



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 8

SUPPLEMENTAL PROVISIONS, INCLUDING APPEALS

Appeals

64 Part 1 appeals

- (1) Any person aggrieved by a decision by a local authority—
- (a) to serve a work notice,
 - (b) to serve a demolition notice,
 - (c) to carry out work in pursuance of—
 - (i) section 35(1)(b), or
 - (ii) section 36(1)(b),other than, in either case, work for which no notice is required,
 - (d) to demand recovery of any expenses incurred in carrying out work authorised by—
 - (i) section 35, or
 - (ii) section 36,
 - (e) to serve a maintenance order,
 - (f) to approve or devise a maintenance plan or to vary or revoke such a plan, or
 - (g) to refuse to grant a certificate under section 60 in relation to any work required by a work notice,
- may appeal to the sheriff within 21 days of the date specified in subsection (2).
- (2) That date is—

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 64. (See end of Document for details)

- (a) in the case of an appeal under paragraph (a), (b), (d) or (e) of subsection (1), the date on which the work notice, demolition notice, demand for recovery of expenses or, as the case may be, maintenance order is served on the appellant,
 - (b) in the case of an appeal under paragraph (c) or (g) of subsection (1), the date on which notice of proposed work or, as the case may be, of the decision to refuse to grant the certificate is served on the appellant, or
 - (c) in the case of an appeal under paragraph (f) of subsection (1), the date on which notice of the approval, devising, variation or revocation is served on the appellant.
- (3) An appeal under subsection (1) may be made only by a person on whom the relevant work notice, notice of proposed work, demand for recovery of expenses, maintenance order or, as the case may be, notice of the approval, devising, variation or revocation of a maintenance plan is served under this Act.
- (4) A landlord or a tenant aggrieved by a decision [^{F1}of the First-tier Tribunal] —
- (a) under section 24(1) [^{F2}(determination by the First-tier Tribunal)] ,
 - (b) to vary or revoke a repairing standard enforcement order (see section 25),
 - (c) that a landlord has failed to comply with a repairing standard enforcement order (see section 26(1)),
 - (d) to make or not to make a rent relief order (see section 26(2)(b)),
 - (e) to revoke a rent relief order (see section 27(4)), or
 - (f) to grant, or to refuse to grant, a certificate under section 60 in relation to any work required by a repairing standard enforcement order,
- [^{F3}may seek permission to appeal on a point of law only from the First-tier Tribunal within 30] days of being notified of that decision.
- [^{F4}(4A) A third party applicant aggrieved by a decision [^{F5}of the First-tier Tribunal] which—
- (a) is mentioned in subsection (4)(a) to (f),
 - (b) was made following an application by the applicant under section 22(1A),
- [^{F6}may seek permission to appeal on a point of law only from the First-tier Tribunal within 30] days of being notified of that decision.]
- (5) A tenant [^{F7}or a third party applicant] may [^{F8}seek permission to appeal on a point of law only from the First-tier Tribunal] against a decision by the [^{F9}Chamber President] under section 23(1) within [^{F10}30] days of being notified of that decision.
- ^{F11}(6)
- [^{F12}(7) On cause shown—
- (a) in the case of an appeal under subsections (1) and (6), the sheriff may hear an appeal after the deadline set by the relevant subsection, and
 - (b) in the case of an appeal under subsections (4), (4A) or (5), the Upper Tribunal may hear an appeal after the deadline set by the relevant subsection.]

Textual Amendments

- F1** Words in s. 64(4) 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(14)(a)(i)** (with [sch. 1](#))

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- F2** Words in s. 64(4)(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(14)(a)(ii)** (with sch. 1)
- F3** Words in s. 64(4) 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(14)(a)(iii)** (with sch. 1)
- F4** S. 64(4A) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 27(1)(b)**, 104(3); S.S.I. 2015/272, art. 2, sch.
- F5** Words in s. 64(4A) 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(14)(b)(i)** (with sch. 1)
- F6** Words in s. 64(4A) 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(14)(b)(ii)** (with sch. 1)
- F7** Words in s. 64(5) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 27(1)(c)**, 104(3); S.S.I. 2015/272, art. 2, sch.
- F8** Words in s. 64(5) 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(14)(c)(i)** (with sch. 1)
- F9** Words in s. 64(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(14)** (with sch. 1 para. 5)
- F10** Word in s. 64(5) 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(14)(c)(ii)** (with sch. 1)
- F11** S. 64(6) repealed (1.12.2017) by Housing (Scotland) Act 2014 (asp 14), s. 104(3), **sch. 1 para. 53(a)**; S.S.I. 2017/330, art. 3, sch.
- F12** S. 64(7) 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(14)(d)** (with sch. 1)

Commencement Information

- I1** S. 64 wholly in force at 3.9.2007; s. 64 not in force at Royal Assent see s. 195(3); s. 64(6) in force at 4.12.2006 and s. 64(7) in force at 4.12.2006 for certain purposes by S.S.I. 2006/395, **art. 2**; s. 64(1)-(5)(7) in force at 3.9.2007 by S.S.I. 2007/270, {art. 3 Table}

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 64.