

2002 No. 319

HOUSING

The Short Scottish Secure Tenancies (Proceedings for Possession) Regulations 2002

Made 26th June 2002

Laid before the Scottish Parliament 27th June 2002

Coming into force 30th September 2002

The Scottish Ministers, in exercise of the powers conferred by sections 36(3) and 109(2) of the Housing (Scotland) Act 2001(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Short Scottish Secure Tenancies (Proceedings for Possession) Regulations 2002 and shall come into force on 30th September 2002.

Form of notice for recovery of possession

2. The form of the notice contained in the Schedule to these Regulations is hereby prescribed for the purposes of section 36(3) of the Housing (Scotland) Act 2001.

MARGARET CURRAN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th June 2002

NOTE 3 TO TENANT:

YOUR LANDLORD HAS EXPLAINED IN PART 2 OF THIS NOTICE THAT IT REQUIRES POSSESSION OF THE HOUSE.

THE COURT MUST GRANT A POSSESSION ORDER AGAINST YOU IF IT APPEARS TO THE COURT THAT:

- (A) THE TENANCY HAS REACHED ITS END OR 'ISH';**
- (B) TACIT RELOCATION IS NOT OPERATING; AND**
- (C) NO FURTHER CONTRACTUAL TENANCY IS IN EXISTENCE.**

IF AN ORDER IS GRANTED AGAINST YOU FOR ONE OF THE ABOVE REASONS THEN IT MUST GIVE A DATE THAT YOU MUST MOVE OUT OF THE HOUSE.

NOTE 4 TO TENANT:

YOUR LANDLORD MUST GIVE YOU 2 MONTHS' NOTICE OR SUCH LONGER PERIOD AS YOUR TENANCY AGREEMENT PROVIDES IF YOUR TENANCY IS A SHORT SCOTTISH SECURE TENANCY AND YOUR LANDLORD IS SEEKING REPOSSESSION AS DESCRIBED IN NOTE 3.

Part 3. Proceedings will not be raised before (date) (which is the earliest date at which proceedings can be raised under section 36 of the Act.

Signed (Landlord(s) or Landlord's agent)

NOTE 5 TO TENANT:

THE DATE GIVEN IN THE NOTICE (SEE PART 3 OF THE NOTICE) IS THE EARLIEST DATE ON WHICH YOUR LANDLORD CAN TAKE COURT ACTION. AFTER THAT DATE THE LANDLORD IS ALLOWED TO START POSSESSION PROCEEDINGS AGAINST YOU AT ANY TIME DURING THE FOLLOWING 6 MONTHS. IF THAT 6 MONTHS PERIOD PASSES WITHOUT POSSESSION PROCEEDINGS BEING STARTED, YOUR LANDLORD WOULD HAVE TO SERVE ANOTHER ONE OF THESE NOTICES BEFORE IT COULD START COURT ACTION FOR POSSESSION.

NOTE 6 TO TENANT:

IF YOU WANT TO CONTEST YOUR LANDLORD'S INTENTION TO REPOSSESS YOUR HOME, YOU ARE STRONGLY ADVISED TO TAKE LEGAL ADVICE WITHOUT DELAY AND BEFORE THE EXPIRY OF THE TIME LIMIT GIVEN BY THE NOTICE. HELP WITH ALL OR PART OF THE COST OF LEGAL ADVICE MAY BE AVAILABLE UNDER THE LEGAL AID LEGISLATION

NOTE 7 TO TENANT:

REMEMBER BEFORE YOU MUST LEAVE YOUR HOME, YOUR LANDLORD MUST HAVE DONE 2 THINGS:

- 1. SERVED ON YOU THIS NOTICE; AND**
- 2. OBTAINED A COURT ORDER.**

NOTE 8 TO TENANT:

THIS IS AN IMPORTANT DOCUMENT AND YOU SHOULD KEEP IT IN A SAFE PLACE.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of notice to be used by a landlord when notifying a tenant under a short Scottish secure tenancy, within the meaning of Part 2 of the Housing (Scotland) Act 2001, that the landlord requires possession of the house occupied by that tenant and may commence possession proceedings in respect of that house.

The notice sets out the time limits within which the landlord is permitted to commence possession proceedings.

£1.75

© Crown Copyright 2002

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
250 07/02 19593

