

SCHEDULE

Regulation 5(2)

PART 1

Form of application for consent to relevant adjustments

APPLICATION FOR CONSENT TO RELEVANT ADJUSTMENTS

This application for consent is given by a disabled owner, tenant or occupier who is or will be living in the premises and who proposes to alter or add to common parts of the premises for the purpose of avoiding a substantial disadvantage which would otherwise arise in using the common parts. The costs of the alteration or addition are to be met by the applicant.

Alteration or addition being proposed:

(see note for completion 1)

To the owner(s) of the other properties with a share in the common parts of the premises affected by the proposed works:

(see note for completion 2)

Name and address of the owner, tenant or occupier making the application:

(see note for completion 3)

Property to which the application relates (if different from the above):

(see note for completion 4)

The timetable for carrying out the work, including the proposed dates of commencement and completion:

(see note for completion 5)

Consent or any objections or other representations relating to the relevant adjustments must be sent using the prescribed form by not later than one month after this application is received by an owner of a share of the common parts to:

(see note for completion 6)

Date:

(see note for completion 7)

Notes for completion

(These notes are not part of the application)

1. Provide as much information as possible concerning the nature of the alteration or addition.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020 No. 52*

2. This application must be sent to each owner of the other properties with a share in the common parts of the premises whose share of the common parts will be affected by the proposed works. You must insert the full name and address of the owner, if known.
3. You must insert your full name and address.
4. This is only applicable if you do not currently reside at the above address e.g. you may be the guardian of a disabled person requiring the proposed alteration or addition. Otherwise put “not applicable”.
5. Provide a proposed timetable for the duration of the work.
6. Specify the address to which any objections or other representations are to be sent. The deadline for such objections or representations is not later than one month after this application is received by an owner of a share of the common parts.
7. Provide the date on which you are posting the application; or if you are transmitting it by electronic means, the date of transmission.

Regulation 5(4)

PART 2

NOTICE OF DECISION OF OWNER OF A PROPERTY WITH A SHARE IN THE COMMON PARTS OF THE PREMISES

Alteration or addition being proposed:

(see note for completion 1)

To the owner, tenant or occupier making the application:

(see note for completion 2)

From the owner of a property with a share in the common parts of the premises:

(see note for completion 3)

Address of owner if different from above:

(see note for completion 4)

Consent, consent subject to conditions, or withhold consent:

(see note for completion 5)

Reason for withholding consent:

(see note for completion 6)

Description of conditions to which consent is subject:

(see note for completion 7)

Date:

(see note for completion 8)

The majority decision may be appealed by the disabled person by way of summary application in the sheriff court.

Notes for completion

(These notes are not part of the notice)

1. Repeat the description of the alteration or addition as detailed on the Application for Consent to Relevant Adjustments.
2. Insert the full name and address of the owner, tenant or occupier applying for consent for relevant adjustments.
3. Insert your full name and address.
4. This only applies if you do not reside at the address above e.g. you may be the landlord of the property. Otherwise put "not applicable".
5. State whether you consent, consent subject to conditions, or withhold consent to the application.

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6. Provide the reasons for why you are withholding consent, giving as much detail as possible. Consent cannot be unreasonably withheld. If you have not withheld consent, put “not applicable”.
7. Detail the nature of the condition(s) to be applied and the reasons why you consider them necessary. If you do not request conditions to be applied, put “not applicable”.
8. Provide the date on which you are posting your decision, or if you are replying by electronic means, the date of transmission.

Regulation 7(1)

PART 3

NOTICE OF MAJORITY DECISION

Total number of responses received:

(see note for completion 1)

Total number of respondents consenting to the proposal:

(see note for completion 2)

Total number of respondents withholding consent:

(see note for completion 3)

Total number of respondents consenting with conditions:

(see note for completion 4)

Statement of outcome:

(see note for completion 5)

Reasons given for withholding consent:

(see note for completion 6)

Details of conditions to be applied:

(see note for completion 7)

The majority decision may be appealed by the owner by way of summary application in the sheriff court.

Notes for completion

(These notes are not part of the notice)

1. Include in the total number of responses received the owners who have not sent a notice of their decision.
2. Include only those consenting without conditions.
3. Include those who have failed to respond by the deadline in the total number of respondents withholding consent.
4. Include only those consenting with conditions.

5. Insert a statement of the majority decision.
6. Insert any reasons given for why consent is being withheld.
7. Provide details of the conditions to be applied to the decision.