



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART IV

SUB-STANDARD HOUSES

The tolerable standard

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

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- F1** S. 85(3) repealed (1.4.2010) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), [sch. 7](#) (with s. 193); [S.S.I. 2009/122](#), art. 3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

- (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;

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: The tolerable standard is up to date with all changes known to be in force on or before 29 June 2023. 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

- (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.

- (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.

Changes to legislation:

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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\(40\)\(a\)\(b\)](#)