

*Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Housing (Scotland) Act 2006, SCHEDULE 6. (See end of Document for details)*

SCHEDULE 6

(introduced by section 192(1))

CONSEQUENTIAL CHANGES

PART 1

MODIFICATION OF ACTS

References to “standard amenities”

- 1 A reference in any previous enactment to “standard amenities” within the meaning of—
- (a) section 39 of the Housing (Financial Provision) (Scotland) Act 1968 (c. 31),
 - (b) section 7 of the Housing (Scotland) Act 1974 (c. 45), or
 - (c) section 244 of the 1987 Act,
- is a reference to standard amenities within the meaning of section 73(6).

Commencement Information

II Sch. 6 para. 1 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

Crofters Holdings (Scotland) Act 1886 (c. 29)

- 2 For paragraph 1A of the Schedule to the Crofters Holdings (Scotland) Act 1886, substitute—
- “1A Work carried out in implementation of an HRA action plan included in an HRA designation order made under section 1 of the Housing (Scotland) Act 2006 (asp 1).”.

Commencement Information

I2 Sch. 6 para. 2 in force at 1.4.2009 by S.S.I. 2009/122, art. 3 (with art. 7)

Land Compensation (Scotland) Act 1973 (c. 56)

- 3 In section 27(7) of the Land Compensation (Scotland) Act 1973—
- (a) in paragraph (a), for the words “an order under section 88 of that Act” substitute “ an HRA designation order under section 1 of the Housing (Scotland) Act 2006 (asp 1) ”,
 - (b) in each of paragraphs (b) and (c), at the end insert “ of 1987 ”,
 - (c) for paragraph (d), substitute—
“(d) a work notice under section 30 of the said Act of 2006.”.

Commencement Information

I3 Sch. 6 para. 3 in force at 1.4.2009 by S.S.I. 2009/122, art. 3 (with art. 7)

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Rent (Scotland) Act 1984 (c. 58)

4 The Rent (Scotland) Act 1984 is amended as follows.

5 For “rent assessment”, in each place where those words appear in—

- (a) sections 44, 46(6), 48(1), 49(2), 50(4), 53(1), 60(2), 65(1) and (2), 66(1) and (5), 66A(2) and (3), 67(1), 68, 70(1) and (4), 71(1), 72(1), 74(1), 77, 80(1), 81(1) (in the definition of “register”), 85(1)(b) and 115(2),
- (b) paragraphs 1, 5 to 7 and 11 of Schedule 4,
- (c) paragraphs 6, 7(1), 8(1), 11(3), 12 and 13(1) of Schedule 5,
- (d) paragraphs 2(1) and (2), 5, 6(1), 7(1) and (2) and 9(b) of Schedule 6,
- (e) the titles of sections 44, 65, 66, 71, 72 and 77 and the title of Schedule 4,
- (f) the cross-headings before paragraphs 8 and 13 of Schedule 5,

substitute “ private rented housing ”.

6 In section 106—

- (a) in subsection (1), for the words “Part XIII of the Housing (Scotland) Act 1987” substitute “ a grant or loan under Part 2 of the Housing (Scotland) Act 2006 (asp 1) ”,
- (b) in subsection (2), for the words “section 241(2) of the Act of 1987” substitute “ section 75(7) of the said Act of 2006 ”,
- (c) for subsection (5), substitute—

“(5) In this section—

“standard amenities” has the meaning given by section 73(6) of the said Act of 2006; and

“tolerable standard” has the meaning given by section 86 of the Housing (Scotland) Act 1987 (c. 26).”.

Commencement Information

I4 Sch. 6 para. 6 in force at 1.4.2009 by S.S.I. 2009/122, art. 3 (with art. 7)

7 In section 115(1), for the definition of “rent assessment committee” substitute—

““private rented housing committee” has the meaning assigned to it by section 44 above;”.

8 In paragraph 5 of Schedule 4, the words “to act for any registration areas” are repealed.

Housing (Scotland) Act 1987 (c. 26)

9 The 1987 Act is amended as follows.

Commencement Information

I5 Sch. 6 para. 9 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

10 In section 107, after “amenities”, where it first occurs, insert “ (within the meaning given by section 73(6) of the Housing (Scotland) Act 2006 (asp 1)) ”.

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I6 Sch. 6 para. 10 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

11 In section 308(1), for the words from “sections” to “8” substitute “ section 121 ”.

Commencement Information

I7 Sch. 6 para. 11 in force at 1.4.2010 by S.S.I. 2009/122, art. 3

12 In section 311(1), for paragraph (b) substitute—
 “(b) if the house is in a housing renewal area (within the meaning of the Housing (Scotland) Act 2006 (asp 1)), the date on which the order designating it was made under section 1 of that Act of 2006 and the authority which made it;”.

Commencement Information

I8 Sch. 6 para. 12 in force at 1.4.2009 by S.S.I. 2009/122, art. 3 (with art. 7)

PROSPECTIVE

13 In section 313(3), for the words from “may,” to the end substitute “ may treat the failure as a failure to carry out work required by a work notice (within the meaning of the Housing (Scotland) Act 2006 (asp 1)) and the provisions of that Act which relate to the enforcement of such notices by local authorities shall apply with such modifications as may be necessary. ”.

14 In section 338(1), for the definition of “disabled person” substitute—
 ““disabled person” has the same meaning as in the Disability Discrimination Act 1995 (c. 50);”.

Commencement Information

I9 Sch. 6 para. 14 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

PROSPECTIVE

15 In paragraph 1 of Schedule 9, for “sections 108(3), 131(2) and 164(4)” substitute “ section 131(2) ”.

Housing (Scotland) Act 1988 (c. 43)

16 In the Housing (Scotland) Act 1988, for “rent assessment”, in each place where those words appear in—
 (a) sections 17(3) to (5), (7) and (8), 24(3), 25(1) and (4) to (7), 25A(4), 25B(1) and (3), 34(1), (3) and (4), 44(3), 48(1) and (2), 48A, 49(1) and (2) and 68,

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(b) the titles of sections 25, 25B, 34, 35 and 48,
 substitute “ private rented housing ”.

Tribunals and Inquiries Act 1992 (c. 53)

17 In paragraph 59 of Schedule 1 to the Tribunals and Inquiries Act 1992, for “rent assessment” substitute “ private rented housing ”.

Home Energy Conservation Act 1995 (c. 10)

18 In section 1 of the Home Energy Conservation Act 1995, in paragraph (aa)(ii) of the definition of “residential accommodation”, for the words from “a” to “1987” substitute “ an HMO (within the meaning of the Housing (Scotland) Act 2006 (asp 1)) which requires to be licensed under Part 5 of that Act ”.

Commencement Information

I10 Sch. 6 para. 18 in force at 31.8.2011 by S.S.I. 2010/159, art. 3

Scottish Public Services Ombudsman Act 2002 (asp 11)

19 In paragraph 5 of schedule 3 to the Scottish Public Services Ombudsman Act 2002, for “rent assessment” substitute “ private rented housing ”.

Building (Scotland) Act 2003 (asp 8)

20 Section 24 (duty to keep building standards register) of the Building (Scotland) Act 2003 is amended as follows.

Commencement Information

I11 Sch. 6 para. 20 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

21 In subsection (1)—

- (a) the word “and” which follows paragraph (b) is repealed,
- (b) after paragraph (c) insert “, and
- (d) work notices served under section 30, demolition notices served under section 33, and HMO amenity notices (insofar as they relate to buildings) served under section 146, of the Housing (Scotland) Act 2006 (asp 1)”.

Commencement Information

I12 Sch. 6 para. 21 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

22 In subsection 2(a), for “(c)” substitute “ (d) ”.

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I13 Sch. 6 para. 22 in force at 1.4.2009 by S.S.I. 2009/122, art. 3

Fire (Scotland) Act 2005 (asp 5)

- 23 In section 78(5)(a) of the Fire (Scotland) Act 2005, for the words from “as” to “required” substitute “ which requires to be licensed under Part 5 of the Housing (Scotland) Act 2006 (asp 1) ”.

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Commencement Information

I14 Sch. 6 para. 23 in force at 31.8.2011 by S.S.I. 2010/159, art. 3 (with art. 6)

PART 2

REVOCATION OF SUBORDINATE LEGISLATION

*The Civic Government (Scotland) Act 1982
(Licensing of Houses in Multiple Occupation) Orders*

- 24 The following orders are revoked—
- (a) the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (S.S.I. 2000/177),
 - (b) the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 (S.S.I. 2002/161), and
 - (c) the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2003 (S.S.I. 2003/463).

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Commencement Information

I15 Sch. 6 para. 24 in force at 31.8.2011 by S.S.I. 2010/159, art. 3 (with art. 6)

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