



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 4

##### THE REPAIRING STANDARD

##### *Enforcement of repairing standard*

#### 24 **[<sup>F1</sup>Determination by the First-tier Tribunal]**

- (1) The [<sup>F2</sup>First-tier Tribunal, must in relation to an application under section 22(1) or (1A)] decide whether the landlord has complied with the duty imposed by section 14(1)(b).
- (2) Where the [<sup>F3</sup>First-tier Tribunal decides] that the landlord has failed to comply with that duty, [<sup>F4</sup>it] must by order (a “repairing standard enforcement order”) require the landlord to carry out such work as is necessary for the purposes of ensuring—
  - (a) that the house concerned meets the repairing standard, and
  - (b) that any damage caused by the carrying out of any work in pursuance of that duty or the order is made good.
- (3) A repairing standard enforcement order must specify the period within which the work required by the order must be completed.
- (4) The period so specified must be the period beginning with the date from which the order has effect within which the [<sup>F5</sup>First-tier Tribunal reasonably considers] that the work required can be completed (but must not, in any case, be a period of less than 21 days).
- (5) A repairing standard enforcement order may specify particular steps which the [<sup>F6</sup>First-tier Tribunal requires] the landlord to take in complying with the order.
- (6) Where the [<sup>F7</sup>First-tier Tribunal is] prevented by reason only of section 16(4) from deciding that a landlord has failed to comply with the duty imposed by section 14(1)

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 24. (See end of Document for details)*

- (b), the [<sup>F8</sup>First-tier Tribunal] must serve notice on the local authority stating that [<sup>F9</sup>it considers] the landlord to be unable to comply with that duty.
- (7) Where the [<sup>F10</sup>First-tier Tribunal] has made an order under section 18(1) in relation to a tenancy—
- (a) the [<sup>F11</sup>First-tier Tribunal] must, when determining whether the landlord has failed to comply with the duty imposed by section 14(1)(b), treat sections 14, 15 and 17 as having been modified or excluded in the manner described in the [<sup>F12</sup>Tribunal's] order,
  - (b) a repairing standard enforcement order may not require the carrying out of any work which the duty imposed by section 14(1)(b) does not, because of that modification or exclusion, require to be carried out.

#### Textual Amendments

- F1** S. 24 heading substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(5)** (with sch. 1)
- F2** Words in s. 24(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(a)** (with sch. 1)
- F3** Words in s. 24(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(b)(i)** (with sch. 1)
- F4** Word in s. 24(2) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(b)(ii)** (with sch. 1)
- F5** Words in s. 24(4) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(c)** (with sch. 1)
- F6** Words in s. 24(5) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(d)** (with sch. 1)
- F7** Words in s. 24(6) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(e)(i)** (with sch. 1)
- F8** Word in s. 24(6) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(e)(ii)** (with sch. 1)
- F9** Words in s. 24(6) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(e)(iii)** (with sch. 1)
- F10** Words in s. 24(7) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 50(a)**; S.S.I. 2017/330, art. 3, sch.
- F11** Words in s. 24(7)(a) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Committees\) Regulations 2016 \(S.S.I. 2016/337\)](#), reg. 1(2), **sch. 2 para. 6(4)(f)** (with sch. 1)
- F12** Word in s. 24(7)(a) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 50(b)**; S.S.I. 2017/330, art. 3, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 24.