



Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Local authority enforcement at relevant permanent sites

76 Penalty notices

After section 32W of the 1960 Act (inserted by section 75), insert—

“32X Penalty notice where no licence or breach of licence

- (1) A local authority may serve a penalty notice on the occupier of a relevant permanent site if it appears to the local authority that the occupier—
 - (a) has caused or permitted the relevant permanent site to be used as a caravan site without being the holder of a Part 1A site licence in relation to the site, or
 - (b) has been served with an improvement notice and has failed to take the steps specified in the notice within the period so specified.
- (2) A penalty notice is a notice which—
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) explains the effect of subsection (3),
 - (c) specifies the period within which the penalty applies,
 - (d) explains the right of appeal conferred by subsection (7).
- (3) Where a penalty notice is served under this section—
 - (a) no amount which a person is required to pay to the occupier of the relevant permanent site in respect of—
 - (i) the right to station a caravan on the site,
 - (ii) rent for the occupation of a caravan on the site, or
 - (iii) the use of the common areas of the site and their maintenance,

Status: This is the original version (as it was originally enacted).

- is payable for the period specified in the notice under subsection (2)(c), and
- (b) no commission on sale payable in accordance with paragraph 8 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (c.34) is payable to the occupier of the relevant permanent site in respect of a caravan on the site for the period specified in the notice under subsection (2)(c).
- (4) The period specified in a penalty notice under subsection (2)(c) must begin on the later of—
- (a) the day on which the period during which the person may make an appeal under subsection (7) expires, or
 - (b) where such an appeal is made, the day on which the appeal is finally determined or abandoned.
- (5) The local authority must, as soon as practicable after serving a notice under this section and in such manner as it thinks fit, notify the occupiers of caravans on the site of the existence of the notice.
- (6) The ways in which a notification under subsection (5) may be carried out include by fixing a notice in a prominent place at or near the main entrance to the relevant permanent site.
- (7) The occupier of a relevant permanent site in respect of which a local authority has served a penalty notice may, within the period of 28 days beginning with the day on which the notice was served, by summary application appeal to the sheriff against the decision.”.