

Draft Regulations laid before the Scottish Parliament under section 210(6) of the Equality Act 2010 for approval by resolution of the Scottish Parliament.

D R A F T S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

2021 No.

EQUALITY

HOUSING

**The Relevant Adjustments to Common Parts (Disabled Persons)
(Scotland) Amendment Regulations 2021**

Made - - - - - *2021*

Coming into force - - - - - *2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 37(1) and 207(4)(b) of the Equality Act 2010(a) and all other powers enabling them to do so.

In accordance with section 37(3) of that Act, the Scottish Ministers have consulted with a Minister of the Crown.

In accordance with section 210(6) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and transitional provision

1.—(1) These Regulations may be cited as the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Amendment Regulations 2021 and come into force on the day after the day on which they are made.

(2) The amendments made by these Regulations have effect only in relation to applications made under regulation 5(1) of the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020(b) on or after the day on which these Regulations come into force.

Amendment of the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020

2.—(1) The Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020 are amended in accordance with this regulation.

(a) 2010 c. 15. Section 207 was relevantly amended by the Enterprise and Regulatory Reform Act 2013 (c. 24), Part 6, section 98(3).

(b) S.S.I. 2020/52.

(2) In regulation 5(4) (application for consent to relevant adjustments), for “one month of receipt of an application” substitute “28 days of the date marked on the application”.

(3) In regulation 7 (notification of the majority decision), after paragraph (2) insert—

“(3) A notice under paragraph (1) must not be sent less than 28 days after the application has been sent to every owner.

(4) A notice under paragraph (1) must be sent within 56 days after the application was sent to every owner.

(5) An updated notice under paragraph (2) must be sent within 28 days of the appeal being determined under regulation 10.”.

(4) In regulation 8 (consent subject to conditions), after paragraph (2) insert—

“(3) Where an owner has consented to the application subject to conditions, a notice provided under regulation 7(1) must state—

(a) whether the disabled person accepts or rejects the conditions, and

(b) where the disabled person rejects the conditions, the reasons why the conditions are being rejected.”.

(5) In regulation 10 (appeals), after paragraph (1) insert—

“(1A) An appeal must be made within the period of 28 days beginning with the date on which the notice under regulation 7(1) is sent.”.

Name

A member of the Scottish Government

St Andrew’s House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020 (“the 2020 Regulations”). The 2020 Regulations provide a process whereby a disabled person can carry out adjustments to the common parts of a property in which they have an interest, provided they make an application to all owners of the common parts and obtain the consent of a majority of the owners. These regulations amend the 2020 Regulations to provide time-limits for various parts of that process.

Regulation 5(4) of the 2020 Regulations provides a one month deadline for an owner of the common parts to respond to an application made by a disabled person made under regulation 5(1). Regulation 2(2) of these regulations amends regulation 5(4) of the 2020 Regulations to change that deadline to 28 days from the date of the application in order to provide a clearer deadline for this process.

Regulation 7 of the 2020 Regulations provides for a notice of the majority decision of the owners to be sent by the disabled person to the owners. Regulation 2(3) of these regulations amends regulation 7 of the 2020 Regulations to provide a defined period within which the disabled person must send the notice of majority decision. Regulation 2(3) also provides a deadline for the disabled person to send an updated notice of the majority decision following an appeal under regulation 10 of the 2020 Regulations.

Regulation 8 of the 2020 Regulations provides for when an owner of the common parts consents to the application made by the disabled person subject to conditions. Regulation 2(4) of these regulations amends regulation 8 of the 2020 Regulations to provide that a notice of the majority decision of the owners (sent by the disabled person under regulation 7 of the 2020 Regulations) must state whether or not the conditions are accepted by the disabled person and, if they are rejected, the reasons for the rejection.

Regulation 10 of the 2020 Regulations provides an appeals process for owners or the disabled person to appeal against the majority decision of the owners or any condition imposed on an owner’s consent. Regulation 2(5) of these Regulations imposes a time-limit on raising an appeal.

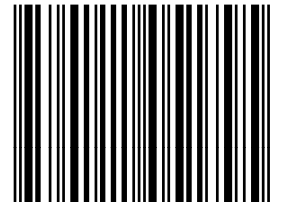
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