

POLICY NOTE

THE RELEVANT ADJUSTMENTS TO COMMON PARTS (DISABLED PERSONS) (SCOTLAND) REGULATIONS 2020

SSI 2020/XX

The above instrument is made in exercise of the powers conferred by section 37 of the Equality Act 2010 and by all other enabling powers. The instrument is subject to the affirmative procedure.

These Regulations provide for disabled persons to make relevant adjustments to common areas.

Policy objective

Currently, disabled people can make relevant adjustments (adaptations) to common areas with the consent of all owners. The Regulations will enable disabled people to make relevant adjustments with the consent of a majority of owners. A majority means a simple majority of one. Owners must not unreasonably withhold consent but can apply reasonable conditions.

In the event of a dispute, either the disabled person or any of the owners may apply to the Sheriff for a final decision.

Consultation

A full consultation was conducted in 2011. At that time 92% of respondents agreed with the proposal to draft the Regulations. Since then, to ensure current views are reflected, we have worked with key stakeholders, in an ongoing process, including members of the Accessible Housing Group which includes COSLA, ALACHO and organisations which represent disabled people. Feedback from stakeholders including EHRC has been taken into account by the Scottish Government Legal Directorate (SGLD) when developing the final draft.

One example of a revision to the Regulations, as a result of stakeholder feedback, was the removal of the requirement placed on the disabled person to register the relevant adjustment as it could have proved prohibitive owing to the costs which would be incurred.

Business and Regulatory Impact Assessment

No Business and Regulatory Impact Assessment has been carried out as no significant impact is foreseen on the Scottish Government, local government, business, charities or voluntary bodies. Disabled people currently have the right to make relevant adjustment with the consent of all owners.

Financial Implications

There are no financial implications for the Scottish Government. Any additional costs incurred by local authorities would be as a result of providing additional grant funding for relevant adjustments which are assessed as necessary. This, however, is not foreseen as being significant.

Scottish Government
Housing and Social Justice Directorate
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