
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify tenancies to which the repairing standard duty applies which are set out in section 12 of the Housing (Scotland) Act 2006 (“the 2006 Act”) as well as the repairing standard which is set out in section 13 of the 2006 Act.

Regulation 2(2), which comes into effect on 28 March 2027, amends section 12(1) of the 2006 Act with the effect that the repairing standard applies to tenancies under the Agricultural Holdings (Scotland) Act 2003, the Crofters (Scotland) Act 1993 and the Small Landholders (Scotland) Acts 1886 to 1931.

Regulation 2(3), which comes into effect on 1 March 2019, amends section 12(1) of the 2006 Act to disapply the repairing standard to a tenancy of a house let for a holiday which does not exceed 31 days.

Regulation 3(2)(a) and (d) which comes into effect on 1 March 2024, amends section 13 of the 2006 Act to provide that the repairing standard includes:

- residual current devices;
- fuels other than gas and electricity;
- fixed heating systems;
- safe access and use of common parts;
- provision for, and safe access to, a food storage space and a food preparation space; and
- satisfactory locks on common doors in tenements.

Regulation 3(2)(b), which comes into effect on 1 February 2021 amends section 13 to remove the requirements for a house to have satisfactory fire detection alarms and carbon monoxide alarms as these requirements are added to the tolerable standard set out in section 86(1) of the Housing (Scotland) Act 1987 from that date by the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 which was laid before the Scottish Parliament in draft for approval on 23 November 2018.

Regulation 3(2)(c) and (3), which comes into effect on 1 March 2019, amends section 13 to extend the repairing standard with the effect that a house must meet the tolerable standard in order to meet the repairing standard and makes provision for guidance in relation to the criteria in the repairing standard (which includes the tolerable standard), respectively.