



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART VI

CLOSING AND DEMOLITION ORDERS

Demolition of obstructive buildings

125 Local authority may by resolution require demolition of obstructive building.

- (1) A local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than one month after the service of the notice) and place at which the question of demolishing the building will be considered by the authority.
- (2) Where a local authority serve a notice under subsection (1) on an owner of a building, they shall at the same time require him to furnish within two weeks thereafter a written statement specifying the name and address ^{F1}... of any person holding a heritable security over the owner's interest in the building, and the authority shall as soon as may be after receipt of such statement serve on any person whose name is included therein, notice of the time and place at which the question of demolishing the building will be considered.
- (3) Any person on whom a notice is served under subsection (1) or (2) shall be entitled to be heard when the question of demolishing the building to which the notice relates is taken into consideration.
- (4) If after so taking the matter into consideration the local authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may pass a resolution that the building or that part thereof shall be demolished and may, by such resolution, require that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the resolution becomes operative, and, if they do so, shall serve a copy of the resolution upon the owner or owners of the building.

Changes to legislation: Housing (Scotland) Act 1987, Cross Heading: Demolition of obstructive buildings is up to date with all changes known to be in force on or before 06 December 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

- (5) If any person fails to give to the local authority any information required by them under subsection (2) or knowingly makes any mis-statement with reference thereto, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (6) In this section, the expression “obstructive building” means a building which, by reason only of its contact with, or proximity to, other buildings, is injurious or dangerous to health.
- (7) This section shall not apply to a building which is the property of public undertakers, unless it is used for the purposes of a dwelling, showroom or office, or which is the property of a local authority.

Textual Amendments

- F1** Words in s. 125(2) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 48(4), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 125 extended by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(8), Sch. 17 paras. 33, **35(1)**
- C2** S. 125(7) extended (1.3.1996) by [1995 c. 45](#), ss. 16(1), 18(2), **Sch. 4 para. 2(9)**; S.I. 1996/218, **art. 2**

126 Effect of resolution for demolition of obstructive building.

- (1) Subject to the provisions of this section, where a local authority have made a resolution and required a building to be vacated under section 125(4), they shall be bound to purchase the building if the owner offers to sell it to them.
- (2) On purchasing a building under this section, the local authority shall demolish it as soon as possible after they obtain possession of it.
- (3) A local authority shall only be bound to purchase the building if—
 - (a) the offer is made before the expiry of the period within which the resolution requires it to be vacated; and
 - (b) the acquisition of the owner’s interest would, apart from section 125, enable them to demolish the building.
- (4) The offer to sell shall be at a price to be assessed by the Lands Tribunal in accordance with the ^MLand Compensation (Scotland) Act 1963, as modified by Schedule 1, as if it were compensation for compulsory purchase.
- (5) If no such offer as is mentioned in subsection (1) is made before the expiry of the said period, the local authority shall, as soon as may be thereafter, carry out the demolition and shall have the like right to sell the materials rendered available thereby as if they had purchased the building.
- (6) Where the demolition of a building is carried out under subsection (5), compensation shall be paid by the local authority to the owner in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the authority, be assessed by the Lands Tribunal in accordance with the said Act of 1963, as modified by Schedule I, except that paragraphs (2) to (6) of section 12 of the said Act of 1963 shall not apply and that paragraph (1) of the said

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section 12 shall have effect with the substitution, for the reference to acquisition, of a reference to demolition.

Marginal Citations

M1 [1963 c.51](#).

Changes to legislation:

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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\(40\)\(a\)\(b\)](#)