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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 52**

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

**Matters relevant to an application under regulation 5**

6.—(1) In considering an application in terms of regulation 5(1), the owner is entitled to have regard to—

- (a) the health, safety, welfare and convenience of those occupying any part of the premises and other persons using the common parts,
- (b) the costs which the owner is likely to incur, directly or indirectly, as a result of the proposed works,
- (c) whether the proposed works are likely—
  - (i) to reduce the value of their property, the common parts or of any other part of the premises, or
  - (ii) to make their property, the common parts or any other part of such premises less suitable for letting or sale,
- (d) whether, if the proposed works were to be carried out, the common parts could be reinstated,
- (e) any code of practice issued by the Equality and Human Rights Commission<sup>(1)</sup> in relation to the Equality Act 2010 which relates to reasonable adjustments made to premises for disabled persons.

(2) A condition imposed under regulation 5(3)(b) may—

- (a) specify the standard to which the proposed works must be carried out, having regard to the age, condition and appearance of the premises, and the likely cost of complying with this condition,
- (b) require the disabled person to—
  - (i) reinstate the common parts, when the disabled person is no longer the tenant, owner, or otherwise entitled to occupy the premises, to the condition they were in before the work was carried out,
  - (ii) provide a plan for the maintenance of the adjustments once made.

(3) Subject to paragraph (4), it is reasonable for an owner of the common parts affected by the proposed works to withhold consent to an application, or to impose conditions on such consent, if making the relevant adjustments or, as the case may be, failure to comply with that condition would make the owner liable under any enactment or rule of law to any sanction or other remedy.

(4) Paragraph (3) applies only where the owner has taken all reasonable steps for the purposes of acquiring the right to give consent or, as the case may be, not to impose the condition without making the owner so susceptible.

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<sup>(1)</sup> The Equality and Human Rights Commission was established under section 1 of the Equality Act 2006 (c.3).

(5) The owner may recover from the disabled person any expenses directly incurred by the owner in taking such steps (regardless of the owner's decision on the disabled person's application).