

Status: Point in time view as at 30/09/2002.

Changes to legislation: Housing (Scotland) Act 2001, PART 1 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 5 SCOTTISH SECURE TENANCY: ALTERATIONS, ASSIGNATION, SUBLETTING, EXCHANGE ETC.

Commencement Information

- II** Sch. 5 wholly in force at 30.9.2002, see s. 113(1)(2) and S.S.I. 2002/321, art. 2, Sch. (subject to transitional provisions and savings in arts. 3-5)

PART 1

ALTERATIONS ETC. TO HOUSE

- 1 A tenant under a Scottish secure tenancy who wishes to carry out work must make a written application to the landlord for the landlord's consent, giving details of the proposed work.
- 2 The landlord may—
- (a) consent,
 - (b) consent subject to such reasonable conditions as the landlord may impose, or
 - (c) refuse consent, provided that it is not refused unreasonably.
- 3 The conditions which may be imposed under paragraph 2(b) include conditions as to the standard to which the work is to be carried out; and in considering whether to impose such a condition the landlord must have regard to—
- (a) the age and condition of the house,
 - (b) the cost of complying with the condition, and
 - (c) any guidance issued under section 28(4).
- 4 The landlord must intimate its consent or refusal, any conditions imposed and, in the case of refusal, the reasons for the refusal, to the tenant in writing within one month of receipt of the application.
- 5 If the landlord fails to comply with paragraph 4, it is to be taken to have consented to the application.
- 6 A tenant who is aggrieved by a refusal, or by any condition imposed under paragraph 2(b), may raise proceedings by summary application.
- 7 In such proceedings the court must, unless it considers that the refusal or, as the case may be, the condition is reasonable, order the landlord to consent to the application or to withdraw the condition.
- 8 In deciding whether a refusal or a condition is reasonable the court is to have regard in particular to—
- (a) the safety of occupiers of the house or of any other premises,
 - (b) any expenditure which the landlord is likely to incur as a result of the work,
 - (c) whether the work is likely to reduce the value of the house or of any premises of which it forms part, or to make the house or such premises less suitable for letting or for sale, and
 - (d) any effect which the work is likely to have on the extent of the accommodation provided by the house.

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