

POLICY NOTE

THE HOUSING (SCOTLAND) ACT 2014 (COMMENCEMENT NO. 2) ORDER 2015

SSI 2015/122 (C. 26)

1. The above instrument was made in exercise of the powers conferred by section 104(3) of the Housing (Scotland) Act 2014 (“the 2014 Act”). It is laid under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Policy Objectives

2. The instrument forms the second part of an implementation package for the 2014 Act. The provisions in the Act will be commenced in several stages.

3. The instrument commences provisions in Part 6 of the 2014 Act (local authority powers to enforce house condition works)

4. The policy intention is that people should live in good quality homes. The Scottish Government made a commitment in the Sustainable Housing Strategy to amend the powers of local authorities in Part 1 of the Housing (Scotland) Act 2006 (“the 2006 Act”) to require owners to repair their houses, in order to ensure that these powers are an effective and proportionate tool for enforcing necessary repairs in private housing. The 2014 Act also inserts a new supporting power into the Tenements (Scotland) Act 2004 (“the 2004 Act”) and makes some changes to parallel powers in the Housing (Scotland) Act 1987 (“the 1987 Act”).

5. Sections 85(3) and (4) and 86 were brought into force by the Housing (Scotland) Act 2014 (Commencement No. 1, Transitional and Saving Provisions) Order 2014 (SSI 2014/264).

6. This instrument brings into force the following provisions in Part 6 of the 2014 Act:

Provision	Effect
Section 85(1) and (2)	New power for local authorities to pay and recover certain owners shares of costs under the Tenement Management Scheme under the 2004 Act
Section 87	Amend work notice power under the 2006 Act to include work to improve safety or security
Section 88	Amend conditions for a maintenance order under the 2006 Act to include outstanding work under a work notice
Section 89(1) and (3)	Registration of documents relating to maintenance plans under the 2006 Act moved from the land register to the building standards register
Section 89(2)	Allow local authorities to revoke a maintenance order under the 2006 Act where a property factor has been appointed
Section 90	Extend repayment charges under the 2006 Act to non-residential parts of a building which contain living accommodation

Provision	Effect
Section 91	Allow local authorities to determine, within a set range, the number of annual instalments for repayment charges under the 2006 Act, and to provide a right of appeal against this determination
Section 92	Allow local authorities to determine, within a set range, the number of annual instalments, for charging orders under the 1987 Act, and to provide a right of appeal against this determination

7. This Order makes 1 April 2015 the date that these sections will come into force and accordingly the date that the amendments made by those sections to the 2006, 2004 and 1987 Acts will be made.

Commencement

8. The Order comes into force on 1 April 2015 with the remainder of **section 85 and sections 87 to 92** of the 2014 Act coming into force on the same day.

Consultation

9. During 2012, the Scottish Government carried out a series of policy consultations which informed the drafting of the Housing Bill.

10. Full details of the consultations on the Housing Bill are available on the Scottish Government website at <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform/housing-bill/stakeholderengagement>.

Impact Assessments

11. A full Equality Impact Assessment was carried out on the Bill as introduced on 21 November 2013. The impact assessment along with those produced for the individual policy areas that are in the 2014 Act can be found at: <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform/housing-bill/impact>

Financial Effects

12. A full Business and Regulation impact assessment was carried out on the Bill as introduced on 21 November 2013. The impact assessment, along with those produced for the individual policy areas that are in the 2014 Act can be found at: <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/reform/housing-bill/impact>

Scottish Government
Housing, Regeneration & Welfare Directorate
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