
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Relevant Adjustments to Common Parts
(Disabled Persons) (Scotland) Regulations 2020**

Application for consent to relevant adjustments

5.—(1) A disabled person who intends to exercise the entitlement set out in regulation 3(1) must send an application for consent to carry out relevant adjustments to all the owners of the common parts affected by the proposed works.

(2) An application under paragraph (1) must be in the form prescribed in Part 1 of the schedule.

(3) On receiving an application, the owner may—

- (a) consent to the application,
- (b) consent subject to reasonable conditions, or
- (c) withhold consent, provided that it is not unreasonably withheld.

(4) The owner must, within one month of receipt of an application, send the disabled person a notice of the owner's decision, in the form prescribed in Part 2 of the schedule.

(5) Where the owner fails to comply with the requirement in paragraph (4) the owner is to be taken to have withheld consent.

(6) If a share in the common parts affected by the proposed works is owned by 2 or more persons, the decision as to whether to consent to the proposed works (and whether to impose conditions on any consent so granted) can be made by either (or any) of those persons, but if they disagree as to the decision, they shall be taken to have withheld consent unless—

- (a) where one of those persons owns more than one half of the share in the common parts, the decision is made by that person, or
- (b) in any other case, the decision is the agreed decision of those who together own more than one half of the share in the common parts.