

2003 No. 335

HOUSING

The Form of Repair Notice (Scotland) Regulations 2003

Made 26th June 2003

Laid before the Scottish Parliament 27th June 2003

Coming into force 1st October 2003

The Scottish Ministers, in exercise of the powers conferred by section 330 of the Housing (Scotland) Act 1987(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Form of Repair Notice (Scotland) Regulations 2003 and shall come into force on 1st October 2003.

(2) Form 1 as set out in the list of forms in the Schedule to the Housing (Forms) (Scotland) Regulations 1980(b) is hereby revoked.

Form of Repair Notice

2. The form of the notice contained in the Schedule to these Regulations is hereby prescribed as the form of notice to be used for the purposes of section 108(1) of the Housing (Scotland) Act 1987.

MARGARET CURRAN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th June 2003

(a) 1987 c.26. See section 338 of the Housing (Scotland) Act 1987 for the definition of "prescribed". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.I. 1980/1647, to which there are amendments not relevant to these Regulations.

SCHEDULE

NOTICE TO PERSON HAVING CONTROL OF A HOUSE IN SERIOUS DISREPAIR

UNDER SECTION 108 OF THE HOUSING (SCOTLAND) ACT 1987

To [name], the person having control of the house [address or other description of the property].

Take notice that [name and designation of local authority] are satisfied that the above house is in a state of serious disrepair, and require you within a period of [number] days, ending on [date], to execute the works necessary to put right the following defects:

[description of defects]

In the opinion of the local authority, once these defects are put right, the house will be in a reasonable standard of repair, taking account of the age and character of the house and the area it is in, but ignoring the state of internal decoration.

Signed..... Date.....

Notes:

- 1. If you have any doubts about the matters set out in this Notice, you should contact the local authority, or consult a solicitor to seek legal advice.**
2. The person having control of a house is the person who is entitled to receive rent, or would be entitled to do so, in respect of the house, if the house was let out. This may be the owner or a factor, agent or person in a similar position.
3. The local authority considers that your house is in serious disrepair, or in need of repair and likely to get worse quickly or to cause material damage to another house, and has therefore issued this Notice telling you what you must do to put right the defects. It is for the local authority to decide what constitutes a good state of repair. The local authority will not consider the state of internal decoration, but will take into account the age and character of the house and the area it is in.
4. In this context, the definition of a “house” includes any building which includes a house or houses and other premises. This means that the owners of non-residential premises in the same building as houses may also have responsibility for repairs required under this Notice.
5. This Notice specifies the date by which the works must be done. This must allow a reasonable time, as determined by the local authority, for the works to be carried out. The time allowed must be at least 21 days. You can appeal to the Sheriff against this Notice, and you must give notice of your appeal within 21 days after the date of service of this Notice. If you do so, the local authority cannot take any action to enforce this Notice until your appeal has been decided.
6. If the work is not completed by the date set, and you have not brought an appeal, the local authority may arrange to do the work itself. They can then send you a demand to repay the costs of the work, plus interest. Where work is done on a building which includes more than one house and/or other premises, the local authority may decide whether, and how, to divide the cost among all the properties in the building. Businesses that have premises within a building which includes more than one house and/or other premises ownership may also be required to contribute to the repairs. The local authority may also carry out further works which are necessary to bring the house up to the required standard of repair which could not reasonably have been known about before this Notice was served. You can appeal to the Sheriff against a demand for payment, and you must do so within 21 days from the date of the demand. The Sheriff may also decide whether any additional works carried out by the local authority are necessary or whether they could have been known about before this Notice was served.
7. You can apply to get a grant and/or a loan from the local authority towards the cost of the works. You should contact the local authority to find out about these grants and loans.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of repair notice that is to be served by a local authority when requiring repairs be carried out to a house in a state of serious disrepair and revoke the existing form of notice set out as Form 1 in the Schedule to the Housing (Forms) (Scotland) Regulations 1980.

The Schedule to the Regulations sets out the form of the notice. The notice specifies the defects that require repair and the period within which the repairs should be carried out.

