



Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Fit and proper persons

71 Fit and proper person considerations

After section 32N of the 1960 Act (inserted by section 70), insert—

“Fit and proper persons

32O Fit and proper person considerations

- (1) In deciding under this Part if a person is a fit and proper person, the local authority must have regard to all of the circumstances of the case, including any material falling within subsections (2) to (6).
- (2) Material falls within this subsection if it shows that the person has—
 - (a) been convicted of an offence—
 - (i) involving fraud or other dishonesty,
 - (ii) involving violence,
 - (iii) involving drugs,
 - (iv) involving firearms,
 - (v) which is a sexual offence within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995 (c.46),
 - (b) practised unlawful discrimination on the grounds of any of the protected characteristics in Part 2 of the Equality Act 2010 (c.15),
 - (c) contravened any provision of—
 - (i) the law relating to caravans,
 - (ii) the law relating to housing,
 - (iii) landlord and tenant law,

Status: This is the original version (as it was originally enacted).

- (d) committed a breach of an agreement to which the Mobile Homes Act 1983 applies,
 - (e) contravened a direction made under section 37 of the Gas Act 1986 (c.44) (maximum prices for reselling gas),
 - (f) contravened a direction made under section 44 of the Electricity Act 1989 (c.29) (maximum prices for reselling electricity),
 - (g) contravened a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002 (asp 3) (charges schemes) as it applied to the person by virtue of section 30(1) of that Act (maximum charges for services provided with help of Scottish Water),
 - (h) engaged in antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8),
 - (i) breached the conditions of a site licence issued under Part 1 or Part 1A of this Act.
- (3) Material which shows that a person has a conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974 (c.53) does not fall within subsection (2).
- (4) Material falls within this subsection if it relates to the failure by a person to provide information which that person is required to give to the local authority in accordance with this Part.
- (5) Material falls within this subsection if it relates to a complaint made by a person of which the local authority is aware about antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) on the relevant permanent site.
- (6) Material falls within this subsection if it is material of which the local authority is aware as a result of any other function carried out by the authority and it appears to the authority to be relevant to the question of whether the person is a fit and proper person.
- (7) The Scottish Ministers may, by order subject to the affirmative procedure, modify this section by adding to, removing or varying any material in subsections (2) to (6).”.

72 **Fit and proper person: criminal conviction certificate**

After section 32O of the 1960 Act (inserted by section 71), insert—

“32P Fit and proper person: criminal conviction certificate

- (1) A local authority may, in deciding under this Part if a person is a fit and proper person, require the person in respect of whom the decision is being made to provide the local authority with a criminal conviction certificate (within the meaning of section 112 of the Police Act 1997 (c.50)).
- (2) A local authority may require a criminal conviction certificate to be provided under subsection (1) only if it has reasonable grounds to suspect that the information provided under this Part in relation to material falling within section 32O(2) is, or has become, inaccurate.”.

73 Fit and proper person: information sharing

After section 32P of the 1960 Act (inserted by section 72), insert—

“32Q Fit and proper person: information sharing

- (1) A local authority may, for the purpose of another local authority deciding under this Part if a person is a fit and proper person, provide to that other authority information which falls within subsection (2).
- (2) Information falls within this subsection if the local authority holding the information considers that—
 - (a) it is likely to be relevant to the other authority’s decision under this Part as to whether a person is a fit and proper person, and
 - (b) it ought to be provided for that purpose.
- (3) Subsections (1) and (2) apply despite any duty of confidentiality owed to any person in respect of the information by the authority disclosing the information.”.