



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 1

#### HOUSING STANDARDS

#### CHAPTER 4

##### THE REPAIRING STANDARD

##### *Enforcement of repairing standard*

#### **[<sup>F1</sup>28C    [<sup>F2</sup>First-tier Tribunal Member to arrange suitable time for access]**

- (1) Subsection (2) applies where the [<sup>F3</sup>First-tier Tribunal] member has decided to assist the landlord under section 28A(3)(a).
- (2) The [<sup>F4</sup>First-tier Tribunal] member must liaise with the landlord and the tenant with a view to agreeing a suitable date and time (or dates and times) for the landlord to exercise the landlord's right of entry under section 181(4).
- (3) Subsection (4) applies if the tenant (without reasonable excuse) has failed or refused, within a reasonable time, to—
  - (a) respond to the [<sup>F5</sup>First-tier Tribunal] member, or
  - (b) agree a suitable date and time (or dates and times) for the landlord to exercise the landlord's right of entry under section 181(4).
- (4) The [<sup>F6</sup>First-tier Tribunal] member may fix a date and time (or dates and times) for the landlord to exercise the landlord's right of entry to the house under section 181(4).
- (5) Where a date and time has been agreed under subsection (2), the [<sup>F7</sup>First-tier Tribunal] member may, on the request of either the landlord or the tenant and where there are reasonable grounds for doing so, liaise with the parties with a view to agreeing a different date and time (or dates and times) for the landlord to exercise the landlord's right of entry under section 181(4).

*Changes to legislation:* There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 28C. (See end of Document for details)

- (6) The [F8First-tier Tribunal] member must as soon as reasonably practicable notify the landlord and tenant of any date and time (or dates and times) agreed or fixed under this section for the landlord to exercise the landlord's right of entry under section 181(4).
- (7) When notifying the parties of the date and time (or dates and times) agreed or fixed under this section, the [F9First-tier Tribunal] member must also—
  - (a) provide the tenant with information about the action that the [F9First-tier Tribunal] member may take under section 182 if the tenant refuses the landlord's exercise of the landlord's right of entry to the house under section 181(4), and
  - (b) inform both parties that the [F9First-tier Tribunal] member (or a person authorised by the [F9First-tier Tribunal] member) may be requested to attend when the landlord exercises such right of entry.
- (8) The [F10First-tier Tribunal] member may, at the request of the landlord or the tenant, attend at the house at the time agreed or fixed for the landlord to exercise the landlord's right of entry under section 181(4).
- (9) The [F11First-tier Tribunal] member may, at any time, stop assisting the landlord under this section if the [F11First-tier Tribunal] member considers it appropriate to do so.
- (10) The [F12First-tier Tribunal] member may—
  - (a) authorise a person (other than the landlord or a representative of the landlord) to exercise any function conferred on the [F13First-tier Tribunal] member under this section, F14 ...
  - F14(b) .....
- F15(11) .....
- (12) In this section, “the [F16First-Tier Tribunal] member” means the member of the [F17First-tier Tribunal] to whom the case has been allocated under section 28A(2).]

Textual Amendments	
F1	Ss. 28A-28C inserted (22.9.2015 for specified purposes, 1.12.2015 in so far as not already in force) by <a href="#">Private Rented Housing (Scotland) Act 2011 (asp 14)</a> , <b>ss. 35(4)</b> , 41(3); S.S.I. 2015/326, art. 2(2)(b)(3)
F2	S. 28C heading substituted (1.12.2016) by <a href="#">The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338)</a> , reg. 1(2), <b>sch. 2 para. 2(12)</b> (with sch. 1 para. 5)
F3	Words in s. 28C(1) substituted (1.12.2016) by <a href="#">The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338)</a> , reg. 1(2), <b>sch. 2 para. 2(11)(a)</b> (with sch. 1 para. 5)
F4	Words in s. 28C(2) substituted (1.12.2016) by <a href="#">The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338)</a> , reg. 1(2), <b>sch. 2 para. 2(11)(b)</b> (with sch. 1 para. 5)
F5	Words in s. 28C(3)(a) substituted (1.12.2016) by <a href="#">The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338)</a> , reg. 1(2), <b>sch. 2 para. 2(11)(c)</b> (with sch. 1 para. 5)
F6	Words in s. 28C(4) substituted (1.12.2016) by <a href="#">The First-tier Tribunal for Scotland (Transfer of Functions of the Private Rented Housing Panel) Regulations 2016 (S.S.I. 2016/338)</a> , reg. 1(2), <b>sch. 2 para. 2(11)(d)</b> (with sch. 1 para. 5)

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- F7** Words in s. 28C(5) 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(11)(e)** (with sch. 1 para. 5)
- F8** Words in s. 28C(6) 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(11)(f)** (with sch. 1 para. 5)
- F9** Words in s. 28C(7) 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(11)(g)** (with sch. 1 para. 5)
- F10** Words in s. 28C(8) 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(11)(h)** (with sch. 1 para. 5)
- F11** Words in s. 28C(9) 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(11)(i)** (with sch. 1 para. 5)
- F12** Words in s. 28C(10) 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(11)(j)(i)** (with sch. 1 para. 5)
- F13** Words in s. 28C(10)(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(11)(j)(ii)** (with sch. 1 para. 5)
- F14** S. 28C(10)(b) and word repealed (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(11)(j)(iii)** (with sch. 1 para. 5)
- F15** S. 28C(11) repealed (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(11)(k)** (with sch. 1 para. 5)
- F16** Words in s. 28C(12) 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(11)(l)(i)** (with sch. 1 para. 5)
- F17** Words in s. 28C(12) 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(11)(l)(ii)** (with sch. 1 para. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 28C.