



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 3

OVERCROWDING STATUTORY NOTICES

17 **Overcrowding in private rented housing: statutory notice**

- (1) A local authority may, subject to section 18, require the landlord of a house to which subsection (2) applies to take steps to ensure the house is not overcrowded.
- (2) This subsection applies to any house in the local authority's area—
 - (a) which is overcrowded, and
 - (b) the overcrowding of which is, in the local authority's opinion, contributing or connected to (or is likely to contribute or be connected to)—
 - (i) an adverse effect on the health or wellbeing of any person,
 - (ii) an adverse effect on the amenity of the house or its locality.
- (3) A requirement under subsection (1) must be made by serving a notice (an "overcrowding statutory notice") on the landlord in accordance with section 28.
- (4) Where there are joint landlords, the duty under subsection (3) may be satisfied by service on any one of them.
- (5) An overcrowding statutory notice—
 - (a) must specify—
 - (i) the steps which require to be carried out to ensure the house is no longer overcrowded, and
 - (ii) the period within which the steps must be completed (being a period not shorter than 28 days),
 - (b) must state the conditions set out in section 20, and
 - (c) may specify other steps which require to be carried out for the purposes of section 20(b) or otherwise.

Status: This is the original version (as it was originally enacted).

- (6) An overcrowding statutory notice may not specify any step which would require the landlord to breach any statutory or contractual obligation.
- (7) The Scottish Ministers may by order prescribe—
 - (a) the form of an overcrowding statutory notice,
 - (b) other information to be included in the notice,
 - (c) persons who must be given a copy of the notice by the local authority.
- (8) Before making an order under subsection (7), the Scottish Ministers must consult—
 - (a) local authorities,
 - (b) such persons or bodies as appear to them to be representative of the interests of—
 - (i) landlords,
 - (ii) occupiers of houses, and
 - (c) such other persons or bodies (if any) as they consider appropriate (which may include landlords or occupiers of houses).