SCOTTISH STATUTORY INSTRUMENTS

2002 No. 316

HOUSING

The Scottish Secure Tenants (Right to Repair) Regulations 2002

Made - - - -	*26th June 2002*
Laid before the Scottish Parliament - - - -	*27th June 2002*
Coming into force - -	*30th September 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 27 and 109(2) of the Housing (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Scottish Secure Tenants (Right to Repair) Regulations 2002 and shall come into force on 30th September 2002.

Interpretation

2. In these Regulations–

"the Act" means the Housing (Scotland) Act 2001;

"landlord" means a landlord specified in regulation 4;

"maximum period" means the period specified in regulation 10 and the Schedule;

"primary contractor" means the contractor most frequently employed by a landlord to carry out qualifying repairs.

"qualifying repair" means a repair specified as such in regulation 6 and the Schedule;

"working day" means a day which is not a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning or any day on which the office of the landlord is closed by virtue of a local holiday.

Entitlement

3. A tenant of a landlord shall be entitled to have a qualifying repair carried out to that tenant's house, subject to and in accordance with these Regulations.

(**1**) 2001 asp 10.

Specified Landlord

4. A specified landlord for the purposes of section 27(2) of the Act is–

(a) a local authority landlord;

(b) a registered social landlord; or

(c) Scottish Water.

Maximum amount payable

5. In respect of any single qualifying repair, a landlord shall pay for the work as carried out up to a maximum of £350.

Qualifying repair

6. A qualifying repair for the purposes of section 27 of the Act is a repair of a house subject to a Scottish secure tenancy or a short Scottish secure tenancy which is a repair of a defect specified in column 1 of the Schedule and is the responsibility of the landlord.

List of contractors

7. A landlord shall maintain a list of contractors prepared to carry out qualifying repairs which list shall include the primary contractor.

Procedure for notification of and carrying out qualifying repairs

8. Where a tenant applies to a landlord for a qualifying repair to be carried out–

(a) if the landlord considers it necessary to inspect the house to ascertain whether the repair is a qualifying repair, the landlord shall inspect the house;

(b) in any case, the landlord shall let the tenant know whether the subject of the tenant's application is a qualifying repair and where it is, make arrangements for access with the tenant and provide details of–

(i) the maximum period within which the qualifying repair is to be completed;

(ii) the last day of that period;

(iii) the effect of these Regulations; and

(iv) the name, address and telephone number of the primary contractor and at least one other listed contractor from the list of contractors maintained by the landlord; and

(c) if the subject of the tenant's application is a qualifying repair, the landlord shall issue a works order to the primary contractor and provide details of–

(i) the qualifying repair;

(ii) the period within which the qualifying repair is to be completed;

(iii) the last day of the maximum period; and

(iv) the arrangements made for access.

Failure to provide access

9. Where a tenant fails to provide access to a house for the purpose of enabling the qualifying repair to be inspected or carried out, although that tenant has been given a reasonable opportunity to do so, the procedure under regulation 8 shall be cancelled and the provisions of regulations 10 to 13 shall cease to apply.

Maximum period

10.—(1) The maximum period within which a qualifying repair is to be completed is the number of working days specified in column 2 of the Schedule opposite the defect specified in column 1 of the Schedule.

(2) The maximum period shall start on the first working day after–

(a) the date of receipt of notification of the qualifying repair by the landlord; or

(b) where the landlord inspects the house under regulation 8(a), the date of inspection.

Instructing another listed contractor

11.—(1) Subject to paragraph (4) where the primary contractor notified under regulation 8(c) has not started the qualifying repair by the last day of the maximum period, the tenant may instruct another listed contractor to carry out the qualifying repair.

(2) As soon as the other listed contractor receives the instruction from the tenant, that contractor shall inform the landlord that it has been so instructed and shall be entitled on request to obtain a copy of the works order from the landlord.

(3) The landlord on being informed under paragraph (2) shall let the contractor know the number of working days in the maximum period.

(4) Paragraph (1) does not apply if compliance with that paragraph would infringe the term of a guarantee for work done or materials supplied of which the landlord has the benefit.

Compensation

12.—(1) Where the primary contractor has failed to carry out the qualifying repair by the last day of the maximum period the landlord shall pay to the tenant a sum of compensation calculated in accordance with paragraph (2).

(2) The amount of compensation referred to in paragraph (1) shall be the sum of–

(a) £15; and

(b) £3 for every working day, if any, in the period–

(i) commencing on the day after the last day of what would have been the maximum period if the maximum period had applied to the other listed contractor and had started on the day after the day of receipt of instruction; and

(ii) ending with the day on which the qualifying repair is completed,

subject to a maximum amount of compensation of £100.

Suspension of maximum period

13.—(1) The running of the maximum period shall be suspended for so long as there are circumstances of an exceptional nature, beyond the control of the landlord or the contractor who is to carry out the qualifying repair, which prevent the repair being carried out.

(2) The landlord shall let the tenant know of the suspension of the running of the maximum period.

Providing information about these Regulations

14. A landlord shall let its tenants know in writing once every year of the provisions of these Regulations including the list of contractors prepared to carry out qualifying repairs.