



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 3

#### PROVISION OF INFORMATION ON SALE OF HOUSE

##### *Enforcement*

#### **109 Enforcement authorities**

- (1) Every local weights and measures authority is an enforcement authority for the purposes of this Part.
- (2) It is the duty of each enforcement authority to enforce this Part in their area.

#### **Commencement Information**

**II** S. 109 in force at 1.12.2008 by [S.S.I. 2008/308](#), [art. 3](#) (with [art. 4](#))

#### **110 Power to require production of prescribed documents**

- (1) An authorised officer of an enforcement authority may require a person who appears to the officer to be or to have been subject to the duty under section 98, 99(1) or 101(2) in relation to a house to produce for inspection a copy of any prescribed document in relation to the house.
- (2) The power conferred by subsection (1) includes power—
  - (a) to require the production in a legible documentary form of any document which is held in electronic form, and
  - (b) to take copies of any document produced for inspection.
- (3) A requirement under this section may not be made more than 6 months after the last day on which the person concerned appeared to the officer to be subject to the duty under section 98, 99(1) or 101(2) in relation to the house.
- (4) A person subject to a requirement under this section must comply with it within the period of 7 days beginning with the day after that on which it is made.

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross Heading: Enforcement. (See end of Document for details)*

- (5) But a person need not comply with the requirement if the person has a reasonable excuse for not complying with it.

**Commencement Information**

**I2** S. 110 in force at 1.12.2008 by [S.S.I. 2008/308](#), **art. 3** (with **art. 4**)

**111 Penalty charge notices**

- (1) An authorised officer of an enforcement authority may, if the officer believes that a person has breached any duty under section 98, 99(1), 101(2) or 103(2), give a penalty charge notice to that person.
- (2) A penalty charge notice may not be given after the end of the period of 6 months beginning with the day on which it appeared to the officer that the duty was breached.
- (3) Schedule 3 (which makes further provision about penalty charge notices) has effect.
- (4) The Scottish Ministers may by regulations make further provision about penalty charge notices or any other notice mentioned in schedule 3.
- (5) Such regulations may, in particular, include provision prescribing—
  - (a) the form of penalty charge notices or any other notice mentioned in that schedule,
  - (b) circumstances in which penalty charge notices may not be given,
  - (c) the methods by which penalty charge notices or any other notice must be given,
  - (d) the method or methods by which penalty charges may be paid.

**Commencement Information**

**I3** S. 111 partly in force; s. 111 not in force at Royal Assent see s. 195(3); s. 111(3) in force for certain purposes at 4.12.2006 by [S.S.I. 2006/569](#), **art. 2**

**I4** S. 111(1)(2)(4)(5) in force at 1.12.2008 by [S.S.I. 2008/308](#), **art. 3** (with **art. 4**)

**I5** S. 111(3) in force at 1.12.2008 in so far as not already in force by [S.S.I. 2008/308](#), **art. 3** (with **art. 4**)

**112 Offences relating to enforcement officers**

- (1) A person who obstructs an authorised officer of an enforcement authority acting in pursuance of section 110 is guilty of an offence.
- (2) A person who, not being an authorised officer of an enforcement authority, purports to act as such in pursuance of section 110 or 111 is guilty of an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Commencement Information**

**I6** S. 112 in force at 1.12.2008 by [S.S.I. 2008/308](#), **art. 3** (with **art. 4**)

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Cross  
Heading: Enforcement.