

POLICY NOTE

THE HOUSING (SCOTLAND) ACT 1987 (TOLERABLE STANDARD) (EXTENSION OF CRITERIA) AMENDMENT ORDER 2021

SSI 2021/46

The above instrument was made in exercise of the powers conferred by section 86(2) of the Housing (Scotland) Act 1987. The instrument is subject to affirmative procedure.

Purpose of Instrument.

The purpose of this instrument is to postpone the commencement date of the change to the tolerable standard by one year to allow people longer to undertake the necessary works.

Policy Objectives

The policy intention is to have a common new minimum standard for fire and smoke detectors across all housing, regardless of whether the house is owner-occupied or rented in the social or private sector.

The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 amends the tolerable standard in section 86 of the Housing (Scotland) Act 1987 to add requirements to have satisfactory equipment installed for detecting fire, and for giving warning of fire or suspected fire; and satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health.

The Scottish Government considers that, due to the Covid-19 pandemic, some home owners will have difficulty organising work, or are concerned about having people coming into their homes.

This Order amends the commencement date of the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 from 1 February 2021 to 1 February 2022.

Consultation

The Scottish Government carried out a consultation on the introduction of a new standard for fire and smoke alarms and carbon monoxide detectors in 2017. A copy of the consultation report is published online at <https://consult.gov.scot/housing-regeneration-and-welfare/fire-and-smoke-alarms-in-scottish-homes/>.

The Minister for Local Government, Housing and Planning wrote to the Convener of the Local Government and Communities Committee of the Scottish Parliament on 20 October 2020, to advise of the intention of seeking Parliament's approval to delay the commencement of the changes to the tolerable standard. The Minister also wrote to all MSPs advising of the same. Correspondence received from MSPs and stakeholders has suggested that a postponement by a year would be helpful due to the current pandemic.

Impact Assessments

An equalities impact assessment and a business impact assessment were carried out for the policy intention as part of the consultation on the introduction of a new standard when it was

first introduced. No additional impact assessment for this order has been carried out as there are no other changes other than delaying the date of implementation.

Financial Effects

A partial Business and Regulatory Impact Assessment (BRIA) has been completed and is published online at <https://www.gov.scot/publications/business-regulatory-impact-assessment-partial-consultation-fire-smoke-alarms-scottish/>. The new standard imposes a cost on home owners. This order postpones the introduction so that the additional cost to home owners will not fall during the restrictions imposed during the Covid-19 pandemic. Because this order does not create any additional cost to home owners we did not consider that a further BRIA was needed.

Scottish Government
Housing and Social Justice Directorate

November 2020