



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 9

INTERPRETATION

68 Sub-standard houses

- (1) For the purposes of this Part, a house is sub-standard if it—
- (a) does not meet the tolerable standard,
 - (b) is in a state of serious disrepair, or
 - (c) is in need of repair and, if nothing is done to repair it, is likely to—
 - (i) deteriorate rapidly into a state of serious disrepair, or
 - (ii) damage any other premises.
- (2) The—
- (a) age,
 - (b) character,
 - (c) location, and
 - (d) internal decorative repair,
- of a house are to be ignored when considering whether it is sub-standard.
- (3) A house which does not meet the tolerable standard is, for the purposes of this Part, to be treated as not being in a reasonable state of repair.

Commencement Information

II S. 68 in force at 1.4.2009 by [S.S.I. 2009/122](#), [art. 3](#)

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Chapter 9. (See end of Document for details)

69 Application to non-residential premises

- (1) This Part applies in relation to non-residential premises which form part of any building containing a house as it applies in relation to houses; and references in this Part (except this section) to a house are to be construed as including reference to such non-residential premises.
- (2) But nothing in this Part authorises or requires the demolition of, or the carrying out of any work in, any non-residential premises unless the demolition or work is necessary for the purposes of—
 - (a) implementing an HRA action plan in relation to any house identified in the plan which forms part of the same building,
 - (b) bringing any house which the local authority considers to be sub-standard (whether or not situated in an HRA) which forms part of the same building into, and keeping it in, a reasonable state of repair, or
 - (c) securing the maintenance of any house which forms part of the same building.
- (3) For the purposes of this section, any part of any premises which do not include a house are “non-residential premises”.

Commencement Information

I2 S. 69 in force at 1.4.2009 by [S.S.I. 2009/122](#), [art. 3](#)

70 Interpretation of Part 1

- (1) In this Part—
 - “development management scheme” has the same meaning as in the Title Conditions (Scotland) Act 2003 (asp 9),
 - “sanitary defects” includes lack of air space or of ventilation, lack of lighting, dampness, absence of adequate and readily accessible water supply or of sanitary arrangements or of other conveniences, and inadequate paving or drainage of courts, yards or passages,
 - “Scottish secure tenancy” and “short Scottish secure tenancy” have the same meanings as in the Housing (Scotland) Act 2001 (asp 10),
 - “sub-standard”, in relation to a house, has the meaning given in section 68,
 - “tenement management scheme” has the same meaning as in the Tenements (Scotland) Act 2004 (asp 11).
- (2) References in this Part to the start of a tenancy are references to the date on which the tenant first occupies the house concerned under the tenancy (or, if earlier, the date from which the tenant is entitled to so occupy the house).

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Chapter 9.