



Housing (Scotland) Act 2014

2014 asp 14

PART 3

PRIVATE RENTED HOUSING

Enforcement of repairing standard

26 Procedure for third party applications

- (1) In paragraph 1 of schedule 2 to the 2006 Act (notification)—
- (a) in sub-paragraph (1), for “a tenant's application” substitute “ an application ”,
 - (b) in sub-paragraph (2), for “either party” substitute “ the landlord or the tenant ”,
 - (c) in sub-paragraph (3), for “both parties” substitute “ the landlord and the tenant ”, and
 - (d) after sub-paragraph (3), insert—
 - “(4) In the case of an application under section 22(1A), the committee must, in addition to carrying out the matters mentioned in sub-paragraphs (1) to (3)—
 - (a) serve on the third party applicant a notice containing the matters mentioned in sub-paragraph (1)(a) to (c),
 - (b) if the committee thinks fit following a request of the third party applicant, change the day specified for the purposes of sub-paragraph (1)(c),
 - (c) notify—
 - (i) the third party applicant of any change under sub-paragraph (2)(b),
 - (ii) the landlord and the tenant of any change under paragraph (b).”.
- (2) In paragraph 2 of schedule 2 to the 2006 Act (inquiries)—
- (a) in sub-paragraph (3)(a), for “or tenant” substitute “ , the tenant or, as the case may be, third party applicant ”,
 - (b) in sub-paragraph (3)(b), for “or tenant” substitute “ , tenant or, as the case may be, third party applicant ”,

Changes to legislation: Housing (Scotland) Act 2014, Section 26 is up to date with all changes known to be in force on or before 12 December 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in sub-paragraph (4)(a), for “in the notice served under” substitute “ in accordance with ”, and
 - (d) in sub-paragraph (4)(b), for “in a notice served under paragraph 1(2)(b)” substitute “ in accordance with paragraph 1(2)(b) or (4)(b) ”.
- (3) In paragraph 3(1) of schedule 2 to the 2006 Act (evidence), after “tenant” insert “ , third party applicant ”.
- (4) In paragraph 5 of schedule 2 to the 2006 Act (expenses)—
- (a) after sub-paragraph (2)(b), insert—
 - “(ba) the third party applicant,” and
 - (b) in sub-paragraph (2)(c), for “or tenant” substitute “ , tenant or third party applicant ”.
- (5) In paragraph 6 of schedule 2 to the 2006 Act (recording and notification of decisions)
- (a) in sub-paragraph (1)(a), for “a tenant's” substitute “ an ”,
 - (b) the word “and” at the end of sub-paragraph (3)(c) is repealed, and
 - (c) for sub-paragraph (3)(d), substitute—
 - “(d) in the case of an application under section 22(1A), the third party applicant, and
 - (e) the local authority (unless the local authority is the third party applicant in relation to the decision).”.
- (6) After paragraph 7(1) of schedule 2 to the 2006 Act (withdrawal of application), insert
- “(1A) A third party applicant may withdraw an application under section 22(1A) at any time.”.
- (7) In paragraph 8(1) of schedule 2 to the 2006 Act (further provision on procedure), after “22(1)” insert “ and 22(1A) ”.

Annotations:

Commencement Information

- I1** S. 26(1)-(6) in force at 1.12.2015 by S.S.I. 2015/272, art. 2, **Sch.**
- I2** S. 26(7) in force at 20.11.2014 by S.S.I. 2014/264, art. 2, **Sch.**

Changes to legislation:

Housing (Scotland) Act 2014, Section 26 is up to date with all changes known to be in force on or before 12 December 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1)
(a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by
[S.S.I. 2015/349 art. 2\(2\)](#)