



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 5

##### REPAIR, IMPROVEMENT AND DEMOLITION OF HOUSES

##### *Enforcement by local authority*

#### **35 Carrying out of work or demolitions by local authority**

- (1) If the owner of a house fails to comply with a work notice or a demolition notice, the local authority may carry out—
- (a) the work or the demolition required by the notice, and
  - (b) any other work which, in the course of carrying out work or demolition authorised by paragraph (a), the local authority finds to be required for the purposes of—
    - (i) implementing an HRA action plan in relation to any house identified in it, or
    - (ii) bringing any house which the local authority considers to be sub-standard (whether or not situated in an HRA) into, and keeping it in, a reasonable state of repair,but which it could not reasonably have known to be so required before it served the work notice or demolition notice.
- (2) The local authority may not carry out any work authorised by subsection (1)(a) unless—
- (a) the period within which the work or demolition requires to be carried out has ended, or
  - (b) the owner has given notice to the local authority—
    - (i) of being unable to comply with the work notice or demolition notice because of a lack of necessary rights (of access or otherwise) despite

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**Changes to legislation:** There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 35. (See end of Document for details)

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- having taken reasonable steps for the purposes of acquiring those rights, or
- (ii) stating that the owner considers that carrying out the work or demolition required is likely to endanger any person.
- (3) Before carrying out any work authorised by subsection (1)(b) the local authority must give 21 days' notice of its intention to do so in accordance with section 62.
- (4) The requirement to give notice under subsection (3) does not apply if the local authority considers—
- (a) that the situation is urgent, or
  - (b) that it would otherwise be impractical to carry out work authorised by subsection (1)(a) before carrying out any work authorised by subsection (1)(b).

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**Commencement Information**

**II** S. 35 in force at 1.4.2009 by [S.S.I. 2009/122](#), [art. 3](#)

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