
 STATUTORY INSTRUMENTS

1976 No. 46 (S.3)

LANDLORD AND TENANT

**The Notices to Quit (Prescribed Information)
(Protected Tenancies and Part VII Contracts) (Scotland)
Regulations 1976**

<i>Made - - - -</i>	<i>9th January 1976</i>
<i>Laid before Parliament</i>	<i>26th January 1976</i>
<i>Coming into Operation</i>	<i>31st March 1976</i>

In exercise of the powers conferred upon me by section 131 of the Rent (Scotland) Act 1971(a) as amended by section 123(1) of the Housing Act 1974(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Notices to Quit (Prescribed Information) (Protected Tenancies and Part VII Contracts) (Scotland) Regulations 1976 and shall come into operation on 31st March 1976.

2.—(1) In these regulations—

“Part VII contract” means a contract to which section 85(1) of the Rent (Scotland) Act 1971 applies; and

“protected tenancy” means a protected tenancy within the meaning of section 1 of the Rent (Scotland) Act 1971.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Any reference in these regulations to any enactment shall be construed, except where the context otherwise requires, as a reference to that enactment as amended, and as including a reference thereto as applied, or treated as applying, by any other enactment.

3. Where a notice to quit is given by a landlord on or after the coming into operation of these regulations to determine a tenancy which is—

- (a) a protected tenancy, or
- (b) a Part VII contract,

that notice shall contain, in such form as may be, the information in the Schedule to these regulations.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
9th January 1976.

(a) 1971 c. 28.

(b) 1974 c. 44.

(c) 1889 c. 63.

SCHEDULE

INFORMATION TO BE CONTAINED IN THE NOTICE TO QUIT

1. Even after the notice to quit has run out, before the tenant can lawfully be evicted, the landlord must get an order for possession, that is to say a decree of removing or warrant of ejection, from the court.
 2. If the tenancy is a protected tenancy under the Rent Acts, the court can normally give the landlord such an order only on the grounds set out in those Acts.
 3. Where the tenancy is not a protected tenancy, the tenant may be able to ask the rent tribunal to postpone the date when the notice to quit expires for up to six months, as long as he does so before the notice runs out.
 4. If the tenant does not know whether his tenancy is a protected tenancy or is otherwise unsure of his rights, he can obtain advice from a solicitor. Help with all or part of the cost of legal advice and assistance may be available under the Legal Aid Scheme. He can also seek information from a rent officer, rent tribunal office, citizens' advice bureau or a housing aid centre.
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EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the information to be contained in a notice to quit, given by a landlord on or after 31st March 1976 to determine a tenancy which is either a protected tenancy under the Rent (Scotland) Act 1971, or a contract to which Part VII of that Act applies. Failure to include such information will in terms of section 131 of the Act render the notice to quit invalid.

SI 1976/46
ISBN 0-11-060046-0



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