

## BETTER HOMES DIVISION GUIDANCE NOTE



Scottish Government  
Riaghaltas na h-Alba  
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**To:** All Local Authorities  
All Integrated Joint Boards

**Subject:** Guidance on the introduction of The  
Relevant Adjustments to Common Parts  
(Disabled Persons) (Scotland)  
Regulations 2020.

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This note contains guidance for Local Authorities and Integrated Joint Boards on the introduction of The Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020.

It should be read in conjunction with [The Relevant Adjustments to Common Parts \(Disabled Persons\) \(Scotland\) Regulations 2020](#).

Under existing legislation, specifically the Housing (Scotland) Act 2006, Local Authorities and more recently Integrated Joint Boards (IJBs), have powers to provide assistance to people who need adaptations and to fund and deliver adaptations services. There is no change to the existing Scheme of Assistance arrangements created by the 2006 Act. Therefore the new Regulations are not expected to place any significant additional burden on IJBs or Local Authorities as they must already take account of the needs of disabled people.

If you have any queries about the content of this Guidance Note, please contact the Housing and Independent Living team at [housingsupport@gov.scot](mailto:housingsupport@gov.scot)

### INTRODUCTION

1. This Guidance Note is intended to complement the Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020. It has been prepared by the Scottish Government to provide general guidance on the content and, where appropriate, to give additional notes on the provisions of the Regulations.

2. This Guidance Note is not a comprehensive description of the Regulations. It is intended to be used as a reference document and to be read alongside the Regulations. Whilst intended to be as helpful as possible, the Guidance Note cannot give a definitive

interpretation of the law. Questions of interpretation are ultimately definitively determined by the courts.

3. The duties in the Regulations should be exercised within the broader context of all other relevant legislation. The Regulations do not supersede existing legislation.

## **CONTEXT**

4. Common parts means the structure and exterior of, and any common facilities within or used in connection with, a building including premises used by a disabled person as their home, and which are not solely owned.

5. In practice, relevant adjustments (adaptations) to common parts should be approached, by local authorities and Integration Joint Boards (IJBs), in the same manner as adaptations under the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008.

Following the delegation of the relevant powers under the Public Bodies (Joint Working) Scotland Act 2014 IJBs are responsible for planning and reviewing adaptations services including adjustments to common parts.

6. Under these Regulations, work to help a disabled person is not solely restricted to assist a physically disabled person. Both physical and mental disability should be treated equally.

7. Where an adaptation has been identified as the best way of meeting an assessed need, this is considered to be eligible for grant funding support as set out within the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations of 2008 with the existing rules that 80% of the eligible costs of the adaptation work, or 100% where the applicant receives certain benefits applying. The local authority has discretionary powers to award top-up grant beyond 80%, for those applicants not entitled to 100%.

8. A disabled person currently has the right to make relevant adjustments to common parts with the consent of all other owners. It is not, therefore, anticipated that widening the scope of grant to include relevant adjustments to common parts will significantly impact on local authorities and Integration Joint Boards.

9. The intention of these Regulations is to enable a disabled person to make relevant adjustments with the consent of a majority of the owners of the common parts. A majority means a simple majority of one.

10. Tenants in privately rented accommodation can apply for a grant but they must obtain the consent of a majority of the owners of the common parts. The owners cannot unreasonably withhold consent.

11. Any owner of the common parts has the right to appeal a majority decision of the owners to grant or withhold consent to the making of relevant adjustments, to the Sheriff. Similarly, the disabled person can appeal their case to the Sheriff if they do not receive agreement from a majority of owners.

12. Local authorities must ensure their Scheme of Assistance, or Statement of Assistance, adequately reflects these Regulations.