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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 163**

**The Tenements (Scotland) Act 2004  
(Heating Services) Regulations 2018**

**Carrying out installation and application to sheriff to resolve disputes**

- 6.—(1) An installation may only begin—
- (a) if no objections or representations are made under regulation 5(1) or (3)(a), after 28 clear days have elapsed from the giving of the notice of the proposals;
  - (b) if an objection or representation is made, when agreement is reached under regulation 5(2)(a) or (3)(b); or
  - (c) if an objection or representation is made and agreement is not reached, in accordance with an order under section 6(2) (application to sheriff for order resolving certain disputes) of the 2004 Act on an application under section 6(1)(b) of that Act.
- (2) The owner giving notice of the proposals may apply to the sheriff under section 6(1)(b) of the 2004 Act for an order allowing an installation to be carried out only after—
- (a) 28 clear days have elapsed from the giving of the notice of the proposals; and
  - (b) the owner has complied with—
    - (i) regulation 5(2)(a); and
    - (ii) where a revised notice is given under regulation 5(2)(b), regulation 5(3).
- (3) In considering whether to grant the order, the sheriff is to allow the installation if it appears reasonable that the installation is carried out, having regard to—
- (a) any conditions the sheriff thinks it fit to impose; and
  - (b) any other order the sheriff considers necessary or expedient.