



Housing (Cladding Remediation) (Scotland) Act 2024

2024 asp 7

PART 5

RESPONSIBLE DEVELOPERS SCHEME

PROSPECTIVE

29 Consequences of not being a member

- (1) [This section](#) elaborates on the provision that is to be made by regulations in accordance with [section 25\(3\)\(d\)](#).
- (2) Regulations are to provide that the person operating a scheme is to publish a list of persons who are eligible to be members of the scheme but are not (“a prohibited developers list”).
- (3) Regulations may, in relation to a person included on a prohibited developers list—
 - (a) prohibit the person from carrying out—
 - (i) any development, or
 - (ii) development of a kind described in the regulations,
 - (b) prevent a building warrant from being granted, or amended, on an application by the person,
 - (c) require a verifier to reject any completion certificate submitted by the person.
- (4) Regulations may modify any enactment for a purpose mentioned in [subsection \(3\)](#).
- (5) Regulations may, in particular, modify Part 6 (enforcement) of the Town and Country Planning (Scotland) Act 1997 so that its provisions apply in relation to the carrying out of development in breach of a prohibition created by virtue of [subsection \(3\)\(a\)](#) as though doing so were a breach of planning control.
- (6) Regulations may create offences in connection with breaching a prohibition on carrying out development created by virtue of [subsection \(3\)\(a\)](#).

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 29. (See end of Document for details)

- (7) The maximum penalties that may be provided for in respect of offences created by virtue of [subsection \(6\)](#) are—
- (a) on summary conviction, a fine not exceeding £50,000,
 - (b) on conviction on indictment, a fine.
- (8) Regulations must provide for a right to appeal to a court against a decision to include a person on a prohibited developers list.
- (9) In [this section](#)—
- (a) “development” has the meaning given by section 26 (meaning of “development”) of the Town and Country Planning (Scotland) Act 1997,
 - (b) the following terms have the meanings given by section 56 (interpretation) of the Building (Scotland) Act 2003—
 - (i) building warrant,
 - (ii) completion certificate,
 - (iii) verifier.

Commencement Information

- II** S. 29 not in force at Royal Assent, see [s. 39\(2\)](#)

Status:

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Changes to legislation:

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