



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 5

##### REPAIR, IMPROVEMENT AND DEMOLITION OF HOUSES

##### *Enforcement by local authority*

#### **39 Unlawful occupation etc.**

- (1) A person commits an offence if the person, knowing that a requirement under section 37(1) has effect in relation to any land or premises—
  - (a) occupies it or them, or
  - (b) permits such occupation.
- (2) A person guilty of an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.
- (3) It is not an offence under subsection (1)—
  - (a) for a person to continue to occupy any land or premises which that person occupied on the day on which the requirement under section 37(1) is made, or
  - (b) to permit such a person to continue occupation.