

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Premises

Section 37: Adjustments to common parts in Scotland

Effect

136. This section confers a power on the Scottish Ministers to make regulations entitling disabled people to make disability-related alterations to the common parts of some residential property in Scotland.
137. This section also sets out what matters the regulations may provide for; provides that the Scottish Ministers must consult a Minister of the Crown before exercising the power; and defines “common parts” and “relevant adjustments”.

Background

138. This provision is new. It is intended to facilitate disability-related alterations to the common parts of residential premises in Scotland where the premises are the disabled person’s only or main home. Provision for disabled people in tenanted property in Scotland was made in the Housing (Scotland) Act 2006, but in relation to common parts those provisions cover only the consent required from the person’s landlord and not that required from other common owners. As the process for obtaining consent from common owners will need to fit into, and operate within, the Scottish devolved areas of property and housing, land registration and civil justice, it is considered appropriate to confer a power on the Scottish Ministers to permit them to make the necessary provision by means of secondary legislation.