

The Repairing Standard

Statutory Guidance for Private Landlords

March 2023

Summary

This guidance incorporates all the elements of the Repairing Standard which private landlords are required to comply with from 1 March 2024. It has been prepared early to provide private landlords with a clear understanding of what is new and expected of them from 2024. It also includes all elements where a duty already exists. The aim of the guidance is to equip private landlords with a full picture of what they should be working towards to ensure compliance with all the Repairing Standard elements which will be enforceable from 1 March 2024.

New measures in place from 1 March 2024

- 1. Safe Kitchens.** The repairing standard will be amended to include a requirement to have safely accessible food storage and food preparation space in a private rented house.
- 2. Fixed Heating System.** The existing duty to ensure that installations for the supply of heating are in a reasonable state of repair and in proper working order will be amended to specify that there must be a fixed heating system in a private rented house.
- 3. Safe Access to Common Parts.** The existing duty to ensure that the structure and exterior of the house is in a reasonable state of repair and in proper working order will be amended to specify that where a private rented house is a flat in a tenement, the tenant must be able to safely access and use any common parts of the tenement, such as common closes.
- 4. Consent to Work on Common Parts.** Section 16 of the Housing (Scotland) Act 2006, which deals with exceptions to the landlord's repairing duty, is amended to make it clear that a private rented house which is a flat in a tenement does not fail the repairing standard if work otherwise needed to comply with the standard cannot be carried out because a majority of owners in the tenement have refused consent to carry out the work.
- 5. Safe and Secure Common Doors.** The existing duty to ensure fire safety in private rented houses will be amended to specify that common doors must be secure and fitted with satisfactory locks. This will be supported by Scottish Government guidance which will specify that locks must allow users to open them from the inside without a key so that they do not inhibit exit in the event of a fire.
- 6. Residual Current Devices.** The existing duty to ensure that installations for the supply of electricity in a private rented house are in a reasonable state of repair and in proper working order will be amended to specify that these must include a residual current device (a device to reduce the risk of electrocution and fire by breaking the circuit in the event of a fault).
- 7. Other Fuels.** The existing duty to ensure that installations for the supply of gas and electricity in a private rented house are in a reasonable state of repair and in proper working order will be extended to any other type of fuel.

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1. Introduction

1.1 This guidance is intended to assist private landlords in their duty to comply with the Repairing Standard at the start of a tenancy and at all times during a tenancy. This guidance applies from 1 March 2024.

1.2 The guidance will also be of use by tenants as a point of reference and to others who are actively involved in the renting of privately owned living accommodation in Scotland including local authorities, letting agents, and the First-tier Tribunal for Scotland (Housing and Property Chamber) (FTT) who each have a distinctive role in the private renting process.

1.3 Local authorities have a duty to prepare and maintain a register of private landlords operating in their council area. Only those landlords that have been assessed by the local authority as being fit and proper should be entered on the register. Local authorities should consider how landlord registration can be used alongside other legislation to drive improvements in landlord practice or tackle illegitimate landlord businesses.

1.4 Section 85 of the Anti-Social Behaviour Act 2004 is clear about the types of material that local authorities must have regard to when undertaking the fit and proper person test. In addition to evidence of specific offences, there is provision for authorities to take into account any contravention of the law relating to housing or landlord and tenant law. There is also provision for any other relevant material to be taken into account such as the landlord's duty to comply with the Repairing Standard at the start of a tenancy and at all times during a tenancy.

1.5 Landlord registration gives local authorities an effective means of dealing with the worst performing landlords who, by their behaviour and attitude, mismanage their properties, or fail to act in respect of anti-social tenants, and fail to meet the Repairing Standard which can be the cause of misery for their own tenants, other tenants, neighbours and communities. Such landlords tarnish the image of the great majority of landlords who operate lawfully and would wish to see the negative image the private rented sector replaced by recognition of the vital role they play in a modern housing market. Registration along with the other measures mentioned above, help to improve the reputation, image and professionalism of the whole private rented sector.

1.6 Letting agents operate on behalf of a large number of private landlords in Scotland. Their main role is to manage properties for private landlords; responsibilities can range from sourcing tenants and collecting rent to fully managing the tenancies, including responsibility for repairs and maintenance.

1.7 The First-tier Tribunal for Scotland (Housing and Property Chamber) carries out a number of roles including making determinations in respect of rent and repair issues in private sector housing in Scotland.

1.8 A landlord in the private rented sector has a duty to ensure that the house they rent out meets the Repairing Standard. If a tenant or third party (for the time being a local authority) believes that a rented house does not meet that standard, an application can be made to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a decision by a tribunal on whether or not the landlord has complied with that duty. The tribunal can then order the landlord to carry out the necessary repairs. Various enforcement powers apply if the landlord then does not do so.

2. Repairing Standard Overview

2.1 The Repairing Standard is one of a number of housing standards in Scotland including the Tolerable Standard, the Scottish Housing Quality Standard (SHQS) and energy efficiency and decarbonisation standards in housing.

2.2 Chapter 4 of the Housing (Scotland) Act 2006 sets out the duties placed on private landlords by the Repairing Standard. It outlines the legal and contractual obligations private landlords are required to meet to ensure that a privately let property meets a minimum physical standard.

2.3 The Repairing Standard:

- Is the minimum level of repair a house must achieve to be used as privately rented accommodation in Scotland.
- Focuses on the building condition but also includes all installations, fittings and furnishings that are provided as part of a tenancy.
- Also requires private landlords to meet elements relating to safety, heating and access to common parts of a tenement.

2.4 The Repairing Standard “applies to any tenancy of a house let for human habitation”, except specified tenancies. There are three elements to this:

- it does not apply to an occupancy arrangement, for example when a landlord shares their home with someone,
- it does not apply to dwellings that are not houses, which means that mobile homes and other dwellings which are not part of a building are excluded from these standards – however, the definition of a house does include gardens and garages, and
- it does not apply to tenancies that are specifically excluded by section 12 of the Housing (Scotland) Act 2006, which means that social housing and short-term holiday lets are excluded from these standards.

2.5 Private landlords are responsible for ensuring that any property they rent to tenants meets the Repairing Standard at the start of, and at all times during a tenancy.

2.6 In order to comply with the Repairing Standard, private landlords must have regard to any related guidance issued by the Scottish Government.

2.7 Since it came into force on 3 September 2007, the Repairing Standard has been subject to change and different elements have been added. These changes have been implemented to help improve the standard of houses rented to tenants in the private rented sector.

2.8 Section 20(1) of the Housing (Scotland) Act 2006 states that, at the beginning of the tenancy or earlier, the landlord is required to provide the tenant with written information on the effect of the Repairing Standard provisions (including the means of enforcing the standard) in relation to the tenancy. This information is included within the Scottish Government’s guidance notes that must be issued to the tenant when a tenancy is set up.

3. The Repairing Standard

3.1 The Repairing Standard has the following elements:

A. The house meets the Tolerable Standard.

Housing (Scotland) Act 2006 Section 13 (1)(h)

3.2 The Repairing Standard requires that a private rented house must meet the statutory Tolerable Standard which is a basic habitability standard that all properties in Scotland must meet to ensure they are suitable for people to live in.

3.3 When determining whether the privately rented house meets the standard of repair required by the Tolerable Standard, the landlord should have regard to any guidance issued by the Scottish Government relating to the Tolerable Standard.

3.4 **Annex A** provides more information.

B. The house is wind and water tight and in all other respects reasonably fit for human habitation.

Housing (Scotland) Act 2006 section 13(1)(a)

3.5 The Repairing Standard requires that the house is wind and water tight and in all other respects reasonably fit for human habitation. When determining whether the privately rented house meets this part of the Repairing Standard, the landlord should have regard to the extent to which the house, by reason of disrepair or sanitary defects, falls short of the provisions of any relevant building regulations.

3.6 The landlord should have regard to any guidance issued by the Scottish Government.

3.7 **Annex B** provides a useful guide of requirements.

C. The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.

Housing (Scotland) Act section 13(1)(b)

3.8 The Repairing Standard requires that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order. When determining whether the privately rented house meets the standard of repair required by this part of the Repairing Standard, the landlord should have regard to (a) the age, character and prospective life of the house and (b) the locality in which the house is situated.

3.9 The landlord should have regard to any guidance issued by the Scottish Government.

3.10 **Annex C** provides a useful guide of requirements.

D. The installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.

Housing (Scotland) Act 2006 section 13(1)(c)

3.11 The Repairing Standard requires that the installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.

3.12 When determining whether the privately rented house meets the standard of repair required by this part of the Repairing Standard, the landlord should include installations outwith the house, which, directly or indirectly, serve the house and which the owner is responsible for maintaining (solely or in common with others) by virtue of ownership, any real burden or otherwise.

3.13 The landlord should have regard to any guidance issued by the Scottish Government.

3.14 **Annex D** provides a useful guide of requirement, it includes specific advice for each sub-element as follows -

- D1. Installation for the supply of water (including the condition of pipes)
- D2. Installation for the supply of gas
- D3. Installation for the supply of electricity (including residual current devices, electrical fixtures, fittings and appliances)
- D4. Installation for the supply of other fuels
- D5. Installations for sanitation
- D6. Installations for space heating by a fixed heating system
- D7. Installations for heating water

E. Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
Housing (Scotland) Act 2006 section 13 (1)(d)

3.15 The Repairing Standard requires that any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order. Landlords are not required to provide appliances but when determining whether the privately rented house meets the standard of repair required by this part of the Repairing Standard, the landlord must ensure any appliances provided are in reasonable condition and working properly.

3.16 The landlord should have regard to any guidance issued by the Scottish Government.

3.17 **Annex E** provides a useful guide of requirements.

F. Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.
Housing (Scotland) Act 2006 section 13(1)(e)

3.18 The Repairing Standard requires that any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed. Landlords are not required to provide furnishings but when determining whether the privately rented house meets the standard of repair required by this part of the Repairing Standard, the landlord must ensure any furnishings they provide are safe to use for the intended purpose.

3.19 The landlord should have regard to any guidance issued by the Scottish Government.

3.20 **Annex F** provides a useful guide of requirements

G. Satisfactory provision for, and safe access to a food storage area and a food preparation space.

Housing (Scotland) Act 2006 Section 13 (1)(j)

3.21 The Repairing Standard requires that the house has satisfactory provision for, and safe access to, a food storage area and a food preparation space. When determining if the house meets this element of the Repairing Standard, the landlord should ensure the tenant can safely access food storage and food preparation space.

3.22 The landlord should have regard to any guidance issued by the Scottish Government.

3.23 **Annex G** provides a useful guide of requirements.

H. Common parts pertaining to the house can be safely accessed and used.

Housing (Scotland) Act 2006 Section 13(1)(i)

3.24 The Repairing Standard requires that any common parts pertaining to the house can be safely accessed and used. When the privately rented house is a flat in a tenement and the tenancy agreement includes the use of common parts such as common closes and shared gardens, the tenant must be able to safely use and access these areas.

3.25 The landlord should have regard to any guidance issued by the Scottish Government.

3.26 **Annex H** provides a useful guide of requirements.

I. Where a house is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks.

Housing (Scotland) Act 2006 Section 13 (1)(k)

3.27 The Repairing Standard requires that where a house is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks. When determining if the house meets the standard of repair required by this part of the Repairing Standard, the landlord must ensure that the type of emergency exit locks fitted allows tenants to open them from the inside without a key so that they do not inhibit exit in the event of a fire.

3.28 The landlord should have regard to any guidance issued by the Scottish Government.

3.29 **Annex I** provides a useful guide of requirements.

4. Private landlords' duty to have regard to guidance

4.1 Section 13(7) of the Housing (Scotland) Act 2006 places a duty on private landlords to have regard to any guidance issued by the Scottish Ministers in relation to the individual elements which make up the Repairing Standard. The aim of such guidance is to help private landlords determine whether a house meets the standard of repair required.

4.2 This document and its annexes form the guidance to which landlords must have regard. The annexes set out clearly what is expected in relation to each part of the Repairing Standard.

4.3 To “have regard to” means that landlords should comply with what is set out in the guidance as the minimum necessary to demonstrate compliance with the Repairing Standard. If there is a situation where a landlord is unable to comply with the guidance, they must be able to offer a satisfactory explanation why this is the case.

4.4 If there is a dispute about whether a house meets the Repairing Standard, the First-tier Tribunal can use this guidance to assess whether a landlord has met their statutory duty.

5. Private landlords' duty to ensure their actions are “reasonable” and “satisfactory” in the context of this guidance

5.1 The legislation uses the words “reasonable” and “satisfactory”. This section provides guidance on the meaning of those words.

5.2 The word reasonable is not defined in the legislation. Broadly, it reflects what a fair-minded third party would expect after taking all the circumstances into account. It is not enough for a landlord to think something is reasonable, the test is what an impartial spectator would think.

5.3 In the context of this guidance, actions will be considered reasonable if carried out using good judgement in line with requirements for each individual element. That good judgement should be based on what is best to ensure private tenants are provided with living accommodation which meets the minimal physical standards outlined in this guidance.

5.4 In the context of this guidance, actions will be considered to be satisfactory if the result of those actions is good enough to ensure private tenants are provided with living accommodation which complies with the requirements outlined in this guidance for each element of the Repairing Standard.

6. Repairing Standard – enforcement

6.1 Responsibility for enforcement of the Repairing Standard lies with the [First-tier Tribunal for Scotland \(Housing and Property Chamber \(FTT\)\)](#) - administration is carried out by staff of the Scottish Courts and Tribunals Service.

6.2 Where a tenant believes the Repairing Standard is not being met in the house they rent from a private landlord, they can apply to the FTT (Housing and Property Chamber) for a determination. Where a tenant feels that they are vulnerable, they can contact their local authority who have powers to apply to the tribunal on their behalf.

6.3 The FTT will consider a case and, where deemed appropriate, will enforce repairs by issuing the private landlord with a Repairing Standard Enforcement Order (RSEO). It is a criminal offence to fail to carry out repairs required under an RSEO without reasonable excuse and if the tribunal decides there has been a failure to comply with the RSEO, the tribunal will send a copy of the failure to comply decision to the local authority, who can decide to carry out work and recover costs from the landlord. If there is a tribunal decision that the private landlord has failed to comply with the RSEO, the tribunal may also issue a Rent Relief Order restricting the rent payable until the RSEO has been complied with. A Rent Relief Order is not retrospective.

6.4 Private landlords are required to register with their local authority, under Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, to ensure that they are "fit and proper" to be letting property. Although legislation regarding landlord registration is set by the Scottish Government, it is the responsibility of the local authority to investigate and take any necessary action of arising complaints from tenants of private rented properties.

6.5 If a landlord needs to access a property to carry out repairs or check the condition of the property and access can't be agreed with the tenant, the landlord should apply to the First-tier Tribunal for Scotland for help with access using the Right Of Entry procedure – see [Right of Entry - Housing and Property Chamber](#).

7. Common parts of flats and tenements

7.1 Difficulties can arise in flats and tenements as (i) the extent of a private landlord's responsibility may not always be clear and (ii) other occupants of the building are unaware of their responsibilities or unwilling to take them seriously. Owners should refer to their title deeds to ascertain exactly where responsibility for repairs to common parts of the building lies and how the costs of any necessary repairs should be allocated between owners. If this is not clear, the Tenement Management Scheme sets out procedures for flat owners to follow when making decisions about maintaining and repairing common parts in a mixed tenure building.

7.2 There is information about the Tenement Management Scheme and the rights and responsibilities of owners in the guidance on [Common Repair, Common Sense](#). Owners can also get impartial advice on common repairs from Under One Roof at [Under One Roof](#).

7.3 In legislation, these buildings are referred to as tenements. This includes both traditional tenements, with a common stair, and other kinds of flats. The statutory definition is any building with two or more separate flats which are divided from each other horizontally.

7.4 Parts of a tenement that are the shared responsibility of all owners, are referred to as "common parts" or "scheme property". This includes:

- the ground on which the tenement is built,
- the foundations,
- the external walls,
- the roof, including the rafters and any structure supporting the roof,
- the part of a gable wall that is part of the tenement building, and
- any wall, beam or column that is load-bearing, and
- any part of the tenement that the title deeds say is the common property of two or more owners, or that must be maintained by two or more owners (provided that the deeds of the different flats are consistent).

7.5 Parts of a tenement that are the responsibility of individual owners include:

- parts such as doors and windows, skylights, vents or other openings that serve only one flat,
- any chimney stack or flue that serves only one flat, and
- any extension that serves only one flat.

7.6 The rules for making decisions on work to common parts is set out in title deeds or in the Tenement Management Scheme. The general rule is that work to repair or maintain a building requires a majority decision, but work to improve or alter a building requires a unanimous decision. There are some exceptions to this, for example, installing insulation can be done on a majority decision. Where a majority decision is allowed, the result is binding on all the owners, but there is a right to appeal to the Sheriff on the grounds that the decision is not in the best interests of all the owners or is unfairly prejudicial to one of them.

7.7 Under section 15 of the Housing (Scotland) Act 2006, the Repairing Standard includes common parts of a building if:

- (a) the landlord is responsible as owner for maintaining it, and
- (b) a part of the building which the tenant is entitled to use is adversely affected by the disrepair.

7.8 Under section 16 of the Housing (Scotland) Act 2006, a landlord is not required to carry out any work on common parts if they cannot get the rights or consent needed to do it. The legislation requires a landlord to take reasonable steps to get the rights or consent, but they are not at fault if this cannot be done.

7.9 A landlord is not required to carry out work if that work requires a majority decision of all owners and the majority is not in favour of the work being done. Landlords are expected to support reasonable proposals to carry out work that is needed to meet the Repairing Standard.

8. Repairing Standard extension to agricultural holdings from March 2027

8.1 The Repairing Standard does not apply to specific types of tenancy (see section 2.4 above). Until 27 March 2027 there are some types of tenancy on agricultural holdings that are excluded from the Repairing Standard.

8.2 This means that from 28 March 2027, tenancies under the following Acts will be subject to the duty to meet the Repairing Standard:

- the Crofters (Scotland) Act 1993
- the Small Landholders (Scotland) Acts 1886 to 1931, and
- the Agricultural Holdings (Scotland) Act 2003, including:
 - 1991 Act tenancies
 - short limited duration tenancies
 - limited duration tenancies
 - modern limited duration tenancies
 - repairing tenancies

8.3 Under section 16 of the Housing (Scotland) Act 2006, the Repairing Standard does not require any work to be carried out which the tenant is required to carry out by the terms of the tenancy agreement, but this only applies if the tenancy is for at least three years and neither the landlord nor the tenant can choose to end the tenancy within that period.

Annex A – Meeting the Tolerable Standard

A.1 Private rented houses (in common with all other houses in Scotland) are subject to the Tolerable Standard. Any privately let house failing to meet the Tolerable Standard can be raised in an application by a private tenant to the First-tier Tribunal.

A.2 Section 13(1)(h) of the Housing (Scotland) Act 2006 requires that private landlords must be satisfied that any house they rent to tenants is fit for the tenants to live in. They should be confident that the house meets the Tolerable Standard, the minimum quality standard which applies to all houses in Scotland.

A.3 The Tolerable Standard is set out in sections 85-87 of the Housing (Scotland) Act 1987. It is a condemnatory standard and any house which falls below the Tolerable Standard is considered to be unacceptable for people to live in. Local authorities have a statutory duty and specific powers to deal with houses that fall below the Tolerable Standard. Local authorities sometimes refer to this as “BTS housing” (Below Tolerable Standard).

Tolerable Standard criteria

A.4 The Tolerable Standard defines the elements of a house which are considered fundamental to its functioning as a home. It focuses mainly on the building itself, and does not extend to internal decoration, furniture and household appliances. A house meets the Tolerable Standard if it complies with all these criteria:

- It is structurally stable;
- It is substantially free from rising or penetrating damp;
- It has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- It has satisfactory thermal insulation;
- It has an adequate piped supply of wholesome water available within the house;
- It has a sink provided with a satisfactory supply of both hot and cold water within the house;
- It has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- It has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- It has an effective system for the drainage and disposal of foul and surface water;
- In the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
- It has satisfactory facilities for the cooking of food within the house;
- It has satisfactory access to all external doors and outbuildings; and
- It has an interlinked system of fire and smoke alarms and adequate carbon monoxide alarms.

A.5 The Scottish Government developed [guidance for local authorities on the Tolerable Standard](#), which provides more detailed information. [Additional guidance](#) was published in 2019 to cover the new elements for fire alarms and carbon monoxide detectors. Under section 86(1A) of the Housing (Scotland) Act 1987 says that regard must be had to this guidance in construing the element of the Tolerable Standard.

Annex B – To ensure the house is wind and water tight and in all other respects reasonably fit for human habitation

B.1 The Housing (Scotland) Act 2006 section 13(1)(a) requires that the house is wind and water tight and in all other respects reasonably fit for human habitation.

B.2 When determining whether the privately rented house meets the standard of repair required by section 13(1)(a), the landlord should have regard to the extent (if any) to which the house, by reason of disrepair or sanitary defects, falls short of the provisions of any relevant building regulations. Building standards require that the climatic conditions in Scotland including temperature, snow, wind, driving rain and flooding and the impact of climate change should be carefully considered in the structural design of buildings. For more information about Scottish building standards see [Building Standards for Homeowners - mygov.scot](http://mygov.scot).

B.3 The test has been defined as “wind and watertight against what may be called the ordinary attacks of the elements, not against exceptional encroachments of water due to other causes” (Wolfson v Forrester 1910 SC 675). This could be expressed as “weathertight”, that a house should be free from draughts and leaks under the current climatic conditions of the area where it was built. Windtight is not the same as airtight and needs to be compatible with the need for adequate ventilation.

B.4 Private landlords must be satisfied that any house they rent to tenants is fit for the tenants to live in. They should be confident that the essential fabric elements of the property (i.e. those parts of the physical structure which ensure the building’s stability and resistance to the ordinary encroachments of weather) are in good repair. If essential fabric elements are not in good repair, then it is likely that the inside of the property will, in time, be adversely affected. The most common problems arise with rising or penetrating dampness in the property. Private landlords must ensure that the properties they rent to tenants are substantially free from rising and penetrating damp, which is also required by the Tolerable Standard (see annex A).

B.5 A problem with penetrating damp indicates that the house may not be weathertight. A problem with rising damp indicates a fabric defect that can affect habitability. Problems with damp constitute sanitary defects for this element of the Repairing Standard under sections 13(2) and 70(1) of the 2006 Act.

B.6 This annex identifies the issues private landlords must consider when assessing if the essential fabric elements of a property are in good repair. It looks at -

- Assessing if a house is substantially free from damp
- Rising damp - indicators and causes
- Penetrating damp – indicators and causes
- Dampness and condensation

Assessing if a house is substantially free from damp

B.7 Private landlords should be aware that dampness has historically been a significant housing problem in Scotland. It is, however, unacceptable for people to be living in houses with levels of rising or penetrating dampness that materially affect their health and comfort or cause further physical damage to the property.

B.8 Each property will be different and private landlords must exercise judgement in assessing if the essential fabric elements are adequate to ensure the property is wind and watertight. Private landlords should be looking for visible persistent or recurring damp impact in one or more areas, which could be harmful to occupiers, damage furniture or belongings, or be a sign of damage to the building fabric.

B.9 Private landlords should look for signs of rising damp. Rising damp is the vertical movement of moisture from the ground into the fabric of a building which can affect any part of the building in contact with the ground, the most obvious being walls and floors. Rising damp is caused by defects in the damp proof course, or in older homes the lack of a damp proof course. It is unlikely (but possible) for rising damp to rise higher than around 1.2m above ground level.

B.10 As rising damp will only affect the ground floor of a building, it is only ground floor flats in tenement blocks that can be affected by rising damp. Private landlords should however be mindful that dampness at above ground floor level can occur but the cause will be from something other than rising damp and steps should be taken to identify its source. Where signs of rising damp are evident, private landlords must investigate the cause and take necessary action to ensure the property is free from rising damp.

B.11 Private landlords should also be looking for penetrating damp. Penetrating damp is moisture which enters a house from outside because of a defect in part of its structure. There may be defects in the roof, the exterior walls, rainwater gutters and down-pipes, or missing flashings. The source of persistent penetrating damp can be difficult to identify because there may be no consistent pattern to the signs (i.e. damp patches may appear in more than one room, and be located in different parts of the room). Where signs of penetrating damp are evident, private landlords must investigate the cause and take necessary action to ensure the property is free from penetrating damp.

Rising damp – indicators and causes

B.12 Common indicators of rising damp include:

- Discoloured or crumbling bricks or stonework, close to the ground;
- Moss growth near bottom of the exterior wall above the damp proof course;
- Flaking or bubbling on plaster, paintwork or wallpaper on lower internal wall;
- Skirtings affected by rot;
- A dank moist odour possibly coming from carpets;
- Fungus growth on lower walls, carpets etc.; or
- Rotten, discoloured, crumbling or deteriorating wooden floors.

B.13 Common causes of rising damp include:

- Absence of a damp proof course in older houses, in chimneys and hearth areas and basements;
- Ground level raised next to wall, presence of material/earth against the wall;
- Damaged or deteriorated damp proof course;
- Inappropriate repair to damp proof course; or
- Rising water table.

Penetrating damp – indicators and causes

B.14 Common indicators of penetrating damp include –

- Damp patches or moss growth on exterior walls;
- Damp or discoloured patches on interior walls and ceilings;
- Plant growth from gutters, or in cracks in structure;
- Loose or bubbling wallpaper, flaking paintwork, soft plaster;
- Water penetration in Internal roof-spaces, wood roof structures affected by rot;
- Musty odour inside home, possibly coming from carpets, bed covers or mattress;
or
- Fungus growth on walls, carpets etc.

B.15 Common causes of penetrating damp include –

- Damaged, displaced or missing roof tiles or flashings;
- Defective or blocked guttering and down pipes;
- Crumbling, loose or missing pointing;
- Inappropriate repairs using concrete instead of mortar; or
- Cracking which lets water enter the internal fabric.

Dampness and Condensation

B.16 Condensation is a serious problem which is closely associated with, and sometimes confused with, rising and penetrating dampness. Condensation can be caused by inadequate heating, ventilation and thermal insulation, or by defects in the fabric (for example “cold bridges” caused by defective or badly fitted insulation), as well as the way a household manages its heating and ventilation. It is important to bear in mind that condensation can be due to defects in the house that need to be addressed and cannot be assumed to be due to tenant behaviour. Overcrowding can be a further factor. Where a private landlord identifies evidence of condensation in a property they let to a tenant, particular attention should be paid to how it is heated, ventilated and how it is insulated.

B.17 Condensation is caused by warm moist air coming into contact with a colder surface. The colder surface causes a reduction in the amount of moisture the air can hold and as a result the moisture “condenses” out onto the wall. The water that forms as a result of the process is pure water, and this allows the growth of mould.

B.18 If private landlords suspect mould or fungus in a property they let to tenants, they should seek relevant professional expertise to determine levels of mould or fungus and take action where necessary to ensure the tenants are living in a safe environment which is not going to adversely impact their health, see [Can damp and mould affect my health - NHS](#).

B.19 Low levels of condensation can cause health problems for people and be harmful to buildings, even where this does not lead to obvious problems like damp patches and mould. Good ventilation reduces the build-up of moisture, and has other health benefits. The level of carbon dioxide (CO₂) in air is a good proxy for air quality. New homes now have CO₂ monitors fitted in bedrooms. Landlords are not required to fit them in existing private rented homes, but if there are concerns about possible condensation, they provide a relatively inexpensive way for people to track how their behaviour is affecting their home, and can be a useful diagnostic tool if there are building problems.

Action a private landlord must take if they find rising or penetrating damp in a property they rent to a tenant

B.20 If dampness is suspected or found to be present in a privately let property, private landlords must take action to address the problem. Where possible, immediate action should be taken to help improve the living conditions of the occupants but it is likely relevant professional expertise will be required, this should be sought as soon as possible to enable a plan of action to be put in place to deal with dampness in the home.

B.21 Immediate steps could include increasing the ventilation (including mechanical ventilation) in the home and ensuring it is adequately heated. The Energy Saving Trust offers useful advice about [dealing with damp at home](#).

B.22 Private landlords should seek professional advice to assess the extent of dampness in the property and obtain advice on what needs to be done to remove the damp and prevent it from returning. This may require a survey to be carried out by a structural engineer and any necessary action should be taken without delay.

B.23 Where the root cause of dampness or condensation is found to be due to a lack of satisfactory heating, ventilation or thermal insulation or a combination of factors rather than rising or penetrating damp alone, landlords are required to meet the minimum standards for each of these elements. Detailed guidance on installations for heating are provided in Section 6, Annex D of this guidance and for ventilation and thermal insulation can be found at [guidance for local authorities on the Tolerable Standard](#),

Annex C - To ensure the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order

C.1 The Housing (Scotland) Act 2006 section 13(1)(b) requires that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order. Section 13(3) specifies that when determining whether the privately rented house meets the standard of repair required by section 13(1)(b), the landlord should have regard to (a) the age, character and prospective life of the house and (b) the locality in which the house is situated.

C.2 Private landlords must be satisfied that any house they rent to tenants is fit for the tenants to live in. They should be confident that the house is structurally stable as instability in the structure of a house is a threat to occupants' safety. Private landlords must also be satisfied that the house has an effective system for the drainage and disposal of foul and surface water so their tenant(s) are living in a safe, hygienic environment.

C.3 Where a house forms part of premises incorporating more than one house (i.e. a block of flats), the private landlord will have a shared responsibility for maintaining any part of the premises which their tenant is entitled to use, see section 7 of this guidance.

C.4 This annex will give guidance on –

- Structure of the House
- Foul and Surface Water Drainage and Disposal
- Taking Account of Age, Character and Locality

Structure of the house

C.5 Structural stability means that, under normal environmental conditions, the supporting fabric of the house will not move in relation to its foundations or other parts of the building, so that there is no risk of failure of any building element leading to partial or total collapse of the house.

C.6 Private landlords must have regard to all structural elements of a house. They must be confident that there are no signs of recent or fresh movement as evidence of this may indicate that the house may be at risk from either partial or total collapse. The main structural elements of a house are:

- Roof structures and other roof features;
- Chimneys;
- Load-bearing walls including external walls;
- Lintels, sills and mullions, and wall ties;
- Floors and stairs;
- Load-bearing beams and columns; and
- Foundations.

C.7 A house that is structurally unstable will normally show signs that it is moving, or that a structural element is likely to fail. Some of the most common indicators of instability are

- Fresh cracking may show that a house has moved and may be continuing to move;
- Movement or displacement of structural elements, such as bulging walls, sloping floors and lintels, sagging or spreading roofs, leaning chimneys;
- Damage and deterioration to load-bearing elements; and
- Rot and timber infestations.

These can indicate potential instability but do not necessarily mean on their own that a structural element, or the house as a whole, is structurally unstable.

Foul and surface water drainage and disposal

C.8 Private landlords must ensure the system for the drainage and disposal of foul and surface water in the house is capable of managing and disposing of wastewater and rainwater.

C.9 An effective system for drainage and disposal means a fixed and permanent system that is capable of transferring surface and foul water from the point of collection to the point of disposal. To be effective, the system must be able to cope with the volume of water to be disposed of and transfer this to an appropriate point of disposal.

C.10 Surface water is rainwater that falls on the roof of the house, or on other surfaces around the house, such as driveways and paths. Foul water is the by-product of normal domestic activities, and includes all wastewater from toilets, sinks, baths, showers and wash-hand basins.

C.11 A typical drainage system for surface water will have gutters attached to the roof at the lowest ends of each slope. Each gutter will be fixed securely to the roof and feed into a fixed connecting down-pipe. The down-pipe will continue from the gutter to at least ground level, where it will transfer the water to an appropriate drain, soakaway, or free-draining soil.

C.12 The system should be able to effectively manage the rainwater falling on the roof and other surfaces of the house. It must be able to cope with the volume of water produced during normal rainfall conditions.

C.13 The surface water drainage system will normally transfer rainwater from rooftops and other surfaces to a nearby storm drain. Storm drains carry rainwater to local rivers and streams where it enters the watercourse untreated. Some houses have combined surface and foul water systems, and the surface water is disposed of in the same way as the foul water. Houses in some rural areas do not have access to storm drains, so other arrangements will be used instead, such as a soakaway. which is acceptable, provided there is no ponding and the water drains away effectively.

C.14 Foul water drainage means pipes connecting to toilets, sinks, wash-hand basins, baths and showers. The size and gradient of the pipe-work should be sufficient to cope with the normal use of the facilities connecting to them.

C.15 The system should be fit for purpose and no gutters or pipe-work should be broken, blocked or damaged.

Taking Account of Age, Character and Locality

C.16 The structure and exterior of a house may be affected (a) by the age of the building (b) the build characteristics and (c) the nature of the locality in which it is situated. There is likely to be some natural deterioration in older properties. Specific house characteristics such as type of external wall construction may affect building performance. Houses in exposed areas are more vulnerable to the elements. All these factors can impact on the condition of a property over the longer term and private landlords should be aware of potential issues around structural stability resulting from these three factors. Two specific factors are historic cracking and foul water drainage in older buildings.

(1) Historic Cracking

C.17 Historic cracking is cracking which has occurred in the past. It shows that the house has previously moved. But this is not always evidence of current structural instability. Historic cracking may be the result of a building settling after construction, thermal expansion and contraction of the building fabric due to temperature changes or vibration from passing traffic. This does not in itself indicate that the house is still moving.

C.18 Evidence such as old cobwebs or dirt in the cracks may suggest historic cracks and that the house has not moved for some considerable time. A house with only historic cracking will not normally mean the house is structurally unstable.

(2) Foul water drainage in older buildings

C.19 Most houses will dispose of foul water to a public sewerage system. For some houses this is not possible. Alternative methods for disposing of foul water include septic tanks and private outfalls. It is acceptable for foul water to be transferred to a septic tank, provided that all pipe-work and connections are sound and not damaged, and that the septic tank is properly maintained.

C.20 Private outfalls dispose of foul water to a nearby watercourse, such as a loch, river or stream, or into the sea. Disposal of sewage by private outfall is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and these are enforced by the Scottish Environment Protection Agency (SEPA).

C.21 Occasionally, a house may dispose of its foul water to a mass collection tank, sometimes referred to as cesspits or cesspools, located in the garden or neighbouring land. These differ from septic tanks in that the foul water lies untreated in the tank until it is emptied. Private landlords should be aware that houses that use this type of system are below Tolerable Standard and should not be let to private tenants.

Annex D - Installations for the supply of water, gas, electricity etc.

D.1 The Housing (Scotland) Act 2006 section 13(1)(c) requires that the installations in the house for the supply of water, gas, electricity (including residual current devices) and any other type of fuel and for sanitation, space heating by a fixed heating system and heating water are in a reasonable state of repair and in proper working order.

D.2 When determining whether the privately rented house meets the standard of repair required by section 13(1)(c) of the Repairing Standard, the landlord should include installations outside the house which, directly or indirectly, serve the house and which the owner is responsible for maintaining (solely or in common with others) by virtue of ownership, any real burden or otherwise.

D.3 Each installation merits a dedicated sub-annex as follows: -

D1 - Installations for the supply of water

D2 - Installations for the supply of gas

D3 - Installations for the supply of electricity

D4 - Installations for the supply of other fuels

D5 - Installations for sanitation

D6 - Installations for space heating by a fixed heating system

D7 - Installations for heating water

Annex D1 - Installations for the supply of water

D.4 Private landlords must be satisfied that any house they rent to tenants has an adequate piped supply of wholesome drinking water within the house. There must be a sink with a satisfactory supply of both hot and cold water, a water closet or waterless closet available for the exclusive use of the occupants of the house. It must have a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and the house must have an effective system for the drainage and disposal of foul and surface water. They must also ensure that any pipes supplying water for human consumption are in good condition and safe to use.

D.5 This annex identifies the issues private landlords must consider when assessing if the property has a satisfactory and adequate supply of both hot and wholesome cold drinking water. It looks at:

- Different types of water supply
- Unwholesome water
- Lead in drinking water
- Legionella
- Adequate supply

Different types of water supply

D.6 There are two types of water supply in Scotland, public and private. The vast majority of houses in Scotland are connected to the public supply, but approximately 4% of the population are serviced by a private water supply. The risk of water being unwholesome is significantly higher for private water supplies. They are much more likely than public supplies to have several other possible contaminants (such as chemicals and micro-organisms) that may affect the wholesomeness of the drinking water which can put at risk the health of those using the supply.

D.7 Local authority environmental health departments hold a register of all properties in their area served by a private water supply.

(1) Public water supplies

D.8 Scottish Water monitors the quality of public water supplies, and is responsible for ensuring that water is wholesome to the consumer's tap, usually taken to be the kitchen tap. Scottish Water is responsible for the condition of the communication pipe up to the boundary stopcock. Scottish Water will determine whether any failure of the standard is attributable to the general water supply and water mains network or a specific property issue. Private landlords are responsible for the water supply system from the boundary stopcock, and all pipework within the dwelling. This will include a duty to replace any lead piping in this part of the system.

(2) Private water supplies

D.9 Because of the risk that a private water supply is unwholesome it is necessary to test water to ensure that it complies with the Tolerable Standard. The assessment must be undertaken before a tenancy begins and on an annual basis thereafter. The local authority is responsible for this annual testing although they can pass the cost on to the landlord; see [If you're a landlord, tenant or run a business or public activity - mygov.scot](#).

D.10 If at any time during the tenancy, a private landlord has doubts about the water quality or suspects that the water supply to the house is unwholesome, the tenants should be immediately informed and the supply should be tested without delay.

D.11 The Drinking Water Quality Regulator ensures that Scottish Water achieves the specified standards for water quality. For more information on the public water supply, Scottish Water and the Drinking Water Quality Regulator, see: [Home - Scottish Water](#) and [Drinking Water Quality Regulator for Scotland](#)

Unwholesome water

D.12 Water supplied for domestic purposes must not contain any microorganism or any substance at a concentration or value which would constitute a potential danger to human health. The minimum levels of contamination are specified in Schedule 1 of the Water Supply (Water Quality) (Scotland) Regulations 2001.

D.13 An unusual colour or odour can be an indicator of a problem with water quality and could indicate that the water may not be wholesome, in which case further investigation will be required.

(1) Colour

Water can be naturally brownish in appearance depending on its source. Water may look white or cloudy, this is normally a result of dissolved air within the system and when left to stand will become clear. Neither of these necessarily indicates that the water is unwholesome.

(2) Odour

Water will occasionally smell of chlorine, this is a normal effect of the treatment process and not an indicator that the water is not wholesome.

D.14 Laboratory analysis is the only way to determine conclusively if a supply of water is wholesome at the kitchen tap. Laboratory analysis must be carried out in the following circumstances:

- if the water comes from a private water supply
- there are lead pipes which it is not possible to remove or replace.

Environmental health officials can provide advice on laboratory analysis of drinking water.

D.15 Some flats within tenement and multi-storey blocks receive their drinking water supply from a storage tank at the top of the building. The tank must be checked to ensure it is covered, vented and maintained, and if there are any grounds for concern a laboratory analysis of the water must be carried out.

D.16 If laboratory analysis concludes that the water is not wholesome, then the house does not meet the requirements of Tolerable Standard or the Repairing Standard.

D.17 Additional guidance on assessing water quality is available. For public water supply at [Home - Scottish Water](#) and for Private water Supplies at [Private Water Supplies | DWQR](#) and [Private water supplies - mygov.scot](#)

Lead in drinking water

D.18 The main water quality issue in Scotland relates to lead and can arise if there are lead materials or plumbing present in the domestic distribution system. The main cause of lead in drinking water is lead pipes leading up to or within the house and is more common in houses built before 1970 that have not had their pipes, tanks or fittings replaced

D.19 Water quality regulations set a maximum permitted level of lead in drinking water at 10 micrograms per litre of water. A new standard of 5 micrograms per litre will be required to be met by 2036. However, the World Health Organisation states that there is no safe level for lead in drinking water.

D.20 Lead pipes and lead lined storage tanks or fittings should not be present in the water supply of any privately rented property from the boundary stopcock to the kitchen tap. This includes:

- Drinking water outlets;
- Pipework to drinking water outlets;
- Water storage tanks within the dwelling; and
- Water storage tanks in the loft space, including any common storage tanks located in tank rooms or in the roof space;

D.21 Occasionally, poor quality metal alloy pipe fittings and taps are found to cause failure of the lead standard.

D.22 Unless the landlord is unable to replace the pipes, due to lack of consent from other owners, lead pipes and tanks must be removed to comply with the Repairing Standard.

D.23 Private landlords must check visible pipework within the house to assess whether the supply runs through lead pipes. The absence of visible lead pipes does not guarantee that the water is not contaminated with lead. Other sources of lead include pipes hidden from view, lead solder, lead water tanks, and underground lead supply pipes from the boundary stopcock.

D.24 If a landlord is uncertain whether there are lead pipes, or is aware of a risk, tenants must be informed and a water sample must be taken for laboratory analysis. Water should be tested at all outlets where water may be consumed as lead may be present anywhere in the building's plumbing. Samples should be taken to present a worst case scenario, ideally at a time where no water has been used for at least half an hour. The presence of lead of about 3 micrograms per litre indicates that some lead is present in the plumbing.

D.25 Where work is undertaken to remove lead piping, the property should be resampled to confirm that all lead has been removed.

D.26 A small amount of lead piping may be Scottish Water's responsibility. This is the communication pipe, which connects the property's supply pipe from the property boundary to the water main. If a property owner replaces all their lead piping, they can request that Scottish Water replace the communication pipe if it is made of lead. Scottish Water have an obligation to do this.

D.27 More information on lead in drinking water is available from the Drinking Water Quality Regulator at [Lead in drinking water | Drinking Water Quality Regulator for Scotland | DWQR](#), and from Scottish Water at [Lead pipe replacement guide](#)

Legionella

D.28 Private landlords have a duty to carry out a risk assessment of hot and cold water systems for legionnaire's disease to minimise the risk of tenants being exposed to legionella. This requirement stems from the Control of Substances Hazardous to Health Regulations 1989 and the Health and Safety at Work Act 1974, which makes provision for the legislation to apply to landlords of domestic premises.

D.29 All water systems must be assessed for legionella risk, and private landlords must ensure this is carried out before the property is first let. The risk assessment should then be regularly reviewed at intervals of no more than two years. If a review of the risk assessment indicates that there has been a change to the risk factors then a new risk assessment should be carried out. Depending on the system in the property, private landlords may be able to carry this assessment out themselves, or it might be necessary to employ a competent assessor to do it.

D.30 In most residential settings, a simple assessment may show that the risks are low and no further action may be necessary. An example of a typical lower risk situation may be found in a house where:

- daily water usage is inevitable and sufficient to turn over the entire system;
- cold water is directly from a wholesome mains supply (no stored water tanks);
- hot water is fed from instantaneous heaters or low volume water heaters (supplying outlets at 50 °C); and
- where the only outlets are toilets and wash hand basins.

D.31 If the assessment shows the risks are low and are being properly managed, the private landlord need take no further action but it is important that the assessment is reviewed regularly in case anything changes in the system.

D.32 To help control the risk of exposure to legionella landlords must:

- Flush out the system prior to letting the property, if this has not been done within the previous two years;
- Avoid debris getting into the system by ensuring the cold water tanks, where fitted, have a tight fitting lid;
- Set control parameters where water is stored in the hot water tank at least 60°C; and
- Make sure any redundant pipework and dead ends are identified and removed.

D.33 Private landlords must advise tenants of control measures put in place and of their responsibility to help ensure they are maintained. Tenants must be advised:

- Not to adjust the temperature setting of the hot water tank;
- To regularly clean and disinfect showerheads; and
- Inform the landlord if the hot water is not heating properly or if there are any other problems with the system.

D.34 In situations where a privately let property is vacant for an extended period, steps must be taken to ensure water is not allowed to stagnate within the water system, by a suitable flushing regime or other measures such as draining the system.

D.35 More detailed information on what the law does and does not require of private landlords in relation to Legionella control, can be found on the [landlord's responsibilities page](#) on the Health and Safety Executive website.

Adequate supply

D.36 In order to comply with the Repairing Standard the water supply in any property rented to a tenants must satisfy three conditions: availability, adequacy and continuity.

(1) Availability

D.37 Wholesome water should be available to the tenants from at least one tap inside the house. In private rented properties, this will normally be located at the kitchen sink. If in extraordinary circumstances it is located elsewhere, private landlords should ensure their tenants know where the source of wholesome water is located in the house.

(2) Adequacy

D.38 An adequate supply of water means that the tenant has access to a reasonable quantity of water within a reasonable time. A cold water supply must be sufficient to provide seven litres of cold water per minute at a reasonable pressure. The principle area in which the adequacy of supply is at issue is in relation to the supply of hot water for washing and cleaning. The water supply must be sufficient to allow a tenant to obtain:

- Where the house has a shower, a continuous supply of seven litres of hot water per minute for at least 10 minutes;
- Where the house has a bath, a continuous supply of seven litres of hot water per minute in a sufficient quantity to fill the bath; and
- Where the supply is from a hot water tank, capacity to re-heat the water in the tank to provide hot water for a shower or bath, within a period of one hour.

(3) Continuity

D.39 Breaks in supply are most often an issue for private water supplies. Dry periods in the summer can leave houses without water because the source has dried up. Where a private landlord is aware that the supply is regularly interrupted for significant periods the house will be non-compliant with the Repairing Standard. This does not apply if the interruption is due to maintenance or repair works which temporarily interrupt the public water supply.

Annex D2 - Installations for the supply of gas

D.40 The Gas Safety (Installation and Use) Regulations 1998 as amended by the Gas Safety (Installation and Use) (Amendment) Regulations 2018, specifically deal with the installations, maintenance and use of gas appliances, fittings and flues in domestic and certain commercial premises. They place duties on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe. Failure to maintain gas appliances may result in loss of life and can lead to a prosecution. Private landlords must ensure the properties in which their tenants live are gas safe.

D.41 Private landlords must be satisfied that any gas appliances, fittings and flues in any houses they rent to tenants are safe to use. They must ensure that tenants can rely on the safety of gas installations and use gas appliances without fear of carbon monoxide poisoning. Private landlords should refer to the [Health and Safety Executive guide to landlords' duties: Gas Safety \(Installation of Use\) Regulations 1998 as amended Approved Code of Practice and guidance](#)

D.42 Gas fittings include gas pipework, valves, regulators and meters, and fittings, apparatus and appliances designed for use by consumers of gas for heating, lighting, cooking or other purposes for which gas can be used. Private landlords are responsible for maintaining internal pipes leading from the meter to gas appliances such as boilers, cookers and heaters and for making sure all gas appliances in the property are checked and serviced annually. Private landlord's responsibilities include portable appliances such as LPG cabinet heaters.

D.43 It is the private landlord's responsibility to

- Ensure gas fittings and flues are maintained in a safe condition;
- Ensure an annual safety check is carried out on each gas appliance and flue;
- Keep the record of the gas safety check for at least two years. However, if you wish to take advantage of the flexibility introduced under the Gas Safety (Installation and Use) (Amendment) Regulations 2018 to have gas safety checks carried out up to 2 months before the date the check needs to be carried out but still retain the original deadline date (as if the check had been carried out exactly 12 months after the previous check) you will have to demonstrate that you have complied with the law and carried out the gas safety checks within the required timescales. The record will need to be kept until two further gas safety checks have been carried out.
- Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant before the tenancy starts.

D.44 Private landlords do not have responsibility for appliances owned by their tenant or flues/chimneys which are solely connected to an appliance owned by their tenant. However, landlords must ensure that tenants are aware of their responsibilities in this regard.

D.45 Private landlords do have responsibility for any appliances and flues serving houses they rent to tenants where they are not situated in the tenant's home, such as central heating boilers not installed in tenants' accommodation, but used to heat them.

D.46 Private landlords have a duty to take all reasonable steps to ensure gas safety checks are carried out and tenants are required to give their landlords reasonable access. A suitable time for accessing the property should be arranged with the tenant. The tenant should be given at least 48 hours' notice. If the tenant does not agree to give access at the suggested time then an alternative appointment should be agreed. If a suitable time cannot be agreed then the landlord should apply to the First-tier Tribunal for Scotland using the Right Of Entry procedure – see [Right of Entry - Housing and Property Chamber](#).

D.47 Private landlords should ensure any gas engineer they appoint to carry out a gas safety check is registered on the [Gas Safe Register](#). All gas engineers must be on the Gas Safe Register to carry out gas work legally.

D.48 Any gas safety defect identified must be rectified by a Gas Safe registered engineer before the equipment is next used. Private landlords should keep copies of work done to rectify defects identified by the gas safety check.

D.49 It is an offence for a gas appliance identified as being unsafe to be used. In no circumstances should an appliance which has either been isolated or disconnected for safety reasons be reconnected until the fault has been rectified.

D.50 Private landlords must ensure that carbon monoxide (CO) detectors are fitted in all rooms where there is a fixed combustion appliance such as a boiler, fire (including open fires), heater or stove designed and installed to operate on a carbon fuel (i.e. oil, solid fuel or gas) or a flue. Appliances used solely for cooking purposes are excluded. This is a requirement of the Tolerable Standard; see annexes A and J.

D.51 Tenants must be advised of the following action to be taken should there be a smell of gas, or suspicion of a gas escape, or a carbon monoxide leak:

- Open all doors and windows;
- Shut off the gas supply at the meter control valve;
- If gas continues to escape the National Gas Emergency Service should be called on 0800 111 999 – it operates 24 hours a day; and
- Any investigations or repairs must be carried out by a Gas Safe registered engineer.

Annex D3 - Installations for the supply of electricity

D.52 Private landlords in Scotland are required by sections 19A and 19B of the Housing (Scotland) Act 2006 to ensure that:

- The installations in the house for the supply of electricity;
- Electrical fixtures and fittings; and
- Any appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

D.53 Electrical installations cover all aspects of the supply, distribution and use of electrical power in the house from the consumer unit (where the electric supply connects to the wiring in the house) to the point of use at the switch or socket-outlet.

D.54 In order to protect a tenant against electric shock and reduce the risk of electrical fires, there must be one or more Residual Current Devices (RCD) fitted in the consumer unit (fuse box). An RCD is a sensitive safety device that switches off electricity automatically if there is a fault. RCDs offer a level of personal protection that ordinary fuses and circuit-breakers cannot provide. The absence of an RCD means that the house does not comply with the Repairing Standard.

D.55 Landlords are required to ensure an electrical safety inspection is carried out by a competent person before the tenancy commences, and then at intervals of no more than five years. The electrical safety inspection does not have to be completed immediately before a new tenancy begins or every time a new tenancy starts, as long as an inspection has been carried out in the period of 5 years before the tenancy starts.

D.56 The purpose of an electrical safety inspection is to confirm, so far as reasonably practicable, that the electrical installation, fixtures, fittings or appliances are in a satisfactory condition for continued service, and to identify any work which relates to electrical installations, fixtures, fittings or appliances which needs to be done to ensure that they are in a satisfactory condition for continued service, a reasonable state of repair, and in proper working order.

D.57 The electrical safety inspection has two separate elements:

- (1) An Electrical Installation Condition Report (EICR) on the safety of the electrical installations, and
- (2) A Portable Appliance Test (PAT) on portable appliances.

D.58 Tenants cannot be required to pay for or contribute towards the cost of an electrical inspection, unless ordered to do so by the First-tier Tribunal for Scotland.

D.59 If a landlord cannot carry out an inspection because they do not have right of access to all or part of the property, or lack any other necessary right, they are not in breach of their duties in relation to the Repairing Standard, provided that they have taken reasonable steps to acquire that right.

Electrical Installation Condition Report

D.60 An Electrical Installation Condition Report (EICR), set out in Appendix 6 of BS 7671 and completed by a competent person, will meet the requirement for a record of the electrical safety inspection of an installation.

D.61 An EICR must be completed by a suitably competent person. “Competent person” means a skilled person (electrically) as defined in amendment 3 of BS7671. Regulation 16 of the Electricity at Work Regulations 1989 requires persons to be competent to prevent danger and injury. This means that they must be:

- Employed by a firm that is a member of an accredited registration scheme operated by a recognised body,
- A self-employed member of an accredited registration scheme operated by a recognised body, or
- Able to complete the checklist on the following page of this guidance.

D.62 In this part of the guidance (annex D3), recognised body means the Electrical Contractors' Association of Scotland (SELECT), NICEIC, or the National Association of Professional Inspectors and Testers (NAPIT). Landlords can take membership of these organisations as evidence of competence. Alternatively, a competent person (other than a member of NICEIC, SELECT or NAPIT) should be able to confirm all of the points listed in the checklist form provided on the following page. The Scottish Government operates a register of electricians under its Approved Certifier of Construction Scheme, which can be searched online at [Building Standards Division - Certification Register](#).

Scottish Government statutory guidance on electrical installations and appliances in private rented property

Evidence of competence to carry out an Electrical Installation Condition Report for the purposes of assessing the safety of electrical installations, fittings and fixtures in private rented property.

Checklist for Electrician	Check*
I am a member of a professional body	
I have public liability insurance (£2 million minimum is recommended)	
I have employers' liability insurance (£2 million minimum is recommended), unless the business has no employees	
I have professional indemnity insurance (£0.25 million is recommended for contractors undertaking electrical installation condition reporting)	
I have completed appropriate assessed training on current version of BS7671 within the past 5 years	
I can provide: copies of wholesaler bills made out to entity trading, <i>or</i> a company registration number, <i>or</i> a Unique Tax Reference (UTR)	
I can provide copies of trade qualification or equivalent	
I can provide a copy of a written health and safety policy statement for the business	
I have completed Electrotechnical Certification Scheme (ECS) Health & Safety Assessment within the past 3 years	
I have been granted, or am eligible to be granted at least Approved Electrician grade.	

*The electrician should tick each item in this list to confirm that it applies.

I certify that I can provide the above listed evidence of competence.

Name _____

Firm/Trading Name _____

Signed _____

Date _____

D.63 The EICR must cover –

- Installations for the supply of electricity,
- Electrical fittings, including –
 - The consumer unit(s)
 - Switches
 - Socket outlets
 - Light fittings,
 - Any visible wiring, and
 - Any areas where electrical equipment may be installed, for example lofts with supplies to renewable energy sources,
- Visual inspection of fixed electrical equipment, including –
 - Fixed electrical heating equipment e.g. storage or panel heaters,
 - Electric showers and over/under-sink water heaters,
 - Boilers and other heat producing equipment, and
 - Hard-wired smoke and fire detectors.

D.64 The person carrying out the inspection must complete the EICR which must be legible and clearly set out –

- The date of the inspection
- The full address of the house inspected
- The name and address of the landlord or their agent
- The name and address of the person carrying out the inspection
- Evidence that person completing the inspection report is a suitably competent person (see Annex A)
- A description of each installation, fixture and fitting inspected, and its location in the house, and
- Any defect identified

D.65 Note that the EICR includes details of the location of the consumer unit and main switch, but not that of other switches or socket-outlets, light fittings etc which are likely to be present in every room, but this is sufficient detail to meet the requirement of the legislation.

D.66 Any electrical installation, fixtures, fittings or equipment which fails to pass electrical safety inspection must be replaced or repaired immediately to comply with the Repairing Standard.

D.67 Any element of the electrical installations, fixtures, fittings or equipment which is classified in an EICR under code C1 (danger present) or C2 (potentially dangerous) must be rectified to comply with the Repairing Standard.

D.68 Code C1 means that anyone using the installation is at risk and remedial work should be carried out by a competent person immediately. If it is practical to do so, the competent person should make the installation safe on discovery of the dangerous condition.

D.69 Wherever practicable, items classified as C1 should be made safe on discovery. Where this is not practical the owner or user should be given written notification as a matter of urgency. Where an item is classified as C2 this is a potentially dangerous situation and urgent remedial action is required.

D.70 Any element of the electrical installation classified in an Electrical Installation Condition Report as FI (further investigation required) should be investigated as soon as practically possible as such investigation may reveal a dangerous or potentially dangerous condition.

D.71 An EICR will recommend any remedial action required in order to ensure that the electrical installation is in a satisfactory condition for continued service, but any work which is undertaken must be recorded separately. This can be done by recording the work completed on a Minor Electrical Installation Works Certificate and providing a copy of that to the person ordering the work, which is recommended for all actions to remedy a defect. If remedial work includes replacement of a fuse box (known in the electrical industry as a consumer unit) an Electrical Installation Certificate should be provided.

D.72 For more information about electrical installation testing and the classification codes, see [Electrical Safety First's Best Practice Guide](#).

D.73 In some cases a landlord may have a copy of an Electrical Installation Certificate rather than an EICR. For example, new build properties should be provided with an Electrical Installation Certificate, and an Electrical Installation Certificate should be provided when a house is fully rewired. A landlord who has an Electrical Installation Certificate for a property can provide this in place of an EICR to comply with this guidance, provided that the date of next inspection indicated on the certificate has not elapsed, and the certificate was issued no more than five years ago.

Portable Appliance Testing (PAT)

D.74 The EICR covers installations and visual inspection of fixed electrical equipment, a PAT covers appliances. For the purpose of the PAT, “appliances” means movable electrical equipment.

D.75 Appliances include:

- Electrical white goods (such as refrigerators and washing machines),
- Electrical brown goods (such as televisions and DVD players),
- Electric fires that are not fixed in place,
- Kitchen appliances, such as toasters and kettles,
- Hand held electrical equipment, such as hairdryers, and
- Any other appliances provided by the landlord that are not permanently connected to the electrical installation.

D.76 Portable appliances generally have a cable and a plug. There is often uncertainty about whether certain items of equipment should fall within the remit of inspection and testing of the fixed wiring or that of the portable appliance testing. For the avoidance of doubt, all portable appliances and fixed equipment provided by the landlord should be inspected and, if required, tested. If any fixtures are not specifically included in the remit of the EICR they should be included in the PAT.

D.77 Any appliance which fails to pass a Portable Appliance Test must be replaced or repaired immediately to comply with the Repairing Standard.

D.78 A PAT test must be completed by a suitably competent person. For the purpose of the PAT test this means either:

- A skilled person (electrically) as set out in paragraph D.61 above, or
- A person (including the landlord) who has completed appropriate training as a PAT tester.

D.79 A landlord, or other person, is considered competent to carry out a PAT test if they have successfully completed relevant training. Organisations offering training courses include -

- The Scottish Association of Landlords provide training through their sister organisation, Landlord Accreditation Scotland. The course is run by Quick Test ([PAT Testing Training - Courses run by Quick Test](#)).
- The Electrical Contractors' Association of Scotland (SELECT) ([iMIS - Welcome to the World of iMIS](#), select ‘All Courses and Dates’, and search for ‘portable appliance testing’)
- NICEIC ([NICEIC - Practical training courses to enhance your industry knowledge](#))
- EAL ([EAL Awards](#)) offer the following course: EAL Level 3 Award in the In Service Inspection and Testing Of Electrical Equipment (PAT) (QCF).

D.80 The Institution of Engineering and Technology (IET) publishes a Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition, 2012). This publication provides useful guidance on all aspects of portable appliance testing including the classification of equipment types; inspection and testing procedures; training requirements for those overseeing and/or carrying out the inspection and testing and record keeping. The Code also contains the following model forms for in-service inspection and testing:

- V.1 Equipment register – where all portable appliances in a property are listed
- V.2 Equipment formal visual and combined inspection and test record
- V.3 Equipment labels – to show clearly whether an item of equipment has passed or failed the inspection and testing to which it was subjected
- V.4 Repair register
- V.5 Test instrument record.

Copies of forms V.1 and V.2 should be attached to the EICR.

D.81 An appliance that was purchased new less than one year before the date of the test does not require to be included in that PAT test. An appliance that was purchased second hand should be included in that PAT test. If there is any doubt about the condition or age of an appliance or the date of purchase it should be included in the test. If an appliance is new it should be included in the record of the PAT test record and the date that its first test is due should be clearly recorded.

D.82 The duty to carry out electrical safety inspections does not apply to appliances that belong to tenants, only to appliances provided by the landlord.

D.83 The date for retesting appliances is usually set during the PAT test and will usually be more frequent than five years. If the electrician/PAT tester recommends more frequent checks then the landlord should follow their advice on frequency. If the PAT test is not carried out by the electrician at the same time as the EICR, the electrician should confirm that the appliance testing report is complete and up to date. The electrician does not have to re-perform the PAT test if the re-test date has not passed/expired and there is a record of the appliances and having been tested and stickers confirm. If there are any appliances that need tested this can be done at the time of the inspection but it is not necessary to retest appliances that have an up-to-date test.

D.84 The landlord must receive and keep a copy of the EICR and PAT report for six years. A copy of the most recent EICR and PAT report must be given to a person who is to become a tenant before a tenancy starts. If an inspection is carried out during a tenancy a copy relating to that inspection must be given to the tenant.

Electrical Safety: Periodic Tests and inspections

D.85 Landlords should ensure that electrical safety inspection are carried out:

- Before a tenancy starts, and
- During the tenancy, at intervals of no more than 5 years from the date of the previous inspection.

D.86 The minimum standard to comply with the legislation is that an inspection must be carried out at least every 5 years, but this does not preclude more frequent testing where appropriate.

D.87 If a tenancy lasts more than a year, it is good practice to carry out annual visual inspections to detect any damage, deterioration, wear and tear, signs of overheating, loose fixings, or missing parts that may lead to danger. Landlords' visual checks should include checks on:

- Fuse boxes (consumer units) for signs of damage;
- Light switches and electrical sockets for any signs of damage or overloading;
- Cables to make sure that they are safe and are not damaged; and
- Electrical appliances for signs of damage and deterioration and to confirm that plugs and cables are secure.

D.88 Additionally, landlords should advise tenants to test that the following devices operate when their integral test button is pressed at time intervals as specified:

- Residual Current Devices (quarterly check)
- Smoke or heat detectors (weekly check)
- Carbon monoxide detectors (monthly check)

D.89 Electrical Safety First provides a Landlord's Interim Checklist which can be used to record a visual inspection. This is available free online at [Landlords interim checklist - Electrical Safety First](#)

Annex D4 - installations for the supply of other fuels

D.90 Where the space or water heating in a home is supplied by some other fuel than gas or electricity, this part of the guidance applies. The installation for the supply of other fuels must be safe and in good working condition to comply with the Repairing Standard.

D.91 By other fuels, we mean any system for providing space or water heating in the house other than:

- Mains gas;
- Mains electricity; or
- Electricity generated from renewable sources such as solar panels, heat pumps or windmills, generated, stored or used on or for the premises.

D.92 The most common types of other fuels are –

- Oil
- Liquid petroleum gas
- Solid fuel, such as coal or wood, and
- Biomass

D.93 In order to be considered safe the installations must be free of such problems as:

- Wall mounted boilers in danger of detaching;
- Rusted boilers or tanks;
- Leaking tanks or pipes;
- Holes in flues;
- Unsafe or incorrectly positioned guards; or
- A smell of fuel around the boiler.

D.94 In order to be considered in good working condition, the heating system in the property must:

- Be able to heat rooms and water as intended;
- Allow the tenant to control the temperature in the property;
- Be reasonably reliable – the supply is regularly interrupted for significant periods the house will be non-compliant with the Repairing Standard; and
- Meet the minimum overall standard for energy efficiency required in Scottish regulations.

D.95 The fuels listed in paragraph D.90 are all carbon-based fuels, and therefore a carbon monoxide detector is required for any boiler or flue from a boiler which is inside the living accommodation of the property.

Annex D5 - Installations for sanitation

D.96 The Repairing Standard requires that installations for sanitation are in a reasonable state of repair and in proper working order.

D.97 Installations for sanitation mean:

- A sink provided with a satisfactory supply of both hot and cold water for food preparation and cleaning cooking and eating utensils;
- A toilet available for the exclusive use of the occupiers in a suitable room and with a convenient hand wash basin with a satisfactory supply of both hot and cold water;
- Either a fixed bath or a fixed shower with a satisfactory supply of hot water; and
- An appropriate space with a water supply and drainage for the installation of a washing machine.

D.98 Reasonable state of repair means in a usable condition, which includes:

- Connecting pipework can handle the normal intake and discharge of water without leaking;
- Facilities can be used without leaking;
- Facilities are safe to use;
- Baths, basins, sinks, and shower trays free of substantial cracks or surface damage; Cisterns fill within a reasonable time and do not overflow;
- Toilets flush, and sinks drain quickly; and
- Taps work properly to allow control the flow of water.

D.99 Proper working order means that the facilities are able to be used for the purpose intended. That is, the tenant is able to carry out washing, bodily functions, cleaning, cooking or laundry as appropriate. Installations should have an adequate supply of water for these purposes, and satisfactory provision for disposal of foul water, see paragraphs C.14 and D.36 of this guidance. The location of sanitary facilities must have adequate ventilation to prevent persistent condensation and mould, see paragraphs B.16-B.19 of this guidance.

D.100 Landlords are not required to provide washing machines, or other appliances such as tumble driers and dishwashers. However, if any appliances are provided they should be in good working order and repaired or replaced if faulty; see Annex E.

D.101 Landlords are not required to provide both a bath and a shower, the minimum standard is that at least one of these is available. Some tenants will require a bath or require a shower, in order to provide child care, or because of a disability. If a property lacks either a bath or a shower it must be suitable for the use of the tenants at the point that it is let. It is not the landlord's responsibility to ensure this, the tenant must ensure it meets their needs (or can be adapted to meet their needs through provisions in para D.102 below).

D.102 Under the Equalities Act 2010, landlords have a duty to permit reasonable adjustments to properties for disabled people.

Annex D6 - Installations for space heating by a fixed heating system

D.103 The Repairing Standard requires that space heating is provided by a fixed heating system.

D.104 A fixed heating system means a permanent installation in the property which is plumbed or hard wired and capable of maintaining a temperature of 21°C in at least one room and 18°C elsewhere, when the outside temperature is minus 1°C. It should be safe to use, in good condition and reasonable working order. It is not acceptable to rely on plug-in or portable heaters except on a temporary basis while repairs are being carried out, and such periods must be kept to a minimum.

D.105 The majority of houses in Scotland have central heating systems which deliver heat to all parts of the house through electrical storage heaters or a central heat source such as a gas or oil powered boiler, a range cooker or a communal or district heating system. The standard will be satisfied if such a system covers all rooms in a house not used as a kitchen, store or a utility. A heater is not needed where the design and layout of the room is such that it is not required, for example where a hallway is small and cannot support a heater. It is acceptable for some rooms to have secondary heating systems, for example a standalone bathroom heater in a house otherwise served by a central heating system.

D.106 Alternative heating systems which involve a holistic design approach to the dwelling are also acceptable, as long as they are capable of providing sufficient heat to all rooms not used solely as a kitchen, store or utility. These may include active or passive designs or a combination of technologies.

D.107 The fixed heating system in place must comply with any energy efficiency or heat in buildings standard required for private rented housing, or housing generally, in force in Scotland.

Annex D7 - Installations for heating water

D.108 The Repairing Standard requires that a property has an installation for heating water. The installation for heating water must be in a reasonable state of repair and in proper working order.

D.109 The system for heating water will usually be the same system for heating rooms, but in some cases these may be separate systems.

D.110 The system must be capable of providing an adequate supply of hot water to meet normal use for washing and cleaning, the parameters for this are set out in paragraph D.38.

D.111 The system must comply with duty to minimise the risk of legionella, see paragraph D.32. The system must comply with the safety standards appropriate to the type of fuel used to heat the water, see Annexes D2, D3 and D4. The system must allow water to drain away properly after it has been used, see paragraph C.14.

D.112 Where water is stored at a temperature of not less than 60°C, landlords should have regard to the guidance on hot water discharge from sanitary fittings in section 4.9.5 of the [Scottish Building Standards Domestic Technical Handbook](#). To prevent scalding, the temperature of hot water, at point of delivery to a bath or bidet, should not exceed 48°C which can be achieved by use of a thermostatic mixing valve (TMV). This does not require landlords to fit TMVs, or similar devices, to all existing bathrooms, but does apply when a dwelling is altered or extended and new sanitary facilities are provided.

Annex E - Fixtures, fittings and appliances provided by the landlord

E.1 The Housing (Scotland) Act 2006 section 13 (1)(d) requires that any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

E.2 The age of the various fittings in the bathroom and the kitchen and other areas is not the most important factor. It is condition of the fittings that matters: they need to be fit for use. The condition of the bathroom and kitchen are likely to deteriorate with age, and will need to be replaced when no longer fit for purpose.

E.3 Electric, gas and other types of fitting for providing heat and power to the house must be safe to use. See annexes D.2 to D.4.

E.4 The landlord is not required to provide appliances but when determining whether the privately rented house meets the standard of repair required by section 13(1d) the landlord must ensure any appliances provided are in reasonable condition and working properly.

E.5 Where appliances of any sort are provided by the landlord, tenants should always be told to read and follow the equipment manufacturer's instructions, if these are available.

E.6 If the landlord has provided any electrical appliances, they must organise regular portable appliance testing (PAT), see paragraphs D.74 to D.84 of this guidance.

E.7 Before providing portable electrical appliances to tenants, a landlord should check that each appliance has at least the CE Mark, which is the product manufacturer's claim that it meets all the requirements of European Union legislation. Appliances with additional safety marks, such as the British Standard Kitemark or the BEAB Approved Mark tend to provide greater assurance of electrical safety. The landlord must verify that any secondhand equipment is safe. This will require relevant inspection and testing to be carried out.

E.8 Care should also be taken to avoid counterfeit electrical products. Counterfeit electrical goods almost always contain incorrect or faulty parts that can overheat or break just days after purchase, increasing the risk of fire or electric shock. If electrical products are purchased online follow the advice given by Electrical Safety First at [Don't Be Electrified - Electrical Safety First](#)

E.9 Landlords and tenants should also regularly check that any electrical appliances in the house are not subject to any current product recall notices or safety alerts. A significant number of recalls for electrical appliances occur because the items are at risk of catching fire or causing electrocution. It is good practice to register products at the address of the landlord or the letting agent to ensure that recall paperwork is actioned. Alternatively, landlords can check a free list of products that have recently been recalled by manufacturers which is provided by Electrical Safety First and is available free online at: [Product Recalls & Safety Notices - Electrical Safety First](#)

E.10 Landlords can register appliances to ensure that they receive notice of any recalls. This can be done through [Home - Register My Appliance](#) or [Register your home appliances with EESafe](#).

Annex F - Furnishings provided by the landlord

F.1 The Housing (Scotland) Act 2006 section 13(1)(e) requires that any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.

F.2 Landlords are not required to provide furnishings but when determining whether the privately rented house meets the standard of repair required by section 13(1)(e) the landlord must ensure any furnishings they provide are safe to use for the intended purpose.

F.3 Upholstered furniture provided as part of the rented property, by the owner, must meet fire safety standards set out in the Furniture and Furnishings (Fire) (Safety) Regulations 1988. This requires:

- All furniture and equipment must be manufactured from fire resistant materials, or be treated with fire retardant coatings from the manufacturer;
- All items must have one permanent manufacturer's label, which cannot be removed, and which gives information on the materials used to make the item;
- Any upholstered items must have a filling which is fire resistant. All furnishings must pass the cigarette and match tests set out in schedules 4 and 5 of the Regulations; and
- Mattresses and bed bases must have a label that shows that they meet BS7177.

F.4 There is an exception under the Regulations for furniture or antiques which were made before 1950.

Annex G - Food storage and food preparation

G.1 Section 13(7)(k) of the Housing (Scotland) Act 2006 provides that guidance for landlords on the Repairing Standard includes that the house has satisfactory provision for, and safe access to, a food storage area and a food preparation space.

G.2 When determining if the house meets this element of the Repairing Standard, the landlord should ensure the tenant can safely access food storage and food preparation space.

Food storage

G.3 In order to meet the requirement for food storage, a house must have either:

- A cubic metre of storage space, with a door or drawers, suitable for keeping food products at room temperature, in or adjacent to the food preparation area, and separate from storage for cleaning products or close to drainage (therefore excluding the space under the kitchen sink); or
- If this is not practical due to the design, age or construction of the building, be as close to the standard in the previous paragraph as possible.

G.4 There must also be space, and an appropriate power source, for the installation of a fridge and freezer, or a fridge/freezer. Landlords are not required to provide these appliances, but where they are provided they must meet the standards set out in Annex E.

G.5 The Repairing Standard is met if the available space for food storage is converted for other purposes at the tenant's choice, such as for other kinds of storage or where a storage unit is replaced by other facilities, such as a dishwasher.

Food preparation

G.6 In order to meet the requirements of the Repairing Standard, a property must have an appropriate space for the preparation of food which includes:

- A worktop or table for the preparation of food, or which can be made available for that purpose;
- A conveniently located sink with an adequate supply of hot and cold water, for washing food products and washing or filling cooking utensils, and for the disposal of waste water from cooking;
- Convenient access to a fridge that meets the requirement of paragraph G.4;
- Convenient access to a cooker that meets the requirements of paragraph G.8; and
- Access to storage space that meets the requirements of paragraph G.3.

G.7 Convenient access means in the same room, or immediately outside of it if it is not possible in view of the design, age or construction of the building.

G.8 Landlords are not required to provide cookers, but where they are provided they must meet the standards set out in Annex E. The minimum requirement is the convenient location of a suitable space and power source for a cooker, which is either a 30 amp or 45 amp electrical outlet or a gas supply.

G.9 The food preparation space must set out in a way that allows it to be used safely, in particular:

- Access to an electrical supply for appliances such as kettles and toasters on a the worktop or kitchen table, set out so that cables do not go across the floor area;
- Appliances such as kettles and toasters can be placed where they are not beneath wall units;
- The cooker must be located so that it can be used safely without being knocked or jostled by people coming into or leaving the food preparation space;
- A person using the kitchen space must be able to move between the cooker and the sink without being knocked or jostled by people coming into or leaving the food preparation space;
- There must be at least 300mm of worktop space between the cooker and sink wet area, including the drainers; and
- Food preparation areas must be separated from sanitary facilities for personal hygiene and bodily functions.

Annex H – Access to common parts

H.1 Section 13(1)(i) of the Housing (Scotland) Act 2006 requires that any common parts pertaining to the house can be safely accessed and used.

H.2 When the privately rented house is a flat in a tenement, and the tenancy agreement includes the use of common parts such as common closes and shared gardens, the tenant must be able to safely use and access these areas.

This includes:

- Access to the property;
- Common closes;
- Common stairs;
- Common lifts;
- Bin stores; and
- Drying areas.

Unless the tenancy agreement excludes the use of the common parts.

H.3 In order to meet the requirement that common parts can be accessed safely, there must be:

- Adequate lighting, so that tenants are not at risk of falling or of criminal attack;
- Paths and ramps are safe underfoot;
- Common spaces are kept clear of obstructions, that would affect their use or impede evacuation in the event of fire;
- Common spaces are kept reasonably clean and tidy; and
- Any mechanical component required to make use of the space must be in good working order.

H.4 In relation to the obstructions and cleanliness of common areas, landlords are entitled to expect tenants to store possessions such as bicycles and pushchairs appropriately and dispose of rubbish properly, but if necessary items may have to be removed. Cleaning of common areas can be required by local authorities under provisions of the Civic Government (Scotland) Act 1982.

H.5 The responsibilities of landlords are limited by the need for the consent of other owners in a building, as set out in Chapter 7 of this guidance.

Annex I - Common doors

I.1 Section 13(1)(k) of the Housing (Scotland) Act 2006 requires that where a house is in a tenement and has common doors (or is designed to have common doors), that these doors are secure and fitted with satisfactory emergency exit locks.

I.2 The definition of tenement includes other kinds of flats; see paragraph 7.3 of this guidance.

I.3 In order to be secure all common doors must be lockable, and the common front door must have a secure entry system that:

- Informs the tenant when a visitor or delivery has arrived; and
- Allows the tenant to open the common front door remotely.

I.4 A secure entry system is not required for a block of three or fewer flats where all occupiers have easy sight of or close access to the common front door.

I.5 Common front doors must have:

- Mortice locks (any number of levers);
- Rim-type deadlocks;
- Yale locks;
- Key operated multi-point locks; or
- Electronic/magnetic locks.

I.6 Common rear doors must have:

- Locks of the same type as required for common front doors; or
- One or more substantial bolts secured from the inside.

I.7 To meet the requirement for emergency exit, the landlord must ensure that the type of emergency exit locks fitted allow tenants to open them from the inside without a key, so that they do not inhibit exit in the event of a fire.

I.8 The responsibilities of landlords are limited by the need for the consent of other owners in a building, as set out in Chapter 7 of this guidance.

Annex J - Fire alarms and carbon monoxide detectors

J.1 A requirement for fire alarms and carbon monoxide (CO) detectors was previously part of the Repairing Standard. This is now part of Tolerable Standard and is therefore required in all tenures, including private rented housing; see annex A of this guidance. This annex will summarise the duty as it applies to private rented properties.

Fire alarms

J.2 In order to comply with the Repairing Standard there should be at least:

- One smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge);
- One smoke alarm in every circulation space on each storey, such as hallways and landings;
- One heat alarm installed in every kitchen;
- All smoke and heat alarms to be ceiling mounted, unless paragraph J.7 applies; and
- All smoke and heat alarms to be interlinked.

J.3 Mains-operated alarms (with battery backup) are permitted, and tamper proof long-life lithium battery alarms (i.e. not PP3 type or user-replaceable) are also permitted. Mains-wired units may have a back-up supply in case of a power cut, and wireless interlinking may use a separate power supply for the radio signal. Alarms will not fail the Repairing Standard if these additional supplies use replaceable batteries.

J.4 Fire alarms should only be used within the manufacturers recommended lifespan (usually no more than 10 years old). The date of expiry should normally be recorded on the alarm and the alarm replaced before this expiry date.

J.5 Alarms can be interlinked via wires (hardwired) or wirelessly (by radio communication). Where adding to an existing hardwired system, care should be taken to ensure that all alarms are interlinked, with all alarms sounding when any one device is activated. All the alarms required to provide a compliant system must be interlinked. If there are additional alarms that are not required by the Tolerable Standard, for example, in bedrooms, the system does not fail the Repairing Standard if these additional alarms are not interlinked to the system.

J.6 Open plan combined rooms, such as kitchen/living rooms will only require one alarm, provided that it can be located no more than 7.5 metres from any point in the room. The type of alarm used should be appropriate for the room.

J.7 A “circulation space” is a room that you have to go through to get to another part of the house. This does not require alarms in small spaces such as a vestibule, front porch or half-landing with no or minimal space for furniture, storage or appliances. In order to provide effective warning, there should be an alarm on a landing or hall located no more than 3 metres from the door of the main bedroom.

J.8 Wall mounted alarms should only be installed where this is in accordance with the manufacturer's recommended installation. Alarms on walls should be located within 30 cm of the ceiling at its highest end. Wall mounting may be appropriate where ceilings are sloped or uneven, or in order to avoid disturbing asbestos.

J.9 If there is a requirement for the house to meet a more stringent standard of provision for detecting and giving warning of fire (for example, in a house in multiple occupation (HMO) requiring to be licensed, or if work requires a building warrant), then the Repairing Standard criterion is only to be regarded as met if that requirement has also been met.

J.10 The fitting of a mains-operated smoke/heat alarm system may require a building warrant and landlords should consult the Building Standards department of the local authority.

J.11 The Scottish Fire and Rescue Service (SFRS) offer free home (i.e. domestic premises) fire safety visits (HFSVs) comprising an assessment of fire risk within the home at that time and the provision of advice on preventing fires, avoiding fire spread and formulating an escape plan in event of fire. To arrange a free Home Fire Safety Visit: call 0800 0731 999, text "FIRE" to 80800 from your mobile phone, or visit [Home - Fire Scotland](#).

J.12 Where telecare is in use, effective warning interlinked smoke and heat alarms should be installed which are compatible with any telecare alarms, and connected to the telecare system, ensuring a single system approach.

J.13 Under the Equality Act, landlords have a duty to make reasonable adjustments to properties for disabled people. Therefore, they require to provide deaf alerts compatible with the interlinked systems.

Carbon monoxide (CO) detectors

J.14 In order to alert occupants to the presence of levels of CO gas which may be harmful to people, CO detectors to be fitted in all rooms where there is a fixed combustion appliance or a flue.

J.15 CO detectors must be mains wired or powered by a battery designed to operate for the working life of the detector.

J.16 Combustion appliance means a fixed appliance, such as boilers, fires (including open fires), heaters and stoves, designed and installed to operate on a carbon based fuel, such as oil, solid fuel or natural gas. A carbon monoxide detector is not required for a gas cooker or hob.

J.17 All CO detectors should be either:

- Ceiling mounted and at least 300 mm from any wall (unless otherwise indicated by the manufacturer); or
- Wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room (unless otherwise indicated by the manufacturer).

J.18 CO detectors should only be used within the manufacturers' recommended lifespan (usually no more than 10 years old). The date of expiry should normally be recorded on the alarm and the alarm replaced before this expiry date. The detector should incorporate an appropriate warning device to alert the users when its working life is due to expire.

J.19 The standard applies to rooms, meaning parts of the house that are used for living accommodation. A house does not fail the Tolerable Standard if there is no carbon monoxide detector in a part of the house that is not used as, or has not been converted for use as, living accommodation, such as cellars, attics and garages. However, if a new carbon fuelled appliance is installed, or an existing appliance replaced, Scottish building regulations must be complied with and may require the installation of a carbon monoxide detector.

J.20 Carbon monoxide detectors in the space containing the combustion appliance should be sited between 1m and 3m from the appliance. A carbon monoxide detector should not be placed in a cupboard or other small enclosed space. If this is where the appliance is, the detector should be located at the appropriate distance from that space.

J.21 The Repairing Standard does not require carbon monoxide detectors to be interlinked, or to be interlinked with fire alarms.



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