



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART IV **S**

SUB-STANDARD HOUSES

The tolerable standard

85 General duty of local authority in respect of houses not meeting tolerable standard. **S**

- (1) It shall be the duty of every local authority to secure that all houses in their district which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within such period as is reasonable in all the circumstances.
- (2) In determining what period is reasonable for the purposes of subsection (1), regard shall be had to alternative housing accommodation likely to be available for any persons who may be displaced from houses as a result of any action proposed by the local authority in pursuance of that subsection.

^{F1}(3)

Textual Amendments

- F1** S. 85(3) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3

86 Definition of house meeting tolerable standard. **S**

- (1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house—
 - (a) is structurally stable;
 - (b) is substantially free from rising or penetrating damp;

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- (c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- [^{F2}(ca) has satisfactory thermal insulation;]
- (d) has an adequate piped supply of wholesome water available within the house;
- (e) has a sink provided with a satisfactory supply of both hot and cold water within the house;
- (f) has a water closet [^{F3}or waterless closet] available for the exclusive use of the occupants of the house and suitably located within the house;
- [^{F4}(fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;]
- (g) has an effective system for the drainage and disposal of foul and surface water;
- [^{F5}(ga) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;

“the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;

“the relevant requirements” are that the electrical installation is adequate and safe to use;]

- (h) has satisfactory facilities for the cooking of food within the house;
- (i) has satisfactory access to all external doors and outbuildings;
- [^{F6}(j) has satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire;
- (k) has satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health,]

and any reference to a house not meeting the tolerable standard or being brought up to the tolerable standard shall be construed accordingly.

[^{F7}(1A) In construing any such reference, regard shall be had to any guidance issued by the Scottish Ministers.

(1B) The Scottish Ministers must issue the guidance in such manner as they consider appropriate for bringing it to the notice of local authorities and other persons with an interest.

(1C) The Scottish Ministers may vary or revoke any such guidance.]

(2) The Secretary of State may by order vary or extend or amplify the criteria set out in the foregoing subsection either generally or, after consultation with a particular local authority, in relation to the district, or any part of the district, of that authority.

[^{F8}(2A) An order under subsection (2) is to be made by statutory instrument, and no such order is to be made unless a draft of the order has been laid before and approved by resolution of the Scottish Parliament.]

(3) This section shall be without prejudice to section 114 (certain underground rooms to be treated as houses not meeting the tolerable standard).

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Textual Amendments

- F2** S. 86(1)(ca) inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 11(2)(a)**, 195(3) (with s. 193); [S.S.I. 2009/122, art. 3](#)
- F3** Words in s. 86(1)(f) inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 11(2)(b)**, 195(3) (with s. 193); [S.S.I. 2009/122, art. 3](#)
- F4** S. 86(1)(fa) inserted (1.10.2003) by [Housing \(Scotland\) Act 2001 \(asp 10\)](#), **ss. 102(1)**, 113(1); [S.S.I. 2003/434, art. 2, sch.](#) (with arts. 3, 4)
- F5** S. 86(1)(ga) inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 11(2)(c)**, 195(3) (with s. 193); [S.S.I. 2009/122, art. 3](#)
- F6** S. 86(1)(j)(k) inserted (1.2.2022) by [The Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criteria\) Order 2019 \(S.S.I. 2019/8\)](#), arts. 1, 2 (as amended by [S.S.I. 2021/46, art. 2](#))
- F7** S. 86(1A)-(1C) inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 11(3)**, 195(3) (with s. 193); [S.S.I. 2009/122, art. 3](#)
- F8** S. 86(2A) inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 11(4)**, 195(3) (with s. 193); [S.S.I. 2009/122, art. 3](#)

87 Official representation that house does not meet tolerable standard. S

- (1) The proper officer of the local authority may make an official representation to the authority whenever he is of opinion that any house in their district does not meet the tolerable standard.
- (2) A local authority shall as soon as may be take into consideration any official representation which has been made to them.
- (3) Every representation made in pursuance of this section by the proper officer of the local authority shall be in writing.

Improvement order

^{F9}88 Improvement of houses below tolerable standard outside housing action areas. S

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Textual Amendments

- F9** Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); [S.S.I. 2009/122, art. 3](#) (with art. 4)

Housing action areas

^{F9}89 Declaration of housing action areas for demolition. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F990 Declaration of housing action areas for improvement. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F991 Declaration of housing action areas for demolition and improvement. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F992 Provisions supplementary to sections 89 to 91. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F993 Consent to demolition of listed buildings, rehabilitation orders and compensation. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

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Powers of Secretary of State

F⁹94 Functions of Secretary of State, and duty of local authority to publish information. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

Powers of local authority

F⁹95 Further procedure, powers of local authority on acquisition of land, compensation and agricultural holdings. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

F⁹96 Power of local authority to retain houses subject to demolition for temporary occupation. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

F⁹97 Local authority may control occupation of houses in housing action area. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

F⁹98 Obligation of local authorities in relation to rehousing in housing action areas. S

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

Landlords and tenants in housing action areas

F9⁹⁹ Application to sheriff for possession where house is identified in accordance with paragraph 1(1) of Schedule 8 as read with section 92(4)(a). **S**

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F9¹⁰⁰ Application to sheriff for possession where house is identified in accordance with paragraph 1(1) of Schedule 8 as read with section 92(4)(c). **S**

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F9¹⁰¹ Application to sheriff for possession where house is identified in accordance with paragraph 1 of Schedule 8 as read with section 92(4)(b). **S**

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

F9¹⁰² Procedure; and application of s.103(1) of Rent (Scotland) Act 1984. **S**

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Textual Amendments

F9 Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3 (with art. 4)

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F⁹103 Certain provisions of Rent (Scotland) Act 1984 not to apply. S

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Textual Amendments

F⁹ Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

F⁹104 Effect of refusal to make order on validity of resolution. S

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Textual Amendments

F⁹ Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

Miscellaneous

F⁹105 Exclusion of houses controlled by Crown. S

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Textual Amendments

F⁹ Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

F⁹106 Power of local authority to arrange for the execution of works of improvement by agreement with the owner. S

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Textual Amendments

F⁹ Ss. 88-106 repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3 (with art. 4)

107 Conditions may be attached to sale of below-standard local authority houses. S

Where a house on land acquired or appropriated by a local authority for the purposes of Part I lacks one or more of the standard amenities [^{F10}(within the meaning given by section 73(6) of the [Housing \(Scotland\) Act 2006 \(asp 1\)](#))] or does not meet the tolerable standard, the local authority may make the sale by them of that house conditional on the purchaser providing the house with the standard amenities which it lacks or bringing the house up to the tolerable standard.

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Textual Amendments

F10 Words in s. 107 inserted (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 6 para. 10](#) (with s. 193); [S.S.I. 2009/122](#), art. 3

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)