



Housing (Scotland) Act 2006

2006 asp 1

PART 1

HOUSING STANDARDS

CHAPTER 8

SUPPLEMENTAL PROVISIONS, INCLUDING APPEALS

Appeals

65 Part 1 appeals: determination

- (1) The sheriff, in determining an appeal under 64(1), may—
 - (a) confirm the decision (and any work notice, demolition notice, demand for recovery of expenses or maintenance order served, or maintenance plan approved, devised or varied, in consequence of it),
 - (b) quash the decision (and any such notice, demand, order or plan), or
 - (c) make such other order as the sheriff thinks just.
- (2) The [^{F1}Upper Tribunal] may determine an appeal under section 64(4) [^{F2}, (4A)] or (5) by—
 - (a) confirming the decision (and any order or variation made, or certificate granted, in consequence of it),
 - (b) remitting the decision (together with the [^{F3}Upper Tribunal's] reasons for doing so) to the [^{F4}Chamber President] or, as the case may be, the [^{F3}First-tier Tribunal] for reconsideration, or
 - (c) quashing the decision (and any order or variation made, or certificate granted, in consequence of it).
- ^{F5}(3)
- ^{F6}(4)
- (5) The sheriff's determination [^{F7}or Upper Tribunal's decision] on an appeal under section 64 is final (subject to subsection (6)).

Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 65. (See end of Document for details)

- (6) The sheriff's determination on an appeal under paragraph (a), (b), (c)(i), (d)(i) or (g) of section 64(1) may be appealed to the sheriff principal within 21 days of the sheriff's determination; and the sheriff principal's decision on any such appeal is final.

Textual Amendments

- F1** Words in s. 65(2) 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(15)(a)(i)** (with sch. 1)
- F2** Word in s. 65(2) inserted (1.12.2015) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 27(2)**, 104(3); [S.S.I. 2015/272](#), art. 2, sch.
- F3** Words in s. 65(2)(b) 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(15)(a)(ii)(aa)(bb)** (with sch. 1)
- F4** Words in s. 65(2)(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(15)** (with sch. 1 para. 5)
- F5** S. 65(3) repealed (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 54**; [S.S.I. 2017/330](#), art. 3, sch.
- F6** S. 65(4) repealed (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 54**; [S.S.I. 2017/330](#), art. 3, sch.
- F7** Words in s. 65(5) inserted (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(15)(b)** (with sch. 1)

Commencement Information

- I1** S. 65 partly in force; s. 65 not in force at Royal Assent see s. 195(3); s. 65(3)(4) in force at 4.12.2006, s. 65(5) in force for certain purposes at 4.12.2006 by [S.S.I. 2006/395](#), **art. 2**; s. 65(1)(2)(5) in force at 3.9.2007 by [S.S.I. 2007/270](#), {art. 3 Table}
- I2** S. 65(6) in force at 1.4.2009 by [S.S.I. 2009/122](#), **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 65.