



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART XVI

GENERAL AND MISCELLANEOUS

Byelaws

313 Byelaws with respect to houses in multiple occupation.

- (1) The power of making and enforcing byelaws under section 72 of the ^{M1}Public Health (Scotland) Act 1897 with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family shall extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) on the owner within the meaning of that Act of the said house, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.
- (2) For the purpose of discharging any duty so imposed, the owner or other person may at all reasonable times enter upon any part of the premises.
- (3) Where an owner or other person has failed to carry out any work which he has been required to carry out under the byelaws, the local authority may, after giving to him not less than 21 days' notice in writing, themselves carry out the works and recover the costs and expenses.

^{F1}(4)

- (5) In this section “owner”, in relation to a house mentioned in subsection (1), means the person entitled to receive, or who would if the premises were let, be entitled to receive the rents of the premises, and includes a trustee, factor, tutor, or curator, and in the case of public or municipal property applies to the persons to whom the management is entrusted.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Byelaws is up to date with all changes known to be in force on or before 20 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** S. 313(4) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3

Marginal Citations

- M1** 1897 c. 38.

314 Byelaws with respect to accommodation for agricultural workers.

- (1) A local authority shall make, with respect to bothies, chaumers and similar premises which are used for the accommodation of agricultural workers and are not part of a farmhouse, byelaws regarding any of the following matters—
- (a) the provision of a separate entrance in any case where the premises form part of other premises;
 - (b) the provision of ventilation and floor area;
 - (c) the provision of adequate heating and lighting;
 - (d) the prevention of and safety from fire;
 - (e) the provision of a ventilated larder and a fireplace or stove suitable for cooking food and sufficient cooking utensils;
 - (f) the provision of furnishing, including the provision of a separate bed and bedding for each worker;
 - (g) the provision of accommodation for personal clothing, and of facilities for personal ablution;
 - (h) the painting, whitewashing or other cleansing of the premises at regular intervals;
 - (i) intimation to the local authority by farmers of the number of workers employed by them who are accommodated in bothies or in chaumers or similar premises;
 - (j) such other matters as may from time to time be prescribed:

Provided that, if the local authority show to the satisfaction of the Secretary of State that it is unnecessary to make byelaws under this section, the Secretary of State may dispense with the making of such byelaws.

- (2) Byelaws regarding the matters specified in paragraph (e) of subsection (1) shall apply only to premises in which the occupants cook their meals.
- (3) Byelaws made by a local authority under this section may be limited to particular parts of the authority's area.
- (4) Where a local authority fail, within such period as the Secretary of State may allow, to make with respect to any of the matters specified in subsection (1) byelaws which are in the opinion of the Secretary of State sufficient and satisfactory, the Secretary of State may himself make such byelaws which shall be of the like force and effect as if they had been made by the authority and confirmed.

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315 Byelaws with respect to accommodation for seasonal workers.

- (1) Subject to the provisions of this section, a local authority shall make byelaws for the whole or any part of their area with a view to providing proper accommodation for seasonal workers in respect of—
 - (a) intimation to the local authority of the intention to employ seasonal workers;
 - (b) the nature and extent of the accommodation to be provided for such workers, including due provision for—
 - (i) sleeping accommodation and separation of the sexes;
 - (ii) lighting, ventilation, cubic space, cleanliness and furnishing, including beds and bedding and cooking utensils;
 - (iii) storage of food, washing of clothes and drying of wet clothes;
 - (iv) water closets or privies for the separate use of the sexes; and
 - (v) a suitable supply of water;
 - (c) determining the persons responsible for the provision of the accommodation required by the byelaws, taking into account the terms of current contracts;
 - (d) inspection of the premises;
 - (e) exhibition on the premises of the byelaws;
 - (f) such other matters relating to the accommodation of seasonal workers (including determining the persons responsible for regulating the use by the workers of the accommodation) as may from time to time be prescribed.
- (2) If the local authority show to the satisfaction of the Secretary of State that it is unnecessary to make byelaws under this section, the Secretary of State may dispense with the making of such byelaws.
- (3) The Secretary of State may suspend, as respects the area of any local authority or any part of that area, the operation of any byelaw made under this section which affects agricultural interests in cases of emergency.
- (4) If in consequence of any byelaws made under this section a farmer or a fruit grower is required to provide accommodation involving the erection of additional buildings, he may require the landlord to erect such buildings on terms and conditions to be determined, failing agreement, by the Secretary of State.
- (5) In this section the expression “seasonal workers” includes navvies, harvesters, potato-workers, fruit-pickers, herring-gutters, and such other workers engaged in work of a temporary nature as may from time to time be prescribed.
- (6) Where a local authority fail, within such period as the Secretary of State may allow, to make in respect of any of the matters specified in subsection (1) byelaws which are in the opinion of the Secretary of State sufficient and satisfactory, the Secretary of State may himself make such byelaws which shall have force and effect as if they had been made by the authority and confirmed.

316 Confirmation of byelaws.

For the purposes of section 202 of the ^{M2}Local Government (Scotland) Act 1973 (which relates to the procedure and other matters connected with the making of byelaws) the Secretary of State shall be the person by whom byelaws made under this Act are to be confirmed.

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Marginal Citations

M2 1973 c. 65.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)