



# Housing (Scotland) Act 1987

## 1987 CHAPTER 26

### PART III

#### RIGHTS OF PUBLIC SECTOR TENANTS

##### *Repairs and improvements*

#### **57 Landlord's consent to work**

- (1) It shall be a term of every secure tenancy that the tenant shall not carry out work, other than interior decoration, in relation to the house without the consent in writing of the landlord, which shall not be unreasonably withheld.
- (2) In this section and in Schedule 5, "work" means—
  - (a) alteration, improvement or enlargement of the house or of any fittings or fixtures;
  - (b) addition of new fittings or fixtures;
  - (c) erection of a garage, shed or other structure,but does not include repairs or maintenance of any of these.
- (3) The provisions of Schedule 5 shall have effect as terms of every secure tenancy.

#### **58 Reimbursement of cost of work**

- (1) On the termination of a secure tenancy, the landlord shall have the power (in addition to any other power which it has to make such payments) to make any payment to the tenant which it considers to be appropriate in respect of any work carried out by him (or by any predecessor of his as tenant under the same secure tenancy) with the consent of the landlord under section 57, which has materially added to the price which the house might be expected to fetch if sold on the open market.
- (2) The amount of any payment under subsection (1) shall not exceed the cost of the work in respect of which it is made, after deduction of the amount of any grant paid or payable under Part I of the Act of 1974 or under Part XIII.

- (3) Where a secure tenancy has been terminated (under section 46(1)(a)) by the death of the tenant, a payment under subsection (1) may be made to the tenant's personal representatives.

## **59 Effect of works on rent**

No account shall be taken at any time in the assessment of rent to be payable under a secure tenancy by a tenant who has carried out work on the house or by a person who has succeeded him in the tenancy or by the spouse of such a person of any improvement in the value or amenities of the house resulting from the work carried out by the tenant.

## **60 Scheme giving tenant a right to carry out repairs**

- (1) The Secretary of State may by regulations make a scheme entitling a tenant under a secure tenancy, subject to and in accordance with the provisions of the scheme—
- (a) to carry out to the house which is the subject of the secure tenancy repairs which the landlord is under an obligation to carry out; and
  - (b) after carrying out the repairs, to recover from the landlord such sums (not exceeding the costs that would have been incurred by the landlord in carrying out the repairs) as may be determined by or under the scheme.
- (2) Regulations under this section may make different provision with respect to different cases or descriptions of case and may make such procedural, incidental, supplementary or transitional provision as may appear to the Secretary of State to be necessary or expedient.
- (3) Without prejudice to the generality of subsection (2) regulations under this section—
- (a) may provide for any question arising under the scheme to be determined in such manner as the regulations may specify; and
  - (b) may provide that where a tenant under a secure tenancy makes application under the scheme, the obligations of the landlord in respect of repairs to the house shall cease to apply for such period and to such extent as may be determined by or under the scheme.
- (4) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.