SCHEDULES

[F1SCHEDULE 2

ACQUISITION OF HOUSES WHICH DO NOT MEET THE TOLERABLE STANDARD

Textual Amendments

F1 Sch. 2 substituted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(2), **Sch. 23 para. 10(2)**

Procedure

2 (1) The local authority may make and submit to the Secretary of State an order, in such form as may be prescribed by regulations made under section 330 of the Housing (Scotland) Act 1987, declaring that the house does not meet the tolerable standard and if—

(a) that order is confirmed by the Secretary of State, either before or concurrently with the confirmation of a compulsory purchase order for the acquisition of the land, or

(b) in a case where the acquisition is in pursuance of a notice to treat deemed to have been served in consequence of the service of a notice under **[**F2section 90 of the Town and Country Planning (Scotland) Act 1997**]** or the provisions of that section as applied by or under any other enactment or in consequence of the service of a notice under section 11 of the New Towns (Scotland) Act 1968 or under **[**F3section 101 of the Town and Country Planning (Scotland) Act 1997**]**, the order is made before the date on which the notice to treat is deemed to have been served and is subsequently confirmed by the Secretary of State,

section 305 and paragraph 12(2) and (3) of Schedule 8 to the Housing (Scotland) Act 1987 (which relate respectively to payments in respect of certain well-maintained houses under Part XV and to compensation for compulsory acquisition under Part IV of the Housing (Scotland) Act 1987) shall apply as if the house had been purchased under Part IV as not meeting the tolerable standard, and as if any reference in that section and paragraph to the local authority were a reference to the acquiring authority.

(2) Before submitting to the Secretary of State an order under this paragraph, the local authority by whom the order was made shall serve on every owner, and (so far as it is reasonably practicable to ascertain such persons) on F4... the holder of every heritable security over, the land or any part thereof, a notice in such form as may be prescribed as mentioned in the last preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the

Secretary of State may, if he thinks fit, confirm the order; but in any other case he shall, before confirming the order, consider any objection not withdrawn, and shall, if either the person by whom the objection was made or the local authority so desires, afford to that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Section 86 of the Housing (Scotland) Act 1987 shall have effect in determining for the purposes of this paragraph whether a house meets the tolerable standard as it has effect in so determining for the purposes of that Act.

(5) In this paragraph "appropriate local authority" means a local authority who, in relation to the area in which the land in question is situated, are a local authority for the purposes of the provisions of Part IV of the Housing (Scotland) Act 1987 relating to housing action areas; and "owner," in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.**]**

Textual Amendments

F2 Words in Sch. 2 para. 2(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 9(10)(b)(i)**

F3 Words in Sch. 2 para. 2(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 9(10)(b)(ii)**

F4 Words in Sch. 2 para. 2(2) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 25(8), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

C1 Sch. 2 para. 2(1)(*a*) modified by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 77(3)(4), 335, **Sch. 6 para. 10**

Changes to legislation:
There are currently no known outstanding effects for the Land Compensation (Scotland) Act 1963, Cross Heading: Procedure.