



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Repairs and improvements

30 Right to compensation for improvements

(1) For the purposes of this section—

“qualifying improvement work” is improvement work which is prescribed as such and which is begun not earlier than the commencement of this section, “qualifying person” is a person who is, immediately before the tenancy is terminated, a tenant under a Scottish secure tenancy, and—

- (a) is the tenant who carried out the qualifying improvement work,
- (b) is a tenant of a joint tenancy which existed at the time the work was carried out, or
- (c) succeeded to the tenancy under section 22 on the death of the tenant who carried out the work and the tenancy did not cease to be a Scottish secure tenancy on the succession.

(2) For the purposes of this section, a tenancy is terminated when—

- (a) any of the circumstances of subsection (1) of section 12 apply and, in a case where the termination is under paragraph (d), (e) or (f) of that subsection, the house is vacated,
- (b) there is a change of landlord, or
- (c) it is assigned to a new tenant.

(3) Where the tenant under a Scottish secure tenancy has carried out qualifying improvement work with the consent of the landlord under section 28, a qualifying

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person is on the termination of the tenancy entitled to be paid compensation by the landlord in respect of the work.

- (4) Compensation is not payable if—
- (a) the tenancy comes to an end in prescribed circumstances,
 - (b) compensation has been paid under section 29 in respect of the improvement, or
 - (c) the amount of any compensation which would otherwise be payable is less than such amount as may be prescribed.
- (5) Regulations under this section may provide that—
- (a) any compensation payable is to be—
 - (i) determined by the landlord in such manner and taking into account such matters as may be prescribed, or
 - (ii) calculated in such manner and taking into account such matters as may be prescribed, and is not to exceed such amount, if any, as may be prescribed,
 - (b) the landlord may set off against any compensation payable under this section any sums owed to it by any qualifying person.
- (6) Where, in the case of two or more qualifying persons, one of them (“the missing person”) cannot be found—
- (a) a claim for compensation under this section may be made by, and compensation may be paid to, the other qualifying person or persons, but
 - (b) the missing person is entitled to recover the missing person’s share of any compensation so paid from the other qualifying person or persons.
- (7) Regulations under this section may—
- (a) provide for the manner in which and the period within which claims for compensation under this section are to be made, and for the procedure to be followed in determining such claims,
 - (b) prescribe the form of any document required to be used for the purposes of or in connection with such claims, and
 - (c) provide for the determination of questions arising under the regulations.
- (8) In this section, “prescribed” means prescribed by regulations made by the Scottish Ministers.

Commencement Information

- II** S. 30 wholly in force at 30.9.2002, see s. 113(1)(2) and [S.S.I. 2002/321](#), [art. 2](#) (subject to transitional provisions and savings in [arts. 3-5](#))

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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. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (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. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (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)