



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 8

SUPPLEMENTAL PROVISIONS, INCLUDING APPEALS

Appeals

64 Part 1 appeals

- (1) Any person aggrieved by a decision by a local authority—
- (a) to serve a work notice,
 - (b) to serve a demolition notice,
 - (c) to carry out work in pursuance of—
 - (i) section 35(1)(b), or
 - (ii) section 36(1)(b),other than, in either case, work for which no notice is required,
 - (d) to demand recovery of any expenses incurred in carrying out work authorised by—
 - (i) section 35, or
 - (ii) section 36,
 - (e) to serve a maintenance order,
 - (f) to approve or devise a maintenance plan or to vary or revoke such a plan, or
 - (g) to refuse to grant a certificate under section 60 in relation to any work required by a work notice,
- may appeal to the sheriff within 21 days of the date specified in subsection (2).
- (2) That date is—

Status: This is the original version (as it was originally enacted).

- (a) in the case of an appeal under paragraph (a), (b), (d) or (e) of subsection (1), the date on which the work notice, demolition notice, demand for recovery of expenses or, as the case may be, maintenance order is served on the appellant,
 - (b) in the case of an appeal under paragraph (c) or (g) of subsection (1), the date on which notice of proposed work or, as the case may be, of the decision to refuse to grant the certificate is served on the appellant, or
 - (c) in the case of an appeal under paragraph (f) of subsection (1), the date on which notice of the approval, devising, variation or revocation is served on the appellant.
- (3) An appeal under subsection (1) may be made only by a person on whom the relevant work notice, notice of proposed work, demand for recovery of expenses, maintenance order or, as the case may be, notice of the approval, devising, variation or revocation of a maintenance plan is served under this Act.
- (4) A landlord or a tenant aggrieved by a decision by a private rented housing committee—
- (a) under section 24(1) (decision on a tenant’s application),
 - (b) to vary or revoke a repairing standard enforcement order (see section 25),
 - (c) that a landlord has failed to comply with a repairing standard enforcement order (see section 26(1)),
 - (d) to make or not to make a rent relief order (see section 26(2)(b)),
 - (e) to revoke a rent relief order (see section 27(4)), or
 - (f) to grant, or to refuse to grant, a certificate under section 60 in relation to any work required by a repairing standard enforcement order,
- may appeal to the sheriff within 21 days of being notified of that decision.
- (5) A tenant may appeal to the sheriff against a decision by the president of the private rented housing panel under section 23(1) within 21 days of being notified of that decision.
- (6) A tenant aggrieved by a decision by a landlord—
- (a) to impose any condition on a consent to carry out work in pursuance of section 52(2), or
 - (b) to refuse to consent to the carrying out of any such work,
- may appeal to the sheriff within 6 months of being notified of that decision.
- (7) The sheriff may, on cause shown, hear an appeal after the deadline set by subsection (1), (4), (5) or, as the case may be, (6).