

POLICY NOTE

THE HOUSING (SCOTLAND) ACT 2006 (SUPPLEMENTAL PROVISION) ORDER 2019

SSI 2019/

The above instrument was made in exercise of the powers conferred by section 190(1) of the Housing (Scotland) Act 2006 (“the 2006 Act”) and all other powers enabling them to do so. The instrument is subject to affirmative parliamentary procedure.

Background

The 2006 Act received Royal Assent on 5 January 2006. Section 190 of the 2006 Act permits Scottish Ministers to make by order such supplemental provision as they consider necessary or expedient for the purposes of that Act. Section 191(4) of the 2006 Act provides that an order under section 190 which adds to the text of that Act is not to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.

Policy Objectives

The policy intention is that people should live in good quality homes. The Programme for Government includes a specific commitment to introduce changes to improve the condition of properties in the private rented sector. The policy objective of these regulations is to make amendments to the repairing standard, which is the statutory minimum standard for houses that are let as private tenancies, to improve the condition of those houses. Other changes to the repairing standard are being made by the Housing (Scotland) Act 2006 (Variation of the Repairing Standard) Regulations 2019 (SSI 2019/xxx), which will be made at the same time as this order. The order amends the 2006 Act to make a change which is supplemental to those regulations.

The order will amend the 2006 Act by adding a new paragraph to section 16, which provides for exceptions to a landlord’s duty to ensure a house meets the repairing standard specified in section 13 of the Act, to make provision for circumstances where the landlord cannot get the majority consent required to carry out work to common parts, whether under title deeds or the Tenement Management Scheme.

Appointed Day

This Order comes into force on 1 March 2019.

Consultation

The Scottish Government carried out a consultation on changes to the repairing standard, and a copy of the consultation report is published online at <https://www.gov.scot/publications/energy-efficiency-condition-standards-private-rented-housing-analysis-responses-public/pages/16/>.

Impact Assessments

An Equality Impact Assessment (EQIA) was prepared to accompany the consultation on changes to the repairing standard. A copy of this is published online at <https://www.gov.scot/publications/energy-efficiency-condition-standards-private-rented-housing-consultation-part-2/>.

Financial Effects

A Partial Business and Regulatory Impact Assessment (BRIA) was prepared to accompany the consultation on changes to the repairing standard. A copy of this is published online at <https://www.gov.scot/publications/condition-private-rented-housing-scotland-business-regulatory-impact-assessment-partial/>.

Scottish Government
Housing and Social Justice Directorate

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