
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

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

Applications for housing benefit

5.—(1) In complying with the requirement contained in section 14A(6)(a) (applications for housing benefit) of the 2001 Act the landlord must encourage a tenant who has made a housing benefit application to provide written authority to allow the landlord to discuss that housing benefit application with the relevant housing benefit staff.

(2) If the landlord has written authority from the tenant to discuss a housing benefit application made by the tenant with the relevant housing benefit staff the landlord must take such steps as are reasonable to—

- (a) confirm that a housing benefit application has been made;
- (b) establish when a determination on the application is likely to be made;
- (c) establish whether the tenant has provided all of the necessary evidence and verification to support the application, or is within the permitted period for providing such evidence or verification; and
- (d) establish the likely outcome of the housing benefit application.

(3) If the tenant does not provide the landlord with such written authority the landlord must take such steps as it can to establish the likely outcome of the housing benefit application.

(4) The landlord must consider the results of the steps taken under paragraphs (2) or (3) in arriving at a decision as to the effect that the decision on the housing benefit claim will have on the outstanding rent and any other outstanding financial obligation of the tenancy.

(5) Where a landlord has made reasonable efforts to comply with the steps set out in this article and is unable to arrive at a decision as to the likely outcome of a housing benefit application the landlord must make reasonable efforts to agree a plan in accordance with section 14A(5) of the 2001 Act and article 4.