



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART VI

CLOSING AND DEMOLITION ORDERS

Powers of local authority

114 Closing order.

- (1) Where a local authority, on consideration of an official representation or a report by the proper officer or other information in their possession, are satisfied that any house does not meet the tolerable standard and that it ought to be demolished and—
 - (a) the house forms only part of a building, and
 - (b) the building does not comprise only houses which do not meet the tolerable standard,the local authority may make a closing order prohibiting the use of the house for human habitation.
- (2) A closing order shall have effect from such date as may be specified in the order, not being less than 28 days from the date on which it comes into operation.
- (3) In this section, “house” includes any room habitually used as a sleeping place, the surface of the floor of which is more than 3 feet below the surface of the part of the street adjoining or nearest to the room (an “underground room”).
- (4) An underground room does not meet the tolerable standard for the purpose of this section if—
 - (a) it is not an average of 7 feet in height from floor to ceiling, or
 - (b) it does not comply with such regulations as the local authority may make for securing the proper ventilation and lighting of such rooms and the protection thereof against dampness, effluvia or exhalation.
- (5) If a local authority, after being required to do so by the Secretary of State, fail to make regulations under subsection (4)(b), the Secretary of State may himself make

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regulations which shall [F1]have] effect as if they had been made by the authority under that subsection.

Textual Amendments

F1 Word inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 72(1), [Sch. 7 para. 3](#)

115 Demolition order.

Where a local authority, on consideration of an official representation or a report by the proper officer or other information in their possession, are satisfied that any building comprises only a house which does not meet, or houses which do not meet, the tolerable standard and that the house or, as the case may be, houses, ought to be demolished, they may, subject to section 119, make a demolition order requiring—

- (a) that the building shall be vacated within such period as may be specified in the order, not being less than 28 days from the date on which the order comes into operation, and
- (b) that the building shall be demolished within 6 weeks after the expiration of that period or, if the building is not vacated before the expiration of the period, within 6 weeks after the date on which it is vacated.

116 Revocation of closing and demolition order.

If in the case of a house in respect of which a closing order has been made or a building in respect of which a demolition order has been made the local authority are satisfied, on an application made by any owner of the house or building, or any person appearing to the authority to have reasonable cause for making the application, that the house has, or, as the case may be, the house or houses comprised in the building have, been brought up to the tolerable standard, they shall make an order revoking the closing order or, as the case may be, the demolition order.

117 Undertakings to bring up to tolerable standard and suspension order.

- (1) Where a closing order or a demolition order has been made in respect of a house or building and not revoked, any owner of the house or building, or any person holding a heritable security over it, may give to the local authority, within a period of 21 days from the date of service of the order or such longer period therefrom as the authority may, either during or after the expiry of the 21 days, determine to be appropriate, an undertaking in writing—
 - (a) that he will within a specified period carry out such works as will, in the opinion of the local authority, bring the house or, as the case may be, all the houses in the building, up to the tolerable standard; or
 - (b) in the case of a building in respect of which a demolition order has been made, that no house in the building will be used for human habitation (unless at any time all the houses therein are brought up to the tolerable standard and the local authority agree that they have been so brought).
- (2) If an undertaking is so given the local authority shall as soon as may be either—
 - (a) accept the undertaking and make in respect of it a suspension order suspending the closing order or, as the case may be, the demolition order, or

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- (b) reject the undertaking and serve on the person who gave the undertaking notice that they have done so.
- (3) A suspension order shall cease to have effect on the expiry of one year from the date of its making unless renewed, at the discretion of the local authority, at the expiry of that year; and this subsection shall apply to any suspension order so renewed as it applies to the original order.
- (4) A suspension order made or renewed by a local authority may be revoked by them at any time by order if they have reasonable cause to believe that there has been a breach of the undertaking in respect of which it was made or renewed.
- (5) Any period—
 - (a) between the service of the closing order or demolition order and the service of a suspension order or a notice of rejection under subsection (2), and
 - (b) while a suspension order is in force,shall be left out of account in reckoning in relation to the closing order or demolition order in question the period of 21 days referred to in sections 129(1) and 130.

118 Service.

- (1) Any order made or notice issued under sections 114 to 117 in respect of a house or building shall be served—
 - (a) upon the person having control of the house or, as the case may be, the house or houses comprised in the building;
 - (b) upon any other person who is an owner of the house or, as the case may be, any of those houses;
 - (c) upon any person holding a heritable security over the house or, as the case may be, any of those houses, unless it appears to the local authority, after exercising their powers under section 325, that there is no such person; and
 - (d) where an application has been made in relation to the house, or, as the case may be, those houses, under section 116, by a person upon whom the order or notice is not required to be served apart from this paragraph, upon that person.
- (2) In subsection (1), references to an owner of, and to any person holding a heritable security over, a building shall be construed as including respectively references to an owner of, and to any person holding a heritable security over, any part of the building.

119 Listed buildings and houses subject to building preservation orders.

- (1) Where apart from this section a local authority would be empowered to make a demolition order under this Part with respect to a building—
 - (a) in relation to which a building preservation notice served under [F2sections 3 to 5 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] is in force, or
 - (b) which is a listed building within the meaning of [F2section 1(4)] of that Act, they shall not make a demolition order but instead may make a closing order or closing orders under this section in respect of the house or houses comprised in the building.
- (2) Where a building to which a demolition order made under this Part by a local authority applies (whether or not that order has become operative) becomes—

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- (a) subject to a building preservation notice served under [^{F3}the said sections 3 to 5], or
 - (b) a listed building within the meaning of [^{F3}the said section 1(4)],
- the local authority shall revoke the demolition order and may make a closing order or closing orders in respect of the house or houses comprised in the building.
- (3) The provisions of sections 114(1), 116, 117 and 118 shall, subject to any necessary modifications, have effect in relation to a closing order made under this section as they have effect in relation to a closing order made under those sections.

Textual Amendments

- F2** Words in s. 119(1)(a)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 40(2)(a)**
- F3** Words in s. 119(2)(a)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 40(2)(b)**

120 Powers of local authority in relation to building consisting wholly of closed houses.

- (1) Where a building consists wholly of houses with respect to which closing orders have become operative and none of those orders has been revoked or is subject to a suspension order, then—
- (a) the local authority may revoke the closing orders and make a demolition order under section 115 in respect of the whole building, but section 117 shall not apply to the order; or
 - (b) the local authority may purchase the land by agreement or may, subject to the provisions of this section, be authorised by the Secretary of State to purchase it compulsorily.
- (2) The provisions of the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under subsection (1) (b) as if that subsection had been in force immediately before the commencement of that Act.
- (3) The compensation to be paid for land purchased compulsorily under this section shall be assessed by the ^{M2}Lands Tribunal in accordance with Land Compensation (Scotland) Act 1963 subject, however, to the provisions of subsections (4) and (5).
- (4) The compensation payable under this section shall not (except by virtue of paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.
- (5) The references in subsections (3) and (4) to compensation are references to the compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection.

^{F4}(6)

Textual Amendments

- F4** S. 120(6) repealed (1.4.2010) by Housing (Scotland) Act 2006 (asp 1), s. 195(3), **sch. 7** (with s. 193); S.S.I. 2009/122, art. 3

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Marginal Citations

- M1** 1947 c. 42.
M2 1963 c. 51.

121 Local authority may acquire and repair house or building liable to closing or demolition order.

- (1) If, in relation to any house or building to which this section applies, it appears to a local authority that having regard to—
 - (a) its existing condition;
 - (b) the needs of the area for the provision of further housing accommodation;the house or building must remain in use as housing accommodation, they may purchase it.
- (2) This section applies to any house or building in respect of which the local authority may make—
 - (a) a closing order under section 114; or
 - (b) a demolition order under section 115 or 120(1).
- (3) Where a local authority determine to purchase a house or building under subsection (1), they shall serve notice of the determination on every person on whom they would be required under section 118(1) to serve a closing order or a demolition order made in respect of the house or building, and at any time after that notice comes into operation the local authority may purchase the house or building by agreement or may be authorised by the Secretary of State to purchase it compulsorily.
- (4) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of a house or building under this section as if this section had been in force immediately before the commencement of that Act.
- (5) The compensation to be paid for any house or building purchased compulsorily under this section shall be assessed by the Lands Tribunal in accordance with the ^{M3}Land Compensation (Scotland) Act 1963 subject, however, to the provisions of subsections (6) and (7).
- (6) The compensation payable under this section shall not (except by virtue of paragraph 3 of Schedule 2 to the said Act of 1963) exceed the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the area.
- (7) The references in subsections (5) and (6) to compensation are references to the compensation payable in respect of the purchase exclusive of any compensation for disturbance or for severance or for injurious affection.
- (8) A local authority by whom a house or building is purchased under this section shall carry out such works as may in the opinion of the authority from time to time be required for rendering or keeping it capable of being continued in use as housing accommodation.
- (9) In respect of any house purchased by a local authority under this section, the authority shall have the like powers and duties as they have in respect of houses provided under Part I.

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M3 1963 c. 51.

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