



Private Rented Housing (Scotland) Act 2011

2011 asp 14

PART 1

REGISTRATION OF PRIVATE LANDLORDS

9 Power to obtain information

After section 97 of the 2004 Act insert—

“Information

97A Power to obtain information

- (1) A local authority may, for the purpose of enabling or assisting it to exercise any function under this Part, require any person appearing to it to fall within subsection (2) to provide the local authority with, in relation to any house within the local authority's area—
 - (a) confirmation of the nature of that person's interest in the house;
 - (b) the name and address of, and information about that person's relationship with, any other person whom that person knows to—
 - (i) own, occupy or have any other interest in the house;
 - (ii) act in relation to a lease or occupancy arrangement to which that house is subject; or
 - (iii) act for the person who owns the house with a view to a lease or occupancy arrangement being entered into in relation to that house;
 - (c) such other information relating to the house, or such other person, as the local authority may reasonably request.
- (2) A person falls within this subsection if the person—
 - (a) owns, occupies or has any other interest in the house concerned;
 - (b) acts in relation to a lease or occupancy arrangement to which that house is subject; or

Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 9. (See end of Document for details)

- (c) acts for the person who owns the house with a view to a lease or occupancy arrangement being entered into in relation to that house.
- (3) A local authority may, for the purpose of enabling or assisting it to exercise any function under this Part, require any person appearing to it to fall within subsection (4) to provide the local authority with—
 - (a) confirmation of the nature of that person's interest in any house within the local authority's area in relation to which the person acts;
 - (b) the address of any such house;
 - (c) the name and address of, and information about that person's relationship with, any other person whom that person knows to own any such house;
 - (d) such other information relating to any such house, or such other person, as the local authority may reasonably request.
- (4) A person falls within this subsection if the person—
 - (a) acts in relation to a lease or occupancy arrangement to which any house within the local authority's area is subject; or
 - (b) acts for the person who owns the house with a view to a lease or occupancy arrangement being entered into in relation to such a house.
- (5) A requirement under subsection (1) or (3) is to be made by serving it on the person concerned in accordance with section 97B.
- (6) It is an offence for a person—
 - (a) without reasonable excuse, to fail to comply with a requirement made under this section; or
 - (b) knowingly or recklessly to provide information which is false or misleading in a material respect to a local authority or any other person—
 - (i) in purported compliance with a requirement made under this section; or
 - (ii) otherwise if the person knows, or could reasonably be expected to know, that the information may be used by, or provided to, a local authority in connection with its functions under this Part.
- (7) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

97B Power to obtain information: service of requirement

- (1) A requirement under section 97A(1) or (3) must be in writing.
- (2) A requirement under section 97A(1) or (3) is served on a person if it is—
 - (a) delivered to the person at the place mentioned in subsection (3);
 - (b) sent, by post in a prepaid registered letter or by the recorded delivery service, to the person at that place; or
 - (c) sent to the person in some other manner (including by electronic means) which the local authority reasonably considers likely to cause it to be delivered to the person on the same or next day.
- (3) The place referred to in subsection (2) is—

Changes to legislation: There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 9. (See end of Document for details)

- (a) where the person is an individual, that person's place of business or usual or last known place of abode;
 - (b) where the person is an incorporated company or body, its registered or principal office.
- (4) Subsection (5) applies where service of a requirement by one of the methods described in subsection (2) has been attempted and failed.
- (5) Where this subsection applies, a requirement under section 97A(1) or (3) may be served on the person by—
- (a) where the person is an individual, leaving a copy of the requirement at that person's place of business or usual or last known place of abode;
 - (b) where the person is an incorporated company or body, leaving a copy of the requirement at the person's registered or principal office.
- (6) Subsection (7) applies where the local authority is unable to deliver or send a requirement under section 97A(1) or (3) to the owner or occupier of any house or other premises because the local authority is not (having made reasonable enquiries) aware of the name or address of that owner or occupier.
- (7) Where this subsection applies, a requirement under section 97A(1) or (3) may be served by addressing a copy of it to “The Owner” or, as the case may be, “The Occupier” of the house and leaving it at the house or other premises.
- (8) A requirement which is sent by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

Commencement Information

II S. 9 in force at 1.4.2013 by S.S.I. 2013/82, art. 2(1), Sch.

Changes to legislation:

There are currently no known outstanding effects for the Private Rented Housing (Scotland) Act 2011, Section 9.