



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 8

##### SUPPLEMENTAL PROVISIONS, INCLUDING APPEALS

##### *Appeals*

#### **65 Part 1 appeals: determination**

- (1) The sheriff, in determining an appeal under 64(1), may—
  - (a) confirm the decision (and any work notice, demolition notice, demand for recovery of expenses or maintenance order served, or maintenance plan approved, devised or varied, in consequence of it),
  - (b) quash the decision (and any such notice, demand, order or plan), or
  - (c) make such other order as the sheriff thinks just.
- (2) The sheriff may determine an appeal under section 64(4) or (5) by—
  - (a) confirming the decision (and any order or variation made, or certificate granted, in consequence of it),
  - (b) remitting the decision (together with the sheriff's reasons for doing so) to the president or, as the case may be, the committee for reconsideration, or
  - (c) quashing the decision (and any order or variation made, or certificate granted, in consequence of it).
- (3) The sheriff must, unless the sheriff considers the condition or, as the case may be, refusal appealed against to be reasonable, determine an appeal under section 64(6) by quashing the decision and directing the landlord to withdraw the condition (or to vary it in such manner as the sheriff may specify) or, as the case may be, to consent to the application (with or without such conditions as the sheriff may specify).

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*Status: Point in time view as at 04/12/2006. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 65. (See end of Document for details)*

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- (4) In determining whether a condition or refusal appealed against under section 64(6) is reasonable, the sheriff must, where the appeal relates to an application made for the purposes of section 52(2)(a), have regard to any code of practice issued by the Disability Rights Commission which relates to section 52 or 53.
- (5) The sheriff's determination on an appeal under section 64 is final (subject to subsection (6)).
- (6) The sheriff's determination on an appeal under paragraph (a), (b), (c)(i), (d)(i) or (g) of section 64(1) may be appealed to the sheriff principal within 21 days of the sheriff's determination; and the sheriff principal's decision on any such appeal is final.

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**Commencement Information**

- II** S. 65 partly in force; s. 65 not in force at Royal Assent see s. 195(3); s. 65(3)(4) in force at 4.12.2006, s. 65(5) in force for certain purposes at 4.12.2006 by [S.S.I. 2006/395](#), [art. 2](#); s. 65(1)(2)(5) in force at 3.9.2007 by [S.S.I. 2007/270](#), {art. 3 Table}

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