
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 421

HOUSING

**The Notice to Local Authorities (Scotland)
Amendment (No. 2) Regulations 2017**

Made - - - - 28th November 2017
*Laid before the Scottish
Parliament* - - - - 30th November 2017
Coming into force - - 31st January 2018

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 11(3) and (4) of the Homelessness etc. (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Notice to Local Authorities (Scotland) Amendment (No. 2) Regulations 2017 and come into force on 31st January 2018.

Amendment of the Notice to Local Authorities (Scotland) Regulations 2008

2.—(1) The Notice to Local Authorities (Scotland) Regulations 2008⁽²⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (form of notice), after paragraph (2) insert—

“(3) The form of notice to be given under section 245ZA(2) of the Proceeds of Crime Act 2002 (notice to local authority of application for decree of removing and warrant for ejection)⁽³⁾ is as set out in schedule 3.”

(3) After schedule 2, insert the schedule set out in the schedule of these Regulations.

(1) 2003 asp 10. Section 11 was amended by section 8(5)(a) of the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6) and paragraph 89 of schedule 5 of the Criminal Finances Act 2017 (c.22). Section 11 is also amended by paragraph 8 of schedule 4 of the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), which is due to come into force on 1st December 2017.

(2) S.S.I. 2008/324, as amended by S.S.I. 2010/251 and S.S.I. 2017/295.

(3) 2002 c.29; section 245ZA is inserted by section 29(2) of the Criminal Finances Act 2017.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
28th November 2017

MICHAEL MATHESON
A member of the Scottish Government

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SCHEDULE

Regulation 2(3)

Insertion of schedule 3 of the Notice to Local Authorities (Scotland) Regulations 2008

“SCHEDULE 3

Regulation 2(3)

Note to enforcement authority (as defined in section 316(1) of the Proceeds of Crime Act 2002)

This form of notice must be used to give notice to a local authority of an application made under section 266(8ZA) of the Proceeds of Crime Act 2002 for decree of removing and warrant for ejection in relation to heritable property which consists of or includes a dwellinghouse.

**NOTICE BY ENFORCEMENT AUTHORITY OF
APPLICATION FOR DECREE OF REMOVING AND
WARRANT FOR EJECTION UNDER THE PROCEEDS OF
CRIME ACT 2002**

To:

(Name of local authority in whose area the dwellinghouse/s referred to in the application is/are situated)

Take note that an application has been made to the Court of Session, under section 266(8ZA) of the Proceeds of Crime Act 2002, for decree of removing and warrant for ejection in relation to heritable property which consists of or includes a dwellinghouse.

This notice is being given in accordance with section 245ZA(2) and (3) of that Act.

*(Please give the following information and, if the application refers to more than one dwellinghouse which is situated within the local authority's area, please give the information marked with an * in respect of each dwellinghouse)*

Name and address of enforcement authority:

Contact telephone number of enforcement authority:

Enforcement authority's case reference number:

Date of application:

Full postal address of the property referred to in the application*:

Name of registered proprietor*:

Name of each person occupying the property or, if not known, such other information as is known about the occupancy of the property*:

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EXPLANATORY NOTE

(This note is not part of the Regulations)

The Notice to Local Authorities (Scotland) Regulations 2008 (“the 2008 Regulations”) prescribe the form and manner in which notice is to be given under section 11(1) of the Homelessness etc. (Scotland) Act 2003 (“the 2003 Act”) and various other enactments listed in section 11(5) of that Act.

These Regulations amend the 2008 Regulations to prescribe the form and manner in which notice is to be given under section 245ZA(2) of the Proceeds of Crime Act 2002 (“the 2002 Act”), as inserted by section 29(2) of the Criminal Finances Act 2017.

Section 245ZA(2) of the 2002 Act provides that, where the enforcement authority applies under section 266(8ZA) of that Act for decree of removing and warrant for ejection in relation to heritable property which consists of or includes a dwellinghouse (as defined in the 2003 Act), it must give notice of this to the relevant local authority. The Scottish Ministers are the enforcement authority for this purpose (section 316(1) of the 2002 Act). Section 245ZA(3) of the 2002 Act requires such notice to be given in the form and manner prescribed under section 11(3) of the 2003 Act.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.