



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 4

THE REPAIRING STANDARD

Landlord's duty to repair and maintain

16 Exceptions to landlord's repairing duty

- (1) The duty imposed by section 14(1) does not require—
 - (a) any work to be carried out which the tenant is required by the terms of the tenancy to carry out,
 - (b) any work to be carried out for which the tenant—
 - (i) is liable by virtue of the tenant's duty to use the house in a proper manner, or
 - (ii) would be so liable but for any express undertaking on the landlord's part,
 - (c) the house to be rebuilt or reinstated in the event of destruction or damage by fire or by storm, flood or other inevitable accident, or
 - (d) the repair or maintenance of anything that the tenant is entitled to remove from the house.
- (2) The exception made by subsection (1)(a) applies only if the tenancy concerned is—
 - (a) for a period of not less than 3 years, and
 - (b) not determinable at the option of either party within 3 years of the start of the tenancy.
- (3) Where the terms of a tenancy are not agreed until after the tenancy starts, the tenancy is, for the purposes of subsection (2), to be treated as starting on the date of agreement.

Changes to legislation: *There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 16. (See end of Document for details)*

(4) A landlord is not to be treated as having failed to comply with the duty imposed by section 14(1) where the purported failure occurred only because the landlord lacked necessary rights (of access or otherwise) despite having taken reasonable steps for the purposes of acquiring those rights.

[^{F1}(5) For the purpose of subsection (4), in relation to any work intended to be carried out to parts owned in common with other owners but where a majority of the owners has not consented to the intended work, a landlord is to be treated as lacking necessary rights.]

Textual Amendments

F1 S. 16(5) inserted (1.3.2019) by [The Housing \(Scotland\) Act 2006 \(Supplemental Provision\) Order 2019 \(S.S.I. 2019/62\)](#), arts. 1, 2

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 16.