
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

The Scottish Secure Tenancies (Proceedings for Possession) (Pre-Action Requirements) Order 2012

Requirement to make reasonable efforts to agree a plan

4.—(1) In complying with the pre-action requirement contained in section 14A(5) (requirement to make reasonable efforts to agree a reasonable plan including proposals for future payments of rent and outstanding debt) of the 2001 Act the landlord must—

- (a) make prompt and reasonable attempts to contact the tenant to discuss the arrears with a view to agreeing a plan for future payments of rent and repayment of the arrears and any other outstanding financial obligation of the tenancy;
- (b) encourage the tenant to provide the landlord with all relevant information on the tenant's financial circumstances;
- (c) advise the tenant to seek assistance from an appropriate debt advice agency where the tenant makes the landlord aware that they have debts in addition to those related to the tenancy;
- (d) provide the tenant with details of any plan proposed by the landlord for the purposes of that section, set out in such a way as to allow the tenant to consider the proposal;
- (e) allow the tenant time to consider any such plan proposed by the landlord;
- (f) consider the affordability of any such plan for the tenant taking into account, where known to the landlord, the tenant's personal and financial circumstances; and
- (g) provide the tenant with a copy of any such plan agreed for the purposes of that section.

(2) Where a plan is proposed by the tenant for the purposes of section 14A(5) of the 2001 Act which the landlord rejects, the landlord must provide reasons for rejecting the plan in writing.