



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART VI

CLOSING AND DEMOLITION ORDERS

Appeals and date of operation of certain notices, etc.

129 Appeals.

(1) Subject to the provisions of this section and subsections (2) [^{F1}to (7)] of section 324 any person aggrieved by—

- (a) a closing order made under section 114 or section 119 or a refusal to determine such a closing order;
- (b) a demolition order or a refusal to determine a demolition order or a resolution under section 125;
- (c) a notice of determination to purchase served under section 121(3);
- (d) a notice that no payment falls to be made under section 304(1) served under subsection (2) of that section;

may appeal to the sheriff by giving notice of appeal within 21 days after the date of the service of the notice, or order or resolution, or after the refusal, as the case may be; and no proceedings shall be taken by the local authority to enforce any notice, or order while an appeal against it is pending.

(2) No appeal shall lie under paragraphs (a), (b) or (c) of subsection (1) at the instance of a person who is in occupation of the premises to which the order or resolution or notice relates under a lease or agreement the unexpired term of which does not exceed 6 months.

(3) On an appeal under paragraph (a) or paragraph (b) of subsection (1), the sheriff may consider any undertaking such as is specified in relation to a closing order or a demolition order, as the case may be, in section 117 and, if he thinks it proper to do so having regard to the undertaking, may direct the local authority to make a suspension order under that section.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Appeals and date of operation of certain notices, etc. is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Textual Amendments

- F1** Words substituted (*retrospectively*) by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 4](#)

130 Date of operation of notices, orders or resolutions subject to appeal.

- (1) Any notice, or order or resolution against which an appeal might be brought to the sheriff under section 129 shall, if no such appeal is brought, become operative on the expiration of 21 days after the date of the service of the notice, or order or resolution, as the case may be, and shall be final and conclusive as to any matters which could have been raised on such an appeal.
- (2) Any such notice or order or resolution against which an appeal is brought shall, if and so far as it is confirmed by the sheriff, become operative as from the date of the determination of the appeal.

Changes to legislation:

Housing (Scotland) Act 1987, Cross Heading: Appeals and date of operation of certain notices, etc. is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)