



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 4

THE REPAIRING STANDARD

Landlord's duty to repair and maintain

12 Tenancies to which repairing standard duty applies

- (1) This Chapter applies to any tenancy of a house let for human habitation unless it is—
- (a) a Scottish secure tenancy or a short Scottish secure tenancy,
 - (b) a tenancy of a house retained or purchased by a local authority under section 121 of the 1987 Act for use as housing accommodation,
 - (c) a tenancy of a house which is—
 - (i) on land comprised in a lease constituting—
 - (A) a 1991 Act tenancy (within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11)),
 - (B) a short limited duration tenancy (within the meaning of that Act),^{F1}...
 - (C) a limited duration tenancy (within the meaning of that Act), and
 - [^{F2}(D) a modern limited duration tenancy (within the meaning of that Act), or
 - (E) a repairing tenancy (within the meaning of that Act).]
 - (ii) occupied by the tenant of the relevant lease,
 - (d) a tenancy of a house on a croft (within the meaning of the Crofters (Scotland) Act 1993 (c. 44)), or

Changes to legislation: Housing (Scotland) Act 2006, Section 12 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

- (e) a tenancy of a house on a holding situated outwith the crofting counties (within the meaning of that Act of 1993) to which any provision of the Small Landholders (Scotland) Acts 1886 to 1931 applies.
 - (f) a tenancy of a house which does not exceed 31 days where the purpose of the tenancy is to confer on the tenant the right to occupy the house for a holiday [^{F3}unless the tenancy is a short-term let].
- (2) A reference in this Chapter to a tenancy refers only to a tenancy to which this Chapter applies.
- [^{F4}(3) For the purposes of this Chapter, a short-term let is a type of tenancy (and the terms landlord, let and tenant are to be construed accordingly).
- (4) In this section, a short-term let has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022.]

Textual Amendments

- F1** Word in s. 12(1)(c)(i) repealed (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), s. 130(1), **sch. 2 para. 9(2)(a)** (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 14)
- F2** S. 12(1)(c)(i)(D)(E) inserted (30.11.2017) by Land Reform (Scotland) Act 2016 (asp 18), s. 130(1), **sch. 2 para. 9(2)(b)** (with s. 128); S.S.I. 2017/299, reg. 2, sch. (with reg. 14)
- F3** Words in s. 12(1)(f) inserted (1.3.2022) by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (S.S.I. 2022/32), art. 1, **sch. 4 para. 2(2)**
- F4** S. 12(3)(4) inserted (1.3.2022) by The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (S.S.I. 2022/32), art. 1, **sch. 4 para. 2(3)**

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Changes and effects yet to be applied to :

- s. 12(1)(c)-(e) omitted by [S.S.I. 2019/61 reg. 2\(2\)](#)