
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make supplementary provision necessary to give effect to section 58A of the Housing (Scotland) Act 1987 which entitles a qualifying person, who must be a secure tenant of a local authority, a development corporation or Scottish Homes, to compensation at the end of the tenancy for prescribed improvement work done to the dwelling house of which he was a secure tenant subject to prescribed exceptions and limitations.

Regulation 3 and the Schedule prescribe the qualifying improvement work and regulation 2 and the Schedule define that work's notional life.

Regulation 4 sets out the circumstances in which compensation is not payable.

Regulation 5 describes by reference to a formula how compensation is calculated. From the cost of the improvement is deducted a sum which is deemed to reflect the deterioration of the improvement at the end of the tenancy calculated by reference to the notional life of the improvement and the length of time, in years, since the improvement was completed. For the purpose of calculating the length of time in years, part of a year is deemed to be a full year. Regulation 5 also imposes a limit on the amount of compensation and sets out the circumstances in which the amount of compensation can be adjusted.

Regulation 6 prescribes the procedure for claiming compensation and regulation 7 allows the landlord to set off against the compensation payable to the qualifying person any sums owed to it by the qualifying person.

Regulation 8 provides how disputes are to be resolved.