



# Housing (Cladding Remediation) (Scotland) Act 2024

2024 asp 7

## PART 2

### POWERS TO ASSESS AND ADDRESS DANGER

#### CHAPTER 1

##### SCOTTISH MINISTERS' POWERS

PROSPECTIVE

##### *Powers to address danger*

#### **7 Power to arrange remediation work**

- (1) The Scottish Ministers may arrange for work to be carried out that is identified as being needed to eliminate or mitigate risks to human life that are (directly or indirectly) created or exacerbated by a building's external wall cladding system in—
  - (a) a single-building assessment report, or
  - (b) an additional work assessment report.
- (2) Work arranged under [subsection \(1\)\(a\)](#) or (b) may not begin on premises, without the consent of the premises' owner—
  - (a) before the end of the notice period in relation to the work identified as mentioned in subsection (1)(a) or, as the case may be, (b), or
  - (b) if an appeal against the decision to arrange for the work to be carried out is made within that period, before the appeal is finally determined or withdrawn.
- (3) The notice period is a period of 21 days beginning with the day that the Scottish Ministers give the premises' owner a written notice explaining—
  - (a) what work is to be carried out,

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Housing (Cladding Remediation) (Scotland) Act 2024, Cross Heading: Powers to address danger. (See end of Document for details)*

- (b) what a person carrying it out is entitled to do by [section 13](#),
- (c) the right to appeal under [section 12](#) against the decision to arrange for the work to be carried out.

- (4) At the same time as giving notice to the premises' owner in order to begin the notice period, the Scottish Ministers are to give a written notice in the same terms to any occupier of the premises.

#### Commencement Information

**II** S. 7 not in force at Royal Assent, see [s. 39\(2\)](#)

### 8 Power to arrange urgent remediation work

- (1) The Scottish Ministers may arrange for work to be carried out where—
- (a) the work is identified as being needed to eliminate or mitigate a risk to human life that is (directly or indirectly) created or exacerbated by a building's external wall cladding system either—
    - (i) in a single-building assessment report or an additional work assessment report, or
    - (ii) by a person carrying out a single-building assessment or an additional work assessment raising the risk with the Scottish Ministers before completing the assessment, and
  - (b) the risk to human life is so immediate that it would be inappropriate to delay the work starting by arranging for it to be carried out under [section 7](#) instead.
- (2) Where the Scottish Ministers arrange under [subsection \(1\)](#) for work to be carried out on premises, they are to give the premises' owners and occupiers such notice of the work (if any) as the circumstances permit.

#### Commencement Information

**I2** S. 8 not in force at Royal Assent, see [s. 39\(2\)](#)

### 9 Power to evacuate

- (1) The Scottish Ministers may require the occupants of premises to remove from them in any of the following circumstances—
- (a) in the Scottish Ministers' opinion—
    - (i) there is a substantial risk to the occupants' lives, or
    - (ii) continued occupation of the premises would mean that there would be a substantial risk to the lives of the occupants of any other premises, due (directly or indirectly) to the external wall cladding system of a building that is undergoing, or has undergone, a single-building assessment or an additional work assessment,
  - (b) the Scottish Ministers have arranged for work to be carried out under [section 7](#) or [8](#) and, in their opinion, the occupants of the premises may be endangered by the carrying out of the work.

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- (2) A requirement to remove from premises in the circumstance mentioned in [subsection \(1\)\(a\)](#)—
  - (a) may be imposed by informing the occupants verbally, or by giving them written notice, that they are to remove from the premises,
  - (b) may require the occupants to remove from the premises immediately.
- (3) A requirement to remove from premises in the circumstance mentioned in [subsection \(1\)\(b\)](#)—
  - (a) may be imposed only by giving the occupants a written notice that they are to remove from the premises by a date specified in the notice,
  - (b) may not require the occupants to remove before the end of the 14 day period beginning with the day that the notice required by [paragraph \(a\)](#) is given.
- (4) Having imposed a requirement to remove from premises under [this section](#), and having since become satisfied that no-one would be endangered by occupying the premises, the Scottish Ministers must—
  - (a) cause notice to that effect to be conspicuously displayed on or near the premises for a period of at least 14 days, and
  - (b) take all reasonable steps to give notice to that effect to any person who—
    - (i) removed from the premises in accordance with a requirement imposed under [this section](#), or
    - (ii) was ejected from them by virtue of a warrant granted under [paragraph 3 of the schedule](#).
- (5) A person's tenancy of premises is not to be taken to have been terminated, varied or altered by reason of the person's—
  - (a) removing from the premises in accordance with a requirement imposed under [this section](#), or
  - (b) being ejected from the premises by virtue of a warrant granted under [paragraph 3 of the schedule](#).
- (6) [The schedule](#) makes provision about the granting of warrants for the ejection of occupants required to remove under [this section](#).

#### Commencement Information

**I3** S. 9 not in force at Royal Assent, see [s. 39\(2\)](#)

## 10 Offence of occupying evacuated premises

- (1) A person commits an offence if the person occupies premises when forbidden to do so.
- (2) A person is forbidden to occupy premises during the period that—
  - (a) begins with the person's—
    - (i) removing from the premises in accordance with a requirement imposed under [section 9](#), or
    - (ii) being ejected from the premises by virtue of a warrant granted under [paragraph 3 of the schedule](#), and

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- (b) ends with the first day on which notice is displayed in accordance with [section 9\(4\)\(a\)](#) that the Scottish Ministers have become satisfied that no-one would be endangered by occupying the premises.
- (3) A person who commits an offence under [subsection \(1\)](#) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale,
  - (b) a term of imprisonment not exceeding 3 months, or
  - (c) both.

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**Commencement Information**

**I4** S. 10 not in force at Royal Assent, see [s. 39\(2\)](#)

**Status:**

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