

HOUSING (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 10 – General and Supplementary

207. **Section 185** places a duty on Ministers and local authorities to perform any functions that they are required or empowered to carry out under the Act in such a way as to promote equal opportunities and compliance with equal opportunity requirements
208. **Section 186** details powers for a local authority to obtain information to enable or assist it to carry out its functions under the Act. This information can be obtained from various specified persons. The local authority can serve a notice on such a person requiring him or her to state in writing the nature of the person's interest in the house or premises and the name and address of any other person with an interest, and to provide any other information about the house or premises. This is with a view to allowing the local authority to serve notices as required or otherwise to carry out its functions. It can also require any occupier to disclose the nature of their relationship with any other occupier, where that information is required to determine whether the accommodation is an HMO that requires to be licensed. Any person who is asked to provide such information and refuses or fails to do so, knowingly gives false or misleading information, or recklessly makes a false or misleading statement in respect of information, is guilty of an offence with a fine on summary conviction not exceeding level 2 on the standard scale. There is no requirement to disclose information if that would make the person liable under law to any sanction or other remedy.
209. **Section 187** deals with formal communications. A formal communication is any notice, notification, direction, consent, order, licence, application (other than to a court) or decision that is served, given or made under the Act or for the purposes of the Act. There is provision about how such communications are to be made and served.
210. **Section 188** gives Ministers powers to make regulations setting out the form and content of any formal communication.
211. **Section 189** sets out the position where an offence is carried out by a body corporate, a Scottish partnership or an unincorporated association. Where the offence arises from an act (or any neglect) of a defined officer of these bodies, the individual is also guilty of an offence.
212. **Section 190** gives the Scottish Ministers the power to make incidental, consequential, transitional, or saving provisions. **Section 191** contains provisions on the making and approval of orders and regulations arising from this Act.
213. **Section 192**, **schedule 6** and **schedule 7** deal with repeals, revocations and modifications. **Section 193** deals with Crown application. **Section 194** defines terms used in the Act and **section 195** sets out commencement provisions. The table below is a graphic representation of some of the definitions in **section 194**.

*These notes relate to the Housing (Scotland) Act 2006
(asp 1) which received Royal Assent on 5 January 2006*

