup>age of one or 10] or temporary visitor), or
  - (b) by reason of anything done under the authority of, and in accordance with any conditions specified in, a licence granted by the local authority under section 142 or a resolution passed under section 143.
- (3) A person committing an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### **Textual Amendments**

- F1** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 5](#)

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 139 is up to date with all changes known to be in force on or before 09 May 2024. 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.

[View outstanding changes](#)

**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\(40\)\(a\)\(b\)](#)