



Housing (Cladding Remediation) (Scotland) Act 2024

2024 asp 7

PART 5

RESPONSIBLE DEVELOPERS SCHEME

PROSPECTIVE

25 Power to establish scheme

- (1) The Scottish Ministers may by regulations establish a responsible developers scheme (or more than one).
- (2) The purpose of a responsible developers scheme is to secure that persons in the building industry address, or contribute towards the costs of addressing, risks to human life created or exacerbated (directly or indirectly) by the external wall cladding systems of buildings that are wholly or partly residential.
- (3) Regulations establishing a scheme are to include provision about—
 - (a) who is eligible to be a member of a responsible developers scheme,
 - (b) the conditions of becoming, and remaining, a member,
 - (c) loss of membership,
 - (d) the consequences of a person who is eligible to be a member not being a member.
- (4) Without prejudice to the generality of any other provision in [this Part](#), regulations under [subsection \(1\)](#) may in particular—
 - (a) make provision about who is to operate a scheme (including by allowing a person to be appointed for that purpose in accordance with the regulations),
 - (b) confer functions on persons,
 - (c) require members, or persons seeking to become members, of a scheme to pay fees,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Cladding Remediation) (Scotland) Act 2024, Section 25. (See end of Document for details)

- (d) make provision about the processes to be followed by the person operating a scheme (including in relation to decisions by the person about another person’s membership of the scheme),
 - (e) make different provision for different developers with regard to the size or other characteristics of a developer,
 - (f) make provision—
 - (i) requiring the Scottish Ministers to use their best endeavours to secure the outcome mentioned in subsection (5), and
 - (ii) describing circumstances in which such a requirement is to be regarded as having been complied with.
- (5) The outcome is that, in relation to any single-building assessment, additional work assessment or work identified in a single-building assessment report or an additional work assessment report 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 arranged by a member of the scheme, the member uses the member’s best endeavours to ensure that the owners and occupiers of the building are—
- (a) informed that the assessment or work is to be carried out, and
 - (b) given a reasonable opportunity to put questions about the assessment or work to a person appointed for that purpose by the member.
- (6) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons as appear to the Scottish Ministers to represent the interests of persons carrying on, for business purposes, activities connected with the construction or other development of buildings which are wholly or partly residential, and
 - (b) such other persons,
- as the Scottish Ministers consider appropriate.

Commencement Information

II S. 25 not in force at Royal Assent, see [s. 39\(2\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Housing (Cladding Remediation) (Scotland) Act 2024, Section 25.