

*Draft Order laid before the Scottish Parliament under section 191(4)(b) of the Housing (Scotland) Act 2006, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**HOUSING**

**The Housing (Scotland) Act 2006  
(Supplemental Provision) Order 2019**

*Made* - - - - 2019  
*Coming into force* - - 1st March 2019

The Scottish Ministers make the following Order in exercise of the powers conferred by section 190 of the Housing (Scotland) Act 2006<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 191(4)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Housing (Scotland) Act 2006 (Supplemental Provision) Order 2019 and comes into force on 1 March 2019.

**Supplemental provision modifying section 16 of the Housing (Scotland) Act 2006**

2. In section 16 (exceptions to landlord’s repairing duty) of the Housing (Scotland) Act 2006 at the end insert—

“(5) For the purpose of subsection (4), in relation to any work intended to be carried out to parts owned in common with other owners but where a majority of the owners has not consented to the intended work, a landlord is to be treated as lacking necessary rights.”.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

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(1) 2006 asp 1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes supplemental provision modifying the Housing (Scotland) Act 2006 (“the 2006 Act”).

Section 16 of the 2006 Act sets out exceptions to the landlord’s duty to repair under section 14(1) of the 2006 Act. Article 2 modifies section 16 to clarify that, for the purposes of subsection (4) of that section, a landlord lacks the necessary rights to repair common parts pertaining to the house where there is no consent by a majority of the owners of those common parts.