SCOTTISH STATUTORY INSTRUMENTS

2002 No. 312

HOUSING

The Scottish Secure Tenants (Compensation for Improvements) 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 30 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 (Compensation for Improvements) Regulations 2002 and shall come into force on 30th September 2002.

Interpretation

2. In these Regulations–

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

"notional life" in relation to qualifying improvement work effected by the installation or replacement of an item specified in column 1 of the Schedule is the period of years specified opposite that item in column 2 of the Schedule;

"the 1987 Act" means the Housing (Scotland) Act 1987(**2**);

"qualifying person" means a person who is a qualifying person in terms of section 30 of the Act who makes a claim in respect of qualifying improvement work; and

"landlord" means the landlord of a house subject to a Scottish secure tenancy who receives a claim for compensation for qualifying improvement work.

(**1**) 2001 asp 10.
(**2**) 1987 c. 26.

Qualifying improvement work

3. Improvement work is prescribed qualifying improvement work for the purposes of section 30(1) of the Act if it consists of the installation or replacement of an item specified in column 1 of the Schedule.

Circumstances where compensation is not payable in respect of qualifying improvement work

4. Compensation shall not be payable–

(a) where the compensation which would otherwise be payable is less than £100 being the prescribed amount for the purposes of section 30(4)(c) of the Act; or

(b) where the tenancy ends in one or more of the following prescribed circumstances for the purposes of section 30(4)(a) of the Act:–

(i) an order for recovery of possession was made on any of the grounds specified in Part I of Schedule 2 to the Act;

(ii) the house was disposed of under section 14 of the 1987 Act;

(iii) the house was disposed of under section 65 of the 2001 Act;

(iv) the right to buy under Part II of the 1987 Act has been exercised; or

(v) the qualifying person has been granted a new tenancy, whether alone or jointly, of the same, or substantially the same, house by the same landlord.

Amount of compensation

5.—(1) Subject to paragraphs (2) to (4), the amount of compensation payable for qualifying improvement work shall be calculated in accordance with the formula–

$$\frac{C \times (1-Y)}{N}$$

which is the prescribed method of calculation for the purpose of section 30(5)(a)(ii) of the Act where–

C = the cost of the improvement work from which shall be deducted the amount of any grant made–

(i) under Part XIII of the 1987 Act; and

(ii) under the Home Energy Efficiency Scheme Regulations 1997(**3**);

N = the notional life of the improvement effected by the work; and

Y = the number of years starting on the date on which the improvement was completed and ending on the date on which the tenancy ends and for the purposes of this paragraph part of a year shall be counted as a year.

(2) Where–

(a) the cost of the improvement work was excessive;

(b) the improvement effected by the work has deteriorated at a rate greater than that provided for in the notional life for that improvement; or

(c) the improvement effected by the work is of a higher quality than it would have been had the landlord effected it,

(**3**) S.I.1997/790, as amended by S.S.I. 2001/267.