



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 sheriff may determine an appeal under section 64(4) 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 sheriff's reasons for doing so) to the president or, as the case may be, the committee for reconsideration, or
 - (c) quashing the decision (and any order or variation made, or certificate granted, in consequence of it).
- (3) The sheriff must, unless the sheriff considers the condition or, as the case may be, refusal appealed against to be reasonable, determine an appeal under section 64(6) by quashing the decision and directing the landlord to withdraw the condition (or to vary it in such manner as the sheriff may specify) or, as the case may be, to consent to the application (with or without such conditions as the sheriff may specify).

Status: This is the original version (as it was originally enacted).

- (4) In determining whether a condition or refusal appealed against under section 64(6) is reasonable, the sheriff must, where the appeal relates to an application made for the purposes of section 52(2)(a), have regard to any code of practice issued by the Disability Rights Commission which relates to section 52 or 53.
- (5) The sheriff's determination on an appeal under section 64 is final (subject to subsection (6)).
- (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.