
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the process by which a disabled person may carry out relevant adjustments to common parts of premises if the disabled person uses or intends to use the premises as their only or main home. These Regulations are made under section 37(1) and 207(4)(b) of the Equality Act 2010 (“the Act”).

Regulation 3 provides for the entitlement to make relevant adjustments as long as a majority of the owners of the common parts consent. Regulation 4 describes some types of alterations and additions.

Regulation 5 provides for the application for consent and regulation 6 sets out the matters an owner of the common parts affected by the proposed works may have regard to when deciding to grant consent. Regulation 7 provides that the disabled person must notify the owners of the majority decision and regulation 8 provides that the disabled person may accept or reject consent which is granted subject to conditions.

Regulation 9 provides for liability for costs and regulation 10 sets out the process for appeals.

Regulation 11 amends section 52 of the Housing (Scotland) Act 2006 to provide that work carried out under that section does not include works to common parts carried out under these Regulations.

No business and regulatory impact assessment has been prepared for these Regulations as no significant impact is foreseen on business, charities or voluntary bodies.