

Draft Order laid before the Scottish Parliament under section 109(6) of the Housing (Scotland) Act 2001 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

HOUSING

The Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012

Made - - - -

Coming into force - - *1st August 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 16(5A)(c) and 109(2) of the Housing (Scotland) Act 2001⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 16(5B) of that Act⁽²⁾, they have consulted such bodies representing local authorities, such registered social landlords or bodies representing them, such bodies representing tenants' interests, and such other persons, as they think fit.

In accordance with section 109(6) of that Act⁽³⁾, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012 and comes into force on 1st August 2012.

Maximum period

2.—(1) The maximum period prescribed for the purposes of section 16(5A)(c) of the Housing (Scotland) Act 2001 (powers of court in possession proceedings) is 6 months from the date when the decree (in respect of an order made under section 16(2) of that Act) is extracted.

(2) Where an appeal is lodged after the decree is extracted and an order for recovery of possession is subsequently upheld the prescribed maximum period is 6 months from the date of the interlocutor of the court disposing of the appeal.

(1) 2001 asp 10; section 16(5A) was inserted by section 153(a) of the Housing (Scotland) Act 2010 (asp 17).

(2) Section 16(5B) was inserted by section 153(a) of the Housing (Scotland) Act 2010 (asp 17).

(3) Section 109(6) was amended by section 153(b) of the Housing (Scotland) Act 2010 (asp 17) and has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Scottish Secure Tenancies (Repossession Orders) (Maximum Period) Order 2012 No. 128*

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the maximum period for which a landlord's right to recover possession of a house in pursuance of a court order under section 16(2) of the Housing (Scotland) Act 2001 is to have effect, in certain cases. Those cases are where the court order is made on the grounds that rent lawfully due from the tenant has not been paid (as set out in paragraph 1 of schedule 2 to the Housing (Scotland) Act 2001), or on grounds including that ground.

Article 2 prescribes a maximum period of 6 months from the date a decree (in respect of an order made under section 16(2) of the Act) is extracted. Where an appeal is lodged after the date of extract, and an order for recovery of possession is subsequently upheld, the prescribed maximum period of 6 months will begin on the date of the interlocutor of the court disposing of the appeal.