



Housing (Scotland) Act 2006

2006 asp 1

PART 10

GENERAL AND SUPPLEMENTARY

194 Interpretation

(1) In this Act, unless the context indicates otherwise—

“the 1987 Act” means the Housing (Scotland) Act 1987 (c. 26),

“building regulations” means any enactments, byelaws, rules or regulations or other provisions under whatever authority made, relating to the construction of new buildings or the laying out of and construction of new roads which are for the time being in force in relation to the land or premises concerned,

[^{F1}“Chamber President” means the President of the First-tier Tribunal Housing and Property Chamber;]

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...

“demolition notice” means a notice served under section 33(2),

“disabled person” has the same meaning as in the Disability Discrimination Act 1995 (c. 50),

[^{F3}“First-tier Tribunal” means the First-tier Tribunal for Scotland Housing and Property Chamber,]

“formal communication” has the meaning given in section 187,

“HMO”, which is an acronym for “house in multiple occupation”, has the meaning given in section 125(1),

“HMO amenity notice” has the meaning given in section 146(2),

“HMO licence” has the meaning given in section 124(2),

“HRA” is used as an acronym for “housing renewal area”,

“HRA action plan” has the meaning given in section 3,

“HRA designation order” means an order made under section 1,

“house”—

(a) means any living accommodation which is, or which is capable of being, occupied as a separate dwelling (other than a mobile home or any other living accommodation which is not a building), and

(b) includes—

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Changes to legislation: There are currently no known outstanding effects for the Housing (Scotland) Act 2006, Section 194. (See end of Document for details)

- (i) any part of the living accommodation (including its structure and exterior) which is, and any common facilities relating to it which are, owned in common with others, and
- (ii) any yard, garden, garage, out-house or other area or structure which is, or which is capable of being, occupied or enjoyed together with the living accommodation (solely or in common with others),

“land” means any land (including any structure or erection on the land) other than land which consists of or on which there are any premises,

“landlord” means any person who lets a house under a tenancy, and includes the landlord's successors in title,

[^{F4}“legal member” has the same meaning as in section 15(2) of the Tribunals (Scotland) Act 2014;]

“living accommodation” means any place which is, or which is capable of being, occupied for the purposes of human habitation,

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and references to a local authority in relation to any land or premises are to the authority for the area in which the land is or, as the case may be, the premises are situated,

“maintenance” includes repairs and replacement, cleaning, painting and other routine work, gardening, and the reinstatement of part (but not most) of premises (but does not include demolition, alteration or improvement, or any internal decoration of any part of premises which are not owned in common, unless reasonably incidental to any such repairs etc.); and “maintain”, “maintaining” and other cognate words are to be construed accordingly,

“maintenance account” means a bank or building society account opened for the purpose of holding money to be used to pay costs incurred in connection with any work carried out for the purpose of maintaining premises consisting of two or more houses,

“maintenance order” has the meaning given in section 42,

“maintenance plan” has the meaning given in section 43,

“occupancy arrangement” means an arrangement other than a lease under which a person is entitled, by way of contract or otherwise, to occupy any land or premises,

“occupier” includes any person entitled to occupy any land or premises under a tenancy or an occupancy arrangement (and “occupy”, “occupied” and “occupant” are to be construed accordingly),

[^{F5}“ordinary member” has the same meaning as in section 15(1) of the Tribunals (Scotland) Act 2014;]

“premises”—

- (a) means any building which is, or which is capable of being, occupied (separately or otherwise) for any purpose, and
- (b) includes—
 - (i) any part of the building (including its structure and exterior) which is, and any common facilities relating to it which are, owned in common with others, and
 - (ii) any yard, garden, garage, out-house or other area or structure which is, or which is capable of being, occupied or enjoyed together with the building or any part of it,

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...

“rent relief order” has the meaning given in section 27(1),
“repairing standard” has the meaning given in section 13,
“repairing standard enforcement order” means an order made under section 24(2),

“temporary exemption order” has the meaning given in section 142(1),

“tenancy” includes—

- (a) a sub-tenancy,
- (b) any occupation of living accommodation by a person under that person's terms of employment,

but does not otherwise include any occupation under an occupancy arrangement,

“tenant” means a tenant under a tenancy,

[^{F7}“third party applicant” has the meaning given by section 22(1A),]

“tolerable standard” has the meaning given in section 86 of the 1987 Act,

“work” includes maintenance, repair and improvement but does not include demolition,

“work notice” means a notice served under section 30(2).

(2) References in this Act to land or premises may, where the context permits, be construed as including reference to any part of that land or those premises which is, or which is capable of being, occupied separately.

(3) References in this Act to work in any premises include references to work—

- (a) on any part of them which is a building, and
- (b) in or on any part of them which is not a building.

(4) References in this Act to the demolition of any premises include references to such reconstruction of them as the local authority may approve.

^{F8}(5)

(6) References in this Act to the registering of a document in the appropriate land register are to be treated as references to the recording of the document in the General Register of Sasines or the registering of the information contained in the document in the Land Register of Scotland as appropriate.

(7) This Act does not apply in relation to houses or other living accommodation outwith Scotland.

Textual Amendments

- F1** Words in s. 194(1) inserted (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(17)(a)** (with sch. 1 para. 5)
- F2** Words in s. 194(1) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 194(1) 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(19)(a)(i)** (with sch. 1)

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- F4** Words in s. 194(1) inserted (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(17)(b)** (with sch. 1 para. 5)
- F5** Words in s. 194(1) inserted (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(17)(c)** (with sch. 1 para. 5)
- F6** Words in s. 194(1) omitted (1.12.2016) by virtue of 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(19)(a)(ii)** (with sch. 1) and 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(17)(d)** (with sch. 1 para. 5)
- F7** Words in s. 194(1) inserted (1.12.2015) by Housing (Scotland) Act 2014 (asp 14), **ss. 25(10)**, 104(3); S.S.I. 2015/349, art. 3, Sch.
- F8** S. 194(5) omitted (1.12.2016) by virtue of 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(19)(b)** (with sch. 1)

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