



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART III

RIGHTS OF PUBLIC SECTOR TENANTS

Repairs and improvements

57 Landlord's consent to work.

- (1) It shall be a term of every secure tenancy that the tenant shall not carry out work, other than interior decoration, in relation to the house without the consent in writing of the landlord, which shall not be unreasonably withheld.
- (2) In this section and in Schedule 5, "work" means—
 - (a) alteration, improvement or enlargement of the house or of any fittings or fixtures;
 - (b) addition of new fittings or fixtures;
 - (c) erection of a garage, shed or other structure,but does not include repairs or maintenance of any of these.
- (3) The provisions of Schedule 5 shall have effect as terms of every secure tenancy.

58 Reimbursement of cost of work.

- (1) On the termination of a secure tenancy, the landlord shall have the power (in addition to any other power which it has to make such payments) to make any payment to the tenant which it considers to be appropriate in respect of any work carried out by him (or by any predecessor of his as tenant under the same secure tenancy) with the consent of the landlord under section 57, which has materially added to the price which the house might be expected to fetch if sold on the open market.
- (2) The amount of any payment under subsection (1) shall not exceed the cost of the work in respect of which it is made, after deduction of the amount of any grant paid or payable under Part I of the Act of 1974 or under Part XIII.

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- (3) Where a secure tenancy has been terminated (under section 46(1)(a)) by the death of the tenant, a payment under subsection (1) may be made to the tenant's personal representatives.

VALID FROM 01/04/1994

[^{F1}58A Right to compensation for improvements.

- (1) For the purposes of this section—
- (a) “qualifying improvement work” is improvement work which is prescribed as such by the Secretary of State and which is begun not earlier than the commencement of section 147 of the Leasehold Reform, Housing and Urban Development Act 1993;
 - (b) “qualifying person” is a person who is, at the time the tenancy comes to an end, the tenant of a landlord named in sub-paragraphs (i) to (iv) of section 61(2)(a); and—
 - (i) is the tenant by whom the qualifying work was carried out; or
 - (ii) is a tenant of a joint tenancy which existed at the time the improvement work was carried out; or
 - (iii) succeeded to the tenancy under section 52 on the death of the tenant who carried out the work and the tenancy did not cease to be a secure tenancy on his succession;
 - (c) a tenancy is terminated when—
 - (i) any of the circumstances of subsection (1) of section 46 apply and, in a case where the termination is under paragraph (c) or (f) of that subsection, the house which is the subject of the secure tenancy is vacated;
 - (ii) there is a change of landlord;
 - (iii) it is assigned to a new tenant.
- (2) Where the tenant of a landlord specified in sub-paragraphs (i) to (iv) of section 61(2) (a) has carried out qualifying improvement work with the consent of that landlord under section 57, the qualifying person or persons shall on the termination of the tenancy be entitled to be paid compensation by the landlord in respect of the improvement work.
- (3) Compensation shall not be payable if—
- (a) the improvement is not of a prescribed description; or
 - (b) the tenancy comes to an end in prescribed circumstances; or
 - (c) compensation has been paid under section 58 in respect of the improvement; or
 - (d) the amount of any compensation which would otherwise be payable is less than such amount as may be prescribed,
- and for the purposes of this subsection a prescribed description may be framed by reference to any circumstances whatever.
- (4) Regulations under this section may provide that—
- (a) any compensation payable shall be—

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- (i) determined by the landlord in such manner and taking into account such matters as may be prescribed; or
 - (ii) calculated in such manner and taking into account such matters as may be prescribed,and shall not exceed such amount, if any, as may be prescribed; and
 - (b) the landlord may set off against any compensation payable under this section any sums owed to it by the qualifying person or persons.
- (5) Where, in the case of two or more qualifying persons, one of them (“the missing person”) cannot be found—
- (a) a claim for compensation under this section may be made by, and compensation may be paid to, the other qualifying person or persons; but
 - (b) the missing person shall be entitled to recover his share of any compensation so paid from that person or those persons.
- (6) The Secretary of State may by regulations made under this section make such procedural, incidental, supplementary and transitional provisions as appear to him to be necessary or expedient, and may in particular—
- (a) provide for the manner in which and the period within which claims for compensation under this section are to be made, and for the procedure to be followed in determining such claims;
 - (b) prescribe the form of any document required to be used for the purposes of or in connection with such claims; and
 - (c) provide for the determination of questions arising under the regulations.
- (7) Regulations under this section—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas;
 - (b) shall be made by statutory instrument which (except in the case of regulations which are made only under subsection (6)(b)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F1 S. 58A inserted (1.4.1994) by 1993 c. 28, s. 147; S.I. 1993/2163, art. 2, Sch. 2.

59 Effect of works on rent.

No account shall be taken at any time in the assessment of rent to be payable under a secure tenancy by a tenant who has carried out work on the house or by a person who has succeeded him in the tenancy or by the spouse of such a person of any improvement in the value or amenities of the house resulting from the work carried out by the tenant.

60 Scheme giving tenant a right to carry out repairs.

- (1) The Secretary of State may by regulations make a scheme entitling a tenant under a secure tenancy, subject to and in accordance with the provisions of the scheme—
- (a) to carry out to the house which is the subject of the secure tenancy repairs which the landlord is under an obligation to carry out; and

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- (b) after carrying out the repairs, to recover from the landlord such sums (not exceeding the costs that would have been incurred by the landlord in carrying out the repairs) as may be determined by or under the scheme.
- (2) Regulations under this section may make different provision with respect to different cases or descriptions of case and may make such procedural, incidental, supplementary or transitional provision as may appear to the Secretary of State to be necessary or expedient.
- (3) Without prejudice to the generality of subsection (2) regulations under this section—
- (a) may provide for any question arising under the scheme to be determined in such manner as the regulations may specify; and
 - (b) may provide that where a tenant under a secure tenancy makes application under the scheme, the obligations of the landlord in respect of repairs to the house shall cease to apply for such period and to such extent as may be determined by or under the scheme.
- (4) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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