

2003 No. 336

HOUSING

**The Form of Improvement Order (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 Improvement Order (Scotland) Regulations 2003 and shall come into force on 1st October 2003.

(2) Form 4 as set out in the list of forms in the Schedule to the Housing (Forms) (Scotland) Regulations 1980(b) is hereby revoked.

Form of Improvement Order

2. The form of the order contained in the Schedule to these Regulations is hereby prescribed as the form of order to be used for the purposes of section 88(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

ORDER REQUIRING THE OWNER OF A HOUSE TO CARRY OUT
IMPROVEMENT WORK

UNDER SECTION 88 OF THE HOUSING (SCOTLAND) ACT 1987

To [name], the owner 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, which is not situated in a housing action area, fails to meet the tolerable standard in the following respects:

[description of how the house fails to meet tolerable standard]

The local authority, as designated above, order you within a period of 180 days, ending with [date], to carry out works to the house to:

- (a) bring it up to the tolerable standard; and
- (b) put it into a good state of repair.

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

Notes:

1. If you have any doubts about the matters set out in this Order, you should contact the local authority, or seek legal advice.

2. The local authority has a responsibility to make sure that all houses in its area meet the tolerable standard. The definition of what constitutes tolerable standard is set out in section 86 of the Housing (Scotland) Act 1987 and details of the tolerable standard are given at the end of these notes. The local authority consider that your house does not meet the tolerable standard, and has therefore issued this Order telling you what you must do to bring it up to the tolerable standard and put it into a good state of repair.

3. You have 180 days to do the work. This Order specifies the date by which it must be done. If the work is not completed in this time, the local authority will consider whether satisfactory progress has been made, or whether you have given an undertaking in writing that the work will be finished by a date the local authority consider satisfactory. In these cases the local authority will set a new date for completion and amend this Order accordingly.

4. If the local authority is not satisfied with progress by the original completion date, or the revised date if one is set, it may acquire the house, with your agreement or by compulsory purchase, so that it can carry out the required work itself.

5. You can appeal to the Sheriff against this Order. You must give notice of your appeal within 21 days after the date of this Order. If you do so, the local authority cannot take any action to enforce this Order until your appeal has been decided. If you want to appeal, you should seek legal advice immediately.

6. 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.

Tolerable Standard

A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;

- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- has satisfactory facilities for the cooking of food within the house;
- has satisfactory access to all external doors and outbuildings.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of the improvement order that is to be used by a local authority for the purpose of section 88(1) of the Housing (Scotland) Act 1987 when requiring works to be carried out to a house not situated within a housing action area to bring it up to the tolerable standard and to put it in a good state of repair.

The Regulations revoke the existing improvement order form which is set out as Form 4 in the list of forms in the Schedule to the Housing (Forms) (Scotland) Regulations 1980.

The Schedule to the Regulations sets out the form of the new order. The order specifies the works that require to be carried out and the period within which the works should be carried out.

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