

Changes to legislation: Homelessness etc. (Scotland) Act 2003 is up to date with all changes known to be in force on or before 20 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

SCHEDULE S
(introduced by section 11)

NOTICE TO LOCAL AUTHORITIES OF PROCEEDINGS FOR POSSESSION AND STEPS
FOR ENFORCEMENT OF STANDARD SECURITIES: MODIFICATION OF ENACTMENTS

- 1 (1) The Conveyancing and Feudal Reform (Scotland) Act 1970 is amended as follows.
(2) After section 19A (notice to occupier of calling-up), insert—

“19B Notice to local authority of calling-up

- (1) Where a creditor in a standard security over an interest in land used to any extent for residential purposes serves a calling-up notice, the creditor shall give notice of that fact to the local authority in whose area the security subjects are situated, unless the creditor is that local authority.
- (2) Notice under subsection (1) shall be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”
- (3) In section 21 (notice of default), in subsection (2A)—
 - (a) for “Section 19A of this Act applies” substitute , “ “Sections 19A and 19B of this Act apply” ”
 - (b) for “it applies” substitute “they apply”.
- (4) In section 24 (application by creditor to court for remedies on default)—
 - (a) in subsection (3)—
 - (i) at the end of paragraph (a), the word “and” is repealed, and
 - (ii) at the end insert “, and
 - (c) give notice of the application to the local authority in whose area the security subjects are situated, unless the creditor is that local authority.”,
 - (b) in subsection (4), for “(3)” substitute , “ “(3)(a) or (b)” ”
 - (c) after subsection (4), insert—

“(4A) Notice under subsection (3)(c) above shall be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”

Commencement Information

- I1** Sch. para 1 in force at 2.10.2008 for specified purposes by [S.S.I. 2008/313](#), **art. 2(a)**
- I2** Sch. para 1 in force at 1.4.2009 in so far as not already in force by [S.S.I. 2008/313](#), **art. 2(b)**

- 2 After section 12 (extended discretion of court in claims for possession of certain dwelling-houses) of the Rent (Scotland) Act 1984, insert—

“12A Requirement to notify local authority of proceedings for possession

- (1) Where a landlord raises proceedings for possession of a dwelling-house which is let on a protected tenancy or subject to a statutory tenancy, the landlord shall give notice of the raising of the proceedings to the local authority in whose area the dwelling-house is situated.

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- (2) Notice under subsection (1) shall be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”

Commencement Information

- I3** Sch. para 2 in force at 2.10.2008 for specified purposes by [S.S.I. 2008/313](#), [art. 2\(a\)](#)
I4 Sch. para 2 in force at 1.4.2009 in so far as not already in force by [S.S.I. 2008/313](#), [art. 2\(b\)](#)

- 3 After section 19 (notice of proceedings for possession of house let on assured tenancy) of the Housing (Scotland) Act 1988, insert—

“19A Requirement to notify local authority of proceedings for possession

- (1) Where a landlord raises proceedings for possession of a house let on an assured tenancy, the landlord shall give notice of the raising of the proceedings to the local authority in whose area the house is situated, unless the landlord is that local authority.
- (2) Notice under subsection (1) above shall be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”

Commencement Information

- I5** Sch. para 3 in force at 2.10.2008 for specified purposes by [S.S.I. 2008/313](#), [art. 2\(a\)](#)
I6 Sch. para 3 in force at 1.4.2009 in so far as not already in force by [S.S.I. 2008/313](#), [art. 2\(b\)](#)

- 4 (1) The 2001 Act is amended as follows.
- (2) In section 14 (proceedings for possession of house let on Scottish secure tenancy), after subsection (5), insert—
- “(5A) Where a landlord raises proceedings under this section, the landlord must give notice of the raising of the proceedings to the local authority in whose area the house in question is situated, unless the landlord is that local authority.
- (5B) Notice under subsection (5A) is to be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”
- (3) In section 36 (proceedings for possession of house let on short Scottish secure tenancy), after subsection (6), insert—
- “(6A) Where a landlord raises proceedings under this section, the landlord must give notice of the raising of the proceedings to the local authority in whose area the house in question is situated, unless the landlord is that local authority.
- (6B) Notice under subsection (6A) is to be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).”

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- I7** Sch. para 4 in force at 2.10.2008 for specified purposes by [S.S.I. 2008/313](#), **art. 2(a)**
I8 Sch. para 4 in force at 1.4.2009 in so far as not already in force by [S.S.I. 2008/313](#), **art. 2(b)**

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Textual Amendments

- F1** [Sch. para. 5](#) repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), **ss. 8(5)(b), 17(3)** (with [s. 14](#)); [S.S.I. 2010/314](#), **art. 3** (with transitional provisions and savings in [S.S.I. 2010/316](#), arts. 4, 5)

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Changes and effects yet to be applied to :

- s. 11(3) applied by [2007 asp 3 s. 93\(2\)](#)