



Housing (Scotland) Act 2014

2014 asp 14

PART 3

PRIVATE RENTED HOUSING

Enforcement of repairing standard

25 Third party application in respect of the repairing standard

- (1) In section 22 of the 2006 Act (tenant application to private rented housing panel)—
- (a) after subsection (1), insert—

“(1A) A person mentioned in subsection (1B) may apply to the private rented housing panel 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.”
 - (b) in subsection (2), for “(1) must set out the tenant’s” substitute “(1) or (1A) must set out the tenant’s, or as the case may be, the third party applicant’s”,
 - (c) in subsection (3), for “such application may be made unless the tenant” substitute “application under this section may be made unless the person making the application”,
 - (d) in subsection (4), for “such application” substitute “application under this section”, and
 - (e) after subsection (4), insert—

“(4A) The tenant of the house concerned is entitled to be a party in the determination of any application made under subsection (1A).”
- (2) The title of section 22 of the 2006 Act becomes “**Application in respect of the repairing standard**”.

Status: This is the original version (as it was originally enacted).

- (3) In section 22A(1) of the 2006 Act (information to be given to a local authority), after “22(1)” insert “, or under section 22(1A) where the applicant is not a local authority”.
- (4) In section 23 of the 2006 Act (referral to private rented housing committee)—
- (a) in subsection (1), after “22(1)” insert “or 22(1A)”,
 - (b) in subsection (2)(b), after “tenant” insert “or third party applicant”,
 - (c) in subsection (4), after “application”, where it first occurs, insert “under section 22(1)”,
 - (d) after subsection (4) insert—
 - “(4A) The president must, as soon as practicable after rejecting an application under section 22(1A) give notice of the rejection to—
 - (a) the third party applicant, and
 - (b) the tenant.”, and
 - (e) in subsection (5), for “Such a notice” substitute “A notice under subsection (4) or (4A)”.
- (5) In section 24(1) of the 2006 Act (determination by private rented housing committee) for “a tenant’s application under section 22(1)” substitute “an application under section 22(1) or (1A)”.
- (6) In section 181 of the 2006 Act (rights of entry: general)—
- (a) after subsection (1) insert—
 - “(1A) Any person authorised by a third party applicant is entitled to enter any house in respect of which an application under section 22 may be made for the purposes of enabling or assisting the third party applicant to decide whether to make an application under section 22(1A).”, and
 - (b) in subsection (2), for “a tenant’s application under section 22(1)” substitute “an application under section 22(1) or (1A)”.
- (7) In section 182 of the 2006 Act (warrants authorising entry)—
- (a) in subsection (1), after “subsection (1)” insert “, (1A)”, and
 - (b) after subsection (3) insert—
 - “(3A) In relation to an application for a warrant under section 181(1A), the reference to the occupier in subsection (3) is to be read as including the tenant, the landlord and any known agent of the landlord.”.
- (8) In section 184 of the 2006 Act (rights of entry: supplemental), after subsection (4) insert—
- “(4A) In relation to the exercise of the right conferred by section 181(1A), the reference to occupants in subsection (4) is to be read as including the tenant, the landlord and any known agent of the landlord.”.
- (9) In section 187 of the 2006 Act (formal communications), in subsection (3)(b), for “the recorded delivery service” substitute “a service which provides for the delivery of the communication to be recorded”.
- (10) In section 194(1) of the 2006 Act (interpretation), after the definition of “tenant” insert—
- ““third party applicant” has the meaning given by section 22(1A).”.

(11) Section 35(3) of the Private Rented Housing (Scotland) Act 2011 (asp 14) is repealed.

26 Procedure for third party applications

- (1) In paragraph 1 of schedule 2 to the 2006 Act (notification)—
- (a) in sub-paragraph (1), for “a tenant’s application” substitute “an application”,
 - (b) in sub-paragraph (2), for “either party” substitute “the landlord or the tenant”,
 - (c) in sub-paragraph (3), for “both parties” substitute “the landlord and the tenant”, and
 - (d) after sub-paragraph (3), insert—
 - “(4) In the case of an application under section 22(1A), the committee must, in addition to carrying out the matters mentioned in sub-paragraphs (1) to (3)—
 - (a) serve on the third party applicant a notice containing the matters mentioned in sub-paragraph (1)(a) to (c),
 - (b) if the committee thinks fit following a request of the third party applicant, change the day specified for the purposes of sub-paragraph (1)(c),
 - (c) notify—
 - (i) the third party applicant of any change under sub-paragraph (2)(b),
 - (ii) the landlord and the tenant of any change under paragraph (b).”.
- (2) In paragraph 2 of schedule 2 to the 2006 Act (inquiries)—
- (a) in sub-paragraph (3)(a), for “or tenant” substitute “, the tenant or, as the case may be, third party applicant”,
 - (b) in sub-paragraph (3)(b), for “or tenant” substitute “, tenant or, as the case may be, third party applicant”,
 - (c) in sub-paragraph (4)(a), for “in the notice served under” substitute “in accordance with”, and
 - (d) in sub-paragraph (4)(b), for “in a notice served under paragraph 1(2)(b)” substitute “in accordance with paragraph 1(2)(b) or (4)(b)”.
- (3) In paragraph 3(1) of schedule 2 to the 2006 Act (evidence), after “tenant” insert “, third party applicant”.
- (4) In paragraph 5 of schedule 2 to the 2006 Act (expenses)—
- (a) after sub-paragraph (2)(b), insert—
 - “(ba) the third party applicant”, and
 - (b) in sub-paragraph (2)(c), for “or tenant” substitute “, tenant or third party applicant”.
- (5) In paragraph 6 of schedule 2 to the 2006 Act (recording and notification of decisions)
- (a) in sub-paragraph (1)(a), for “a tenant’s” substitute “an”,
 - (b) the word “and” at the end of sub-paragraph (3)(c) is repealed, and
 - (c) for sub-paragraph (3)(d), substitute—

Status: This is the original version (as it was originally enacted).

- “(d) in the case of an application under section 22(1A), the third party applicant, and
- (e) the local authority (unless the local authority is the third party applicant in relation to the decision).”.

(6) After paragraph 7(1) of schedule 2 to the 2006 Act (withdrawal of application), insert—

“(1A) A third party applicant may withdraw an application under section 22(1A) at any time.”.

(7) In paragraph 8(1) of schedule 2 to the 2006 Act (further provision on procedure), after “22(1)” insert “and 22(1A)”.

27 Appeals in relation to third party applications

(1) In section 64 of the 2006 Act (Part 1 appeals)—

- (a) in subsection (4)(a), for “a tenant’s” substitute “an”,
- (b) after subsection (4), insert—

“(4A) A third party applicant aggrieved by a decision by a private rented housing committee which—

- (a) is mentioned in subsection (4)(a) to (f),
- (b) was made following an application by the applicant under section 22(1A),

may appeal to the sheriff within 21 days of being notified of that decision.”, and

- (c) in subsection (5), after “tenant” insert “or a third party applicant”.

(2) In section 65(2) of the 2006 Act (determination of appeals), after “64(4)” insert “, (4A)”.

(3) After section 66(3) of the 2006 Act (appeals procedure), insert—

“(3A) In an appeal by a landlord under section 64(4) which relates to a decision following an application under section 22(1A)—

- (a) the third party applicant is to be a party to the proceedings,
- (b) the tenant is entitled to be a party to the proceedings.

(3B) In an appeal by a tenant under section 64(4) which relates to a decision following an application under section 22(1A), the landlord and the third party applicant are to be parties to the proceedings.

(3C) In an appeal by a third party applicant under section 64(4A)—

- (a) the landlord is to be a party to the proceedings,
- (b) the tenant is entitled to be a party to the proceedings.”.