



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 4

##### THE REPAIRING STANDARD

##### *Enforcement of repairing standard*

#### 22 [F<sup>1</sup>Application in respect of the repairing standard]

(1) A tenant may apply to the [F<sup>2</sup>First-tier Tribunal] for determination of whether the landlord has failed to comply with the duty imposed by section 14(1)(b).

[F<sup>3</sup>(1A) A person mentioned in subsection (1B) may apply to the [F<sup>4</sup>First-tier Tribunal] for determination of whether a landlord has failed to comply with the duty imposed by section 14(1)(b) (a person who makes such an application being referred to as a “third party applicant”).

(1B) The persons are—

- (a) a local authority,
- (b) a person specified by order made by the Scottish Ministers.]

(2) An application under subsection [F<sup>5</sup>(1) or (1A) must set out the tenant's, or as the case may be, the third party applicant's] reasons for considering that the landlord has failed to comply with that duty.

(3) No [F<sup>6</sup>application under this section may be made unless the person making the application] has notified the landlord that work requires to be carried out for the purpose of complying with that duty.

(4) No [F<sup>7</sup>application under this section] may be made where the landlord is—

- (a) a local authority landlord (within the meaning of the Housing (Scotland) Act 2001 (asp 10)),

*Status: Point in time view as at 01/12/2016.*

*Changes to legislation: Housing (Scotland) Act 2006, Section 22 is up to date with all changes known to be in force on or before 11 April 2024. 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)*

- (b) a registered social landlord (being a body registered in the register maintained under <sup>F8</sup>section 20(1) of the Housing (Scotland) Act 2010 (asp 17)),
- <sup>F9</sup>(c) .....
- (d) Scottish Water.

<sup>F10</sup>(4A) The tenant of the house concerned is entitled to be a party in the determination of any application made under subsection (1A).]

- (5) Schedule 2 makes further provision about the procedure for making and determining an application under this section.

<sup>F11</sup>(6) .....

#### Textual Amendments

- F1** S. 22 heading substituted (1.12.2015) by virtue of [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(2)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F2** Words in s. 22(1) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), **reg. 1(2)**, **sch. 2 para. 2(2)(a)** (with **sch. 1 para. 5**)
- F3** S. 22(1A)(1B) inserted (1.12.2015 for specified purposes, 1.4.2016 for specified purposes, 1.6.2016 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(1)(a)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F4** Words in s. 22(1A) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), **reg. 1(2)**, **sch. 2 para. 2(2)(b)** (with **sch. 1 para. 5**)
- F5** Words in s. 22(2) substituted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(1)(b)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F6** Words in s. 22(3) substituted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(1)(c)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F7** Words in s. 22(4) substituted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(1)(d)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F8** Words in s. 22(4)(b) substituted (1.4.2012) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **s. 166(2)**, **Sch. 2 para. 14**; [S.S.I. 2012/39](#), **art. 2**, **Sch. 1** (with **Sch. 2**) (as amended (1.4.2012) by [S.S.I. 2012/91](#), **art. 4**)
- F9** S. 22(4)(c) repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **s. 104(3)**, **Sch. 2 para. 17(a)**; [S.S.I. 2014/264](#), **art. 2**, **Sch.**
- F10** S. 22(4A) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(1)(e)**, 104(3); [S.S.I. 2015/349](#), **art. 3**, **sch.**
- F11** S. 22(6) repealed (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **s. 104(3)**, **Sch. 2 para. 17(b)**; [S.S.I. 2014/264](#), **art. 2**, **Sch.**

#### Commencement Information

- I1** S. 22 wholly in force at 3.9.2007; s. 22 not in force at Royal Assent see [s. 195\(3\)](#); s. 22(5) in force for certain purposes at 4.12.2006 by [S.S.I. 2006/569](#), **art. 2**; s. 22 in force at 3.9.2007 by [S.S.I. 2007/270](#), {[art. 3 Table](#)}

**Status:**

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