



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART VIII **S**

#### HOUSES IN MULTIPLE OCCUPATION

##### *Management code*

#### **156 Power of Secretary of State to make management code. **S****

- (1) The Secretary of State may by regulations contained in a statutory instrument with a view to providing a code for the management of houses which may be applied under section 157, make provision for the purpose of ensuring that the person managing a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family observes proper standards of management.
- (2) Without prejudice to the generality of subsection (1), the regulations may, in particular, require the person managing a house to which the regulations apply to ensure the repair, maintenance, cleansing and good order of—
  - (a) all means of water supply and drainage in the house;
  - (b) kitchens, bathrooms and water closets used in common by persons living in the house;
  - (c) sinks and wash-basins used in common by persons living in the house;
  - (d) the roof and windows forming part of the house;
  - (e) common staircases, corridors and passage ways;
  - (f) outbuildings, yards and gardens used in common by persons living in the house;and to make satisfactory arrangements for the disposal of refuse and litter from the house.
- (3) The regulations may—
  - (a) make different provision for different types of houses;
  - (b) provide for keeping a register of the names and addresses of those who are managers of houses;

*Status: Point in time view as at 28/11/2004.*

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- (c) impose duties on persons who have an estate or interest in a house or any part of a house to which the regulations apply as to the giving of information to the local authority, and in particular may make it the duty of any person who acquires or ceases to hold an estate or interest in such a house to notify the authority;
  - (d) impose duties on persons who live in a house to which the regulations apply for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations;
  - (e) authorise the local authority to obtain information as to the number of individuals or households accommodated in the house;
  - (f) make it the duty of the person managing the house to cause a copy of the order under section 157 and of the regulations, to be displayed in a suitable position in the house;
  - (g) contain such other incidental and supplementary provisions as may appear to the Secretary of State to be expedient.
- (4) If any person knowingly contravenes or without reasonable excuse fails to comply with any regulation under this section as applied under this Act in relation to any house he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In this section, “person managing a house” means—
- (a) the person who is an owner or lessee of the house and who, directly or through a trustee, tutor, curator, factor or agent, receives rents or other payments from persons who are tenants of parts of the house, or who are lodgers; and
  - (b) where those rents or other payments are received through another person as his trustee, tutor, curator, factor or agent, that other person.
- (6) Regulations under this section may vary or replace for the purposes of this section and of the regulations made under it the definition of the “person managing a house” in subsection (5).

**157 Power of local authority to apply management code to particular house. S**

- (1) If it appears to a local authority that a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family is in an unsatisfactory state in consequence of failure to maintain proper standards of management and, accordingly, that it is necessary that the regulations made under section 156 should apply to the house, the authority may by order direct that those regulations shall so apply; and so long as the order is in force the regulations shall apply in relation to the house accordingly.
- (2) Not less than 21 days before making an order under this section, the local authority shall—
- (a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to make the order, and
  - (b) post such a notice in some position in the house where it is accessible to those living in the house,
- and shall afford to any person on whom a notice is served an opportunity of making representations regarding their proposal to make the order.
- (3) The order comes into force on the date on which it is made.

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- (4) The local authority shall within 7 days from the making of the order—
  - (a) serve a copy of the order on an owner of the house and on every person who is to their knowledge a lessee of the house, and
  - (b) post a copy of the order in some position in the house where it is accessible to those living in the house.
- (5) The local authority may at any time revoke the order on the application of a person having an estate or interest in the house.

#### **158 Appeal against making of, or failure to revoke, order under s.157. S**

- (1) A person on whom a copy of an order is served under section 157(4), and any other person who is a lessee of the house, may, within 14 days from the latest date by which copies of the order are required to be served, appeal to the sheriff on the ground that the making of the order was unnecessary.
- (2) On an appeal under subsection (1) the sheriff shall take into account the state of the house at the time when the local authority under section 157 served notice of their intention to make the order, as well as at the time of the making of the order, and shall disregard any improvement in the state of the house between those times unless the sheriff is satisfied that effective steps have been taken to ensure that the house will in future be kept in a satisfactory state.
- (3) If the sheriff allows the appeal, he shall revoke the order, but without prejudice to its operation prior to the revocation and without prejudice to the making of a further order.
- (4) If a local authority—
  - (a) refuse an application for the revocation of an order under section 157(5), or
  - (b) do not within 42 days from the making of the application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application,the applicant may appeal to the sheriff and the sheriff, if of the opinion that there has been a substantial change in the circumstances since the making of the order, and that it is in other respects just to do so, may revoke the order.

#### **159 Registration of order and of revocation. S**

- (1) The local authority shall as soon as practicable after an order under section 157 has come into force cause the order to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be.
- (2) If any such order is revoked the authority shall as soon as practicable cause to be recorded in the General Register of Sasines or registered in the Land Register, as the case may be, a notice stating that the order has been revoked.

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