



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 4

##### THE REPAIRING STANDARD

##### *Enforcement of repairing standard*

### 23 [F<sup>1</sup>Consideration of applications]

- (1) [F<sup>2</sup>The Chamber President] must decide whether to—
- refer an application under section 22(1) [F<sup>3</sup>or 22(1A)] to [F<sup>4</sup>the First-tier Tribunal] , or
  - reject the application.
- (2) The [F<sup>5</sup>Chamber President] may reject an application only if the [F<sup>5</sup>Chamber President] considers—
- that it is vexatious or frivolous,
  - where the tenant [F<sup>6</sup>or third party applicant] has previously made an identical or substantially similar application in relation to the same house, that there has not been a reasonable period of time between the applications, or
  - that the dispute to which the application relates has been resolved.
- (3) The [F<sup>7</sup>Chamber President] must make a decision under subsection (1)—
- within 14 days of the [F<sup>8</sup>First-tier Tribunal's] receipt of the application concerned, or
  - where the [F<sup>9</sup>Chamber President] considers—
    - that the decision cannot be made without further information, or
    - that there is a reasonable prospect of the dispute being resolved by the parties,by such later date as the [F<sup>10</sup>Chamber President] considers reasonable.

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*Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 23. (See end of Document for details)*

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- (4) The [<sup>F11</sup>Chamber President] must, as soon as practicable after rejecting an application [<sup>F12</sup>under section 22(1)] give notice of the rejection—
- (a) to the tenant, and
  - (b) where the [<sup>F11</sup>Chamber President] is aware of the name and address of a person who acts for the tenant in relation to the application, to that person.
- [<sup>F13</sup>(4A) The [<sup>F14</sup>Chamber President] must, as soon as practicable after rejecting an application under section 22(1A) give notice of the rejection to—
- (a) the third party applicant, and
  - (b) the tenant.]
- (5) [<sup>F15</sup>A notice under subsection (4) or (4A)] must—
- (a) set out the reasons for the rejection, and
  - (b) explain the procedure for appealing against it.

#### Textual Amendments

- F1** S. 23 heading substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(5)** (with sch. 1 para. 5)
- F2** Words in s. 23(1) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(a)** (with sch. 1 para. 5)
- F3** Words in s. 23(1) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(4)(a)**, 104(3); S.S.I. 2015/349, art. 3, sch.
- F4** Words in s. 23(1)(a) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Committees) Regulations 2016 (S.S.I. 2016/337), reg. 1(2), **sch. 2 para. 6(3)** (with sch. 1)
- F5** Words in s. 23(2) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(b)** (with sch. 1 para. 5)
- F6** Words in s. 23(2)(b) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(4)(b)**, 104(3); S.S.I. 2015/349, art. 3, sch.
- F7** Words in s. 23(3) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(c)(i)** (with sch. 1 para. 5)
- F8** Words in s. 23(3)(a) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(c)(ii)** (with sch. 1 para. 5)
- F9** Words in s. 23(3)(b) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(c)(iii)** (with sch. 1 para. 5)
- F10** Words in s. 23(3) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(c)(iv)** (with sch. 1 para. 5)
- F11** Words in s. 23(4) substituted (1.12.2016) by The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338), reg. 1(2), **sch. 2 para. 2(4)(d)** (with sch. 1 para. 5)
- F12** Words in s. 23(4) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(4)(c)**, 104(3); S.S.I. 2015/349, art. 3, sch.
- F13** S. 23(4A) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(4)(d)**, 104(3); S.S.I. 2015/349, art. 3, sch.

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**Changes to legislation:** *There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 23. (See end of Document for details)*

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- F14** Words in s. 23(4A) substituted (1.12.2016) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Private Rented Housing Panel\) Regulations 2016 \(S.S.I. 2016/338\)](#), reg. 1(2), **sch. 2 para. 2(4)(e)** (with sch. 1 para. 5)
- F15** Words in s. 23(5) substituted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 25(4)(e)**, 104(3); S.S.I. 2015/349, art. 3, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 23.