



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VII

#### OVERCROWDING

##### *Powers and duties of landlord*

#### **145 Recovery of possession of overcrowded house that is let.**

[<sup>F1</sup>(1)] —If the occupier of a house is guilty of an offence by reason of it being overcrowded—

- (a) nothing in [<sup>F2</sup>an enactment mentioned in subsection (2)] shall prevent the landlord from obtaining possession of the house;
- (b) the local authority after giving to the landlord written notice of their intention to do so may take any such steps for the termination of the occupier's tenancy or for his removal or ejection from the house as the landlord could take.

[<sup>F3</sup>(2) The enactments referred to in subsection (1) are—

- (a) the Rent (Scotland) Act 1984;
- (b) Part II of the Housing (Scotland) Act 1988;
- (c) the Private Housing (Tenancies) (Scotland) Act 2016.]

#### **Textual Amendments**

- F1** S. 145(1): s. 145 renumbered as s. 145(1) (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(7)(b)**; S.S.I. 2017/346, reg. 2, sch.
- F2** Words in s. 145(1)(a) substituted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(7)(a)**; S.S.I. 2017/346, reg. 2, sch.
- F3** S. 145(2) inserted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(7)(c)**; S.S.I. 2017/346, reg. 2, sch.

**Changes to legislation:**

Housing (Scotland) Act 1987, Section 145 is up to date with all changes known to be in force on or before 16 October 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.

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