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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 272 (C. 36)**

**HOUSING**

**The Housing (Scotland) Act 2014 (Commencement  
No. 3 and Transitional Provision) Order 2015**

|  |         |                       |
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| <i>Made</i>                                    | - - - - | <i>24th June 2015</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>26th June 2015</i> |
| <i>Coming into force</i>                       | - -     | <i>13th July 2015</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred by section 104(3) and (5) of the Housing (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Housing (Scotland) Act 2014 (Commencement No. 3 and Transitional Provision) Order 2015 and comes into force on 13th July 2015.

(2) In this Order, “the Act” means the Housing (Scotland) Act 2014 and “the 2006 Act” means the Housing (Scotland) Act 2006<sup>(2)</sup>.

**Appointed days**

2. The day appointed for the coming into force of the provisions of the Act specified in column 1 of the Schedule (the subject-matter of which is described in column 2 of the Schedule) is specified in column 3 of the Schedule.

**Transitional provision**

3.—(1) Subject to paragraph (2), where a tenancy exists on 1st December 2015—

- (a) section 19A(1) and (3)(b) of the 2006 Act (duty to ensure regular electrical safety inspections and to provide tenant with a copy of the record of any inspection)<sup>(3)</sup> does not apply to that tenancy until 1st December 2016;

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(1) 2014 asp 14.

(2) 2006 asp 1.

(3) Sections 19A and 19B of the 2006 Act are inserted by section 23 of the Act.

- (b) an electrical safety inspection as required by section 19A(1) must be undertaken no later than 1st December 2016, if the tenancy remains in existence on that date;
- (c) section 19A(2)(a) and (3)(a) (requirement to ensure inspection before the start of the tenancy and provide the tenant with a copy of the record of the most recent inspection) does not apply; and
- (d) section 19A(3)(b) (duty to provide the tenant with a copy of the record of any inspection carried out during the tenancy) is complied with by providing the tenant with a copy of the most recent inspection.

(2) Where an electrical safety inspection that complies with the requirements of paragraph (3) has been undertaken in the period beginning with 1st January 2012 and ending with 30th November 2015 and the tenant has been provided with a copy of the record of that inspection, any duty under section 19A(1) of the 2006 Act is complied with for a period of 5 years from the date of that inspection.

(3) The requirements are those set out in sections 19A(1) and 19B of the 2006 Act, without the requirement for inspection of electrical appliances.

St Andrew's House, Edinburgh  
24th June 2015

*M J BURGESS*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Article 2

| <i>Column 1<br/>Provisions of the Act</i>    | <i>Column 2<br/>Subject-matter</i>                                 | <i>Column 3<br/>Appointed Day</i> |
|--|--|-----------------------------------|
| Section 89                                   | Maintenance plans  | 13th July 2015                    |
| Section 97 (insofar as not already in force) | Scottish Housing Regulator: transfer of assets following inquiries | 31st August 2015                  |
| Section 22                                   | Carbon monoxide alarms   | 1st December 2015                 |
| Section 23 (insofar as not already in force) | Electrical safety inspections                                      | 1st December 2015                 |
| Section 25                                   | Third party application in respect of the repairing standard       | 1st December 2015                 |
| Section 26 (insofar as not already in force) | Procedure for third party applications                             | 1st December 2015                 |
| Section 27                                   | Appeals in relation to third party applications                    | 1st December 2015                 |

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the 2014 Act”). Article 2 and the Schedule to the Order appoint 13th July 2015 for the coming into force of section 89 and 31st August 2015 for the coming into force of section 97 (insofar as not already in force).

Article 2 and the Schedule also appoint 1st December 2015 for the coming into force of sections 22, 23 (insofar as not already in force), 25, 26 (insofar as not already in force) and 27.

Article 3 modifies the duty to undertake an electrical safety inspection provided by section 19A(1) of the Housing (Scotland) Act 2006 (introduced by section 23 of the 2014 Act) in relation to a tenancy which exists on 1st December 2015. Article 3 requires the landlord to ensure that an inspection is carried out by 1st December 2016 unless the tenancy ends before that date. The inspection duty is also met if an inspection has been carried out in the period beginning on 1st January 2012 and ending on 30th November 2015 and that inspection complies with the inspection requirements, ignoring any duty to inspect electrical appliances. Any inspection carried out after 30th November 2015 will, however, have to include inspection of electrical appliances.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

Sections 100, 101, 102, 104 and 105 of the 2014 Act came into force on the day the Bill for the 2014 Act received Royal Assent: 1st August 2014. The provisions of the 2014 Act commenced by an earlier commencement order are detailed in the table below.

| <i>Provision of the 2014 Act</i>               | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 1(1)                                   | 1st August 2016             | S.S.I. 2014/264   |
| Section 1(2)                                   | 20th November 2014          | S.S.I. 2014/264   |
| Section 1(3) (partially)                       | 20th November 2014          | S.S.I. 2014/264   |
| Section 1(3) (insofar as not already in force) | 1st July 2017               | S.S.I. 2014/264   |
| Section 2                                      | 20th November 2014          | S.S.I. 2014/264   |
| Section 4(2) (partially)                       | 20th November 2014          | S.S.I. 2014/264   |
| Section 6(2) (partially)                       | 20th November 2014          | S.S.I. 2014/264   |
| Section 7(1)(b)                                | 20th November 2014          | S.S.I. 2014/264   |
| Section 14(1)                                  | 20th November 2014          | S.S.I. 2014/264   |
| Section 20, 23(1), 24 and 26(7)                | 20th November 2014          | S.S.I. 2014/264   |
| Section 28                                     | 20th November 2014          | S.S.I. 2014/264   |
| Section 46 and 61                              | 20th November 2014          | S.S.I. 2014/264   |
| Section 62 (partially)                         | 20th November 2014          | S.S.I. 2014/264   |
| Sections 64 and 65 (partially)                 | 20th November 2014          | S.S.I. 2014/264   |
| Section 70                                     | 20th November 2014          | S.S.I. 2014/264   |
| Section 77 (partially)                         | 20th November 2014          | S.S.I. 2014/264   |
| Section 82                                     | 20th November 2014          | S.S.I. 2014/264   |
| Section 85(3) and (4)                          | 20th November 2014          | S.S.I. 2014/264   |
| Section 85 (remainder)                         | 1st April 2015              | S.S.I. 2015/122   |
| Section 86(1) (partially)                      | 13th November 2014          | S.S.I. 2014/264   |
| Section 86(2) (partially)                      | 13th November 2014          | S.S.I. 2014/264   |
| Section 86 (remainder)                         | 16th December 2014          | S.S.I. 2014/264   |
| Sections 87 and 88                             | 1st April 2015              | S.S.I. 2015/122   |
| Sections 90 to 92                              | 1st April 2015              | S.S.I. 2015/122   |
| Section 94 to 96                               | 20th November 2014          | S.S.I. 2014/264   |
| Section 97 (partially)                         | 20th November 2014          | S.S.I. 2014/264   |
| Section 98                                     | 20th November 2014          | S.S.I. 2014/264   |
| Section 103 (partially)                        | 20th November 2014          | S.S.I. 2014/264   |
| Section 103 (partially)                        | 1st August 2016             | S.S.I. 2014/264   |

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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| <i>Provision of the 2014 Act</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i>               |
|----------------------------------|-----------------------------|---------------------------------|
| Schedule 2 (partially)           | 1st August 2016             | <a href="#">S.S.I. 2014/264</a> |