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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**The Relevant Adjustments to Common Parts  
(Disabled Persons) (Scotland) Regulations 2020**

**Right to make relevant adjustments**

**3.—**(1) Subject to paragraphs (3) and (4), a disabled person<sup>(1)</sup> is entitled to make relevant adjustments to common parts in relation to premises in Scotland in which the disabled person has an interest.

(2) A disabled person has an interest in premises for the purpose of paragraph (1) if the disabled person—

- (a) is a tenant of,
- (b) is an owner of, or
- (c) has permission from the tenant or (as the case may be) owner of the premises, and the tenant or owner is entitled to give such permission, to occupy,

the premises and uses or intends to use the premises as the person's only or main home.

(3) A disabled person may not exercise the entitlement set out in paragraph (1) without—

- (a) the consent of a majority of the owners of the common parts affected by the proposed works, which consent must not be unreasonably withheld, or
- (b) the authorisation of the sheriff.

(4) A disabled person may not exercise the entitlement set out in paragraph (1) until—

- (a) the deadline set by regulation 10(1) has passed without an appeal having been made under that regulation, or
- (b) where an appeal has been made under that regulation, the appeal has been determined.

(5) Subject to regulation 6(3), the terms of any tenancy or occupancy agreement, title to land, any rights given by virtue of any title condition or any agreement between the disabled person and the owners of the common parts affected by the proposed works are of no effect in so far as they purport to negate or modify the effect of any provision in these Regulations.

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(1) "Disabled person" is referred to in section 37(2) of the Equality Act 2010.