STATUTORY INSTRUMENTS

1962 No. 1402. (S. 58)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) Amendment Regulations 1962

Made - - - -	3*rd July* 1962
Laid before Parliament	11*th July* 1962
Coming into Operation	12*th July* 1962

In exercise of the powers conferred upon me by section 172 (1) of the Housing (Scotland) Act 1950(a), as read with Part I of the Housing (Repairs and Rents) (Scotland) Act 1954(b) and sections 20 and 22 of the Housing and Town Development (Scotland) Act 1957(c), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Housing (Forms) (Scotland) Amendment Regulations 1962, and shall come into operation on 12th July 1962.

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

2. The schedule to the Housing (Forms) (Scotland) Regulations 1960(e) shall, except in so far as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date, have effect subject to the following amendments:—

(*a*) the titles of Forms, 4, 6, 8, 14 and 59 in the List of Forms, and Forms 4, 6, 8, 14 and 59, shall be omitted;

(*b*) in the List of Forms there shall be added the titles of Forms 10A, 10B, 10C, 10D, 10E and 18A in the List of Forms set out in Schedule 1 hereto;

(*c*) after Forms 10 and 18 respectively there shall be inserted Forms 10A, 10B, 10C, 10D, 10E and 18A respectively set out in Schedule 2 hereto;

(*d*) in the List of Forms the titles of Forms 9 to 13, 15, 16, 24, 58 and 61 shall be amended as set out in Schedule 3 hereto;

(*e*) for Forms 2, 5, 7, 9 to 13, 15, 16, 23, 24, 53, 57, 58, 60 and 61 respectively there shall be substituted Forms 2, 5, 7, 9 to 13, 15, 16, 23 24, 53, 57, 58, 60 and 61 respectively set out in Schedule 4 hereto;

(*f*) Forms 19, 21, 25, 26 and 31 to 34 shall have effect subject to the amendments set out in Schedule 5 hereto;

(a) 14 Geo. 6. c. 34. (b) 2 & 3 Eliz. 2. c. 50. (c) 5 & 6 Eliz. 2. c. 38.
(d) 52 & 53 Vict. c. 63. (e) S.I. 1960/1143 (1960 II, p. 1617).

(*g*) wherever appearing, the words "Department of Health for Scotland" shall be deleted, and the words "Scottish Development Department" inserted.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

3*rd July* 1962.

SCHEDULE 1

List of Additional Forms

The forms marked with a * are to be suitably amended for use in certain other cases as set forth in the note to the form.

Form	*Purpose*	*Reference to sections of the Act*[1]
*10A	Form of suspension order under section 9 ...	9 (4) (i)
*10B	Form of notice under section 9 of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies.	9 (4) (ii)
10C	Form of notice of expiry of a suspension order ...	9 (4)
*10D	Form of order under section 9 determining a suspension order.	9 (5)
10E	Form of notice of renewal of a suspension order...	9 (4)
18A	Form of charging order under section 23 of the Housing (Scotland) Act 1962.	23 of the Act of 1962[2]

SCHEDULE 2

Forms to be inserted after Forms 10 and 18 respectively.

Form 10A

[1]Form of suspension order under section 9

THE HOUSING (SCOTLAND) ACTS 1950 to 1962

Suspension Order

Whereas on..... 19..., in exercise of the powers conferred upon them by section 9 of the Housing (Scotland) Act 1950, the [2]..... ....., the local authority under the said Act (hereafter in this order referred to as "the local authority"), made a [3][closing order] [demolition order] in respect of the [3][house] [building] [4]..... by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

[1] References are to the Housing (Scotland) Act 1950 unless otherwise noted.
[2] Housing (Scotland) Act 1962.

And Whereas [5]..... being the [3][owner of] [holder of a heritable security over] the said [3][house] [building] has given to the local authority an undertaking in the following terms:—

(here set out the terms of the undertaking)

And Whereas the local authority have accepted the said undertaking;

Now, therefore, in further exercise of the said powers the local authority hereby suspend the said [3][closing order] [demolition order].

[6][This suspension order shall have effect for one year only and, unless renewed by the local authority, shall expire on ....., 19...].

[7]Given under the seal of the [2].....

this ..... day of ..... 19...

(L.S.) .....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copy thereof)

The effect of the suspension by this order of the demolition order or closing order previously made by the local authority is that the operation of the demolition order or closing order is suspended. That is, the demolition order or closing order does not become operative unless this suspension order is cancelled [6][or the suspension order expires after one year and is not renewed].

Details of the effect of a suspension order on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the original demolition order or closing order.

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

[4]Insert such description of the house or building as may be sufficient for identification.

[5]Insert the name of the person from whom the undertaking was accepted.

[6]Delete in the case of a suspension order made in consequence of an undertaking that the house or houses to which the original closing order or demolition order related will be made fit.

[7]See section 167 (1) of the Act as to the signing and sealing of orders.

Form 10B

[1]Form of notice under section 9 of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

Take notice that the [3]....., the local authority under the Housing (Scotland) Act 1950,

(1) having made a [4][closing order] [demolition order] on ..... 19..., in exercise of the powers conferred upon them by section 9 of the said Act, in respect of the [4][house] [building] [5]....., and

(2) having considered [4][an] [your] undertaking dated ..... 19..., with respect to the [4][carrying out of works to] [future use of] [the said house] [the house or houses comprised in the said building],

have rejected the said undertaking.

Dated this .....day of .... 19...

....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copy thereof)

The effect of the rejection by the local authority of the undertaking offered to them is that, subject to the right of appeal to the Sheriff, the demolition order or closing order already made and served will become operative at the expiration of 21 days from the date of service of this notice.

Details of the effect of the rejection of the undertaking on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the demolition order or closing order itself.

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 9 (7) of the Act of 1950.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

[5]Insert such description of the house or building as may be sufficient for identification.

FORM 10C

[1]Form of notice of expiry of a suspension order

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

Whereas on ..... 19 ..... the [3].....; the local authority under the Housing (Scotland) Act 1950 (hereafter in this notice referred to as "the local authority"), made a demolition order in exercise of the powers conferred upon them by section 9 of the said Act, in respect of the building [4].....;

And Whereas the local authority made on .... 19 ..... a suspension order suspending the said demolition order;

Take notice that by virtue of the proviso to section 9 (4) of the said Act, the said suspension order will expire on [5]..... 19.....

Dated this ..... day of ..... 19.....

.....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copy thereof)

A copy of the original demolition order is attached to this notice. The effect of the expiry of the suspension order is that the original demolition order will, subject to the right of appeal to the Sheriff, become operative at the expiration of 21 days from the date of expiry of the suspension order.

The effect of the expiry of the suspension order on the coming into operation of the demolition order, and on the right of appeal against that demolition order, is set out in detail in the notes to the demolition order.

Notes for guidance in completing this form

[1]If the local authority intend to renew the suspension order Form 10E should be used.

[2]Insert the names of the persons on whom the demolition and suspension orders were served, in terms of section 9 (7) of the Act of 1950.

[3]Insert the name of the local authority.

[4]Insert such description of the building as may be sufficient for identification.

[5]Insert date of expiry of suspension order. It is suggested that this notice should be issued at a reasonable time, say not less than 21 days before the expiry of the suspension order.

FORM 10D

[1]Form of order under section 9 determining a suspension order

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

DETERMINATION OF SUSPENSION ORDER

Whereas on ..... 19....., in exercise of the powers conferred upon them by section 9 of the Housing (Scotland) Act 1950, the [2]....., the local authority under the said Act (hereafter in this order referred to as "the local authority") made a [3][closing order] [demolition order] in respect of the [3][house] [building] [4]..... by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

And Whereas [5]..... gave to the local authority an undertaking in the following terms:—

(here set out the terms of the undertaking)

And Whereas on ..... 19....., the local authority, having accepted the said undertaking, made a suspension order suspending the said [3][closing order] [demolition order];

And Whereas the local authority have reasonable cause to believe that there has been a breach of the said undertaking in the following respects:—

(here give particulars of the breach of the undertaking)

Now, therefore, in further exercise of the said powers the local authority hereby determine the said suspension order.

[6]Given under the seal of the [2].....
this ..... day of ..... 19.....
(L.S.)

.....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copy thereof)

The effect of the determination of the suspension order is that the demolition order or closing order ceases to be suspended as from the date of service of this order. That is, the demolition order or closing order already made and served will, subject to the right of appeal, become operative at the expiration of 21 days from the date of service of this order.

Details of the effect of the determination of the suspension order on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the original demolition order or closing order, a copy of which is attached for reference.

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the 1950 Act applies, this form should be suitably modified by reference to the terms of that section. A suitable modification should also be made when the suspension order concerned is an order which has been renewed under the proviso to section 9 (4) of the Act.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

[4]Insert such description of the house or building as may be sufficient for identification.

[5]Insert the name of the person from whom the undertaking was accepted.

[6]See section 167 (1) of the 1950 Act as to the signing and sealing of orders.

FORM 10E

Form or notice of renewal of a suspension order

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1].....

Take notice that the [2].....,
the local authority under the Housing (Scotland) Act 1950, having on .....
..... 19..... made a suspension order suspending the demolition order made by them on ..... 19..... in respect of the building [3].....,
have this day renewed the said suspension order until [4]..... 19.....

Dated this ..... day of..... 19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

[1]Insert the names of the persons on whom the demolition order and suspension order were served, in terms of section 9 (7) of the 1950 Act.

[2]Insert the name of the local authority.

[3]Insert such description of the building as may be sufficient for identification.

[4]Insert a date one year later than the date on which the suspension order would expire if not renewed.

FORM 18A

Form of charging-order under section 23 of the Housing (Scotland) Act 1962

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

CHARGING ORDER

The [1].....,
the local authority under the Housing (Scotland) Act 1950, in exercise of the powers conferred upon them by section 23 of the Housing (Scotland) Act 1962, do hereby provide and declare that the subjects described in the schedule hereto are hereby charged and burdened with payment to [1]..... or their assignees of an annuity of [2]..... sterling, payable on the [3].....
day of..... in the year ..... and in every year for the term of thirty years from the date of this order.

SCHEDULE

Description of subjects[4]	Name and designation of owner	Name of occupier	Parish	County

[5]Given under the seal of the [1]..... this..... day of....., 19.....

.....
(Signature of Clerk to the local authority)

(L.S.)

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert in words the amount of the annuity as provided for in section 20 (3) of the 1950 Act, as applied by section 23 of the 1962 Act.

[3]Insert a date one year from the date of the order.

[4]Describe the subjects preferably by reference to a recorded title.

[5]See section 167 (1) of the 1950 Act as to the signing and sealing of orders.

SCHEDULE 3

Amendments to titles of Forms 9, 10, 11, 12, 13, 15, 16, 24, 58 and 61

In the schedule to the Housing (Forms) (Scotland) Regulations 1960,

(1) In the title of Form 9, for the word "terminating" there shall be substituted the word "determining"; and after the words "closing order" there shall be added the words "or demolition order".

(2) In the title of Form 10, for the word "terminate" there shall be substituted the word "determine"; and after the words "closing order" there shall be added the words "or demolition order".

(3) In the title of Form 11 for the word "recall" there shall be substituted the word "determination".

(4) For the existing title of Form 12 there shall be substituted the following title:—

"Form of closing order under section 13 (1) in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947."

(5) In the title of Form 13, for the word "house" there shall be substituted the word "building"; and at the end of the title there shall be inserted the words "or which becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947".

(6) For the existing title of Form 15 there shall be substituted the following title:—

"Form of order under section 9 (3) determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947".

(7) For the existing title of Form 16 there shall be substituted the following title:—

"Form of notice of refusal of local authority to determine a closing order made under section 13 in respect of a house subject to a building preservation order, or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947".

(8) In the title of Form 24 the words "house or" shall be deleted.

(9) In the title of Form 58, after the word "house" there shall be inserted the words "or building"; and the words "where no undertaking has been given" shall be deleted.

(10) In the title of Form 61 for the word "recall" there shall be substituted the word "determination".

SCHEDULE 4

Forms to be substituted for Forms 2, 5, 7, 9 to 13, 15, 16, 23, 24, 53, 57, 58, 60 and 61 respectively.

FORM 2

Form of notice under section 7 requiring the person having control of a house to execute works

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1]....., the person having control of the house [2].....

Take notice that—

(1) the [3]....., local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this notice referred to respectively as "the local authority" and "the Act"), are satisfied that the above-mentioned house is unfit for human habitation;

(2) the local authority, having had regard to the estimated cost of the works necessary to render the house fit for human habitation and the value which it is estimated that the house will have when the works are completed, are satisfied that the house is capable at a reasonable expense of being rendered fit for human habitation; and

(3) in exercise of the powers conferred upon them by section 7 (1) of the Act the local authority require you within a period of [4]..... days, ending on ....., 19....., to execute the following works, which will, in the opinion of the local authority render the house fit for human habitation, namely [5].....

Dated this ..... day of ....., 19.....

.....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

The person having control of a house is defined in section 7 (3) of the Act as the person who for the time being is entitled to receive, or would, if the house were let, be entitled to receive, the rent of the house, including a trustee, tutor, curator, factor or agent.

Section 7 (2) of the Act further provides that in determining whether a house can be rendered fit for human habitation at a reasonable expense, regard

shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.

Section 24 (1) of the Housing (Scotland) Act 1962 (hereafter in these notes referred to as "the Act of 1962") provides that in determining whether a house is unfit for human habitation regard shall be had to its condition in respect of (*a*) general state of repair; (*b*) structural stability; (*c*) freedom from dampness; (*d*) natural lighting; (*e*) air space; (*f*) ventilation; (*g*) adequacy and accessibility of water supply; (*h*) adequacy and accessibility of sanitary and other conveniences; (*i*) drainage; (*j*) condition of paving and drainage of courts, yards or passages; (*k*) facilities for storage, preparation and cooking of food and for the disposal of waste water. Section 24 (1) of the Act of 1962 goes on to say that a house shall be determined to be unfit for human habitation if, and only if, it is so far defective in one or more of these matters that it is not reasonably suitable for occupation in that condition.

Any person aggrieved by this notice may, in accordance with the provisions of section 16 of the Act, appeal to the Sheriff against any notice requiring him to execute works under section 7 of the Act and against any demand for the recovery from him of expenses incurred by the local authority in executing works or against an order made by the local authority under section 8 of the Act with respect to any such expenses. The appeal must be brought within 21 days after the date of the service of the notice, demand or order, and no proceedings may be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending. On an appeal against a demand for the recovery of expenses incurred by a local authority in executing works or against an order made by a local authority with respect to any such expenses, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works (i.e., this notice).

Section 8 of the Act as amended by section 14 of the Housing (Repairs and Rents) (Scotland) Act 1954 (hereafter in these notes referred to as "the Act of 1954"), relating to the enforcement of a notice requiring the execution of works, provides as follows:—

(here quote the whole of section 8—as so amended)

Subsections (1) and (2) of section 14 of the Act of 1954 relating to the limitation of liability of trustees, etc., for expenses of local authorities, provide as follows:—

(here quote subsections (1) and (2) of section 14)

Section 7 of the Act of 1954, which relates to the recovery by lessees of a proportion of expenses incurred in rendering a house fit for human habitation, provides as follows:—

(here quote the whole of section 7)

Section 10 of the Act (as amended by the Act of 1962) which provides for the substitution of an order under subsection (1) or subsection (2) of section 9 (i.e., a closing order or demolition order) for a notice under section 7 (1) in certain cases, is as follows:—

(here quote the whole of section 10 as so amended)

Section 3 (as read with section 15 (2)) of the Act of 1954 provides that in any case where a local authority would, but for that section, be required to make a demolition or closing order in respect of a house or building in pursuance of an application made to them under section 10 of the Act and it appears to them that, having regard to the existing condition of the house or building and to the needs of the district with regard to the provision of further housing accommodation, the house or building must be continued in use as housing accommodation, the authority may purchase the house or building in lieu of making such an order.

Notes for guidance in completing this form

[1]Insert the name and residence or place of business, and description, where known, of the person having control of the house.

[2]Insert such description of the house as may be sufficient for identification.

[3]Insert the name of the local authority.

[4]A reasonable time, not being less than 21 days, must be specified.

[5]Insert specification in detail of the works to be executed.

FORM 5

Form of demolition order under section 9

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

DEMOLITION ORDER

Whereas the [1]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this order referred to respectively as "the local authority" and "the Act"), are satisfied in terms of section 9 of the Act that the building [2]..... comprises only a house which is, or houses which are, unfit for human habitation and incapable at a reasonable expense of being rendered so fit;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 9 (2) of the Act, hereby order as follows:—

1. The said building shall be vacated within [3]..... .....days from the date on which this order becomes operative;
2. The said building shall be demolished within three months after the expiration of the said period, or, if the building is not vacated before the expiration of the said period, within three months after the date on which it is vacated.

[4]Given under the seal of the [1]..... ..this.....day of....., 19...

(L.S.)

....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copy thereof)

Power to make a demolition order

1. Section 9 of the Act, which empowers the local authority to make demolition orders or closing orders, is as set out in the [5]Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the building may give to the local authority an undertaking in terms of either paragraph (*a*) or paragraph (*b*) of section 9 (4) of the Act (see Appendix). Such an undertaking may be given within twenty-one days of the date of service of the demolition order or within such longer period as the local authority may allow.

3. If the local authority accept the undertaking they make a suspension order, which has the effect of suspending the demolition order.

4. If an undertaking that the house or all the houses in the building will be made fit is accepted by the local authority and they suspend the demolition order, and the house is or the houses are made fit, application may be made under section 9 (3) for determination (cancellation) of the demolition order—see note 20 below.

5. If an undertaking that no house in the building will be used for human habitation is accepted by the local authority and the demolition order is suspended, the suspension order lasts for one year only (section 9 (4)) unless renewed by the local authority. If such a suspension order is not renewed, the original demolition order revives.

6. The effect of the giving and acceptance of an undertaking, and the making of a suspension order, on the demolition order itself is explained below. (In all cases further intimation will be received from the local authority in relation to these matters.)

Date of operation

7. If no undertaking is offered under section 9 (4) and no appeal is brought (see notes 11 to 14 below) the demolition order becomes operative on the expiration of the period of *twenty-one days from the date of service of the order.*

8. If an undertaking is offered under section 9 (4) and the local authority reject it, the demolition order does not become operative until the expiration of *twenty-one days after service of notice of rejection of the undertaking.*

9. If the local authority accept an undertaking that the house or all the houses in the building will be made fit and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the demolition order becomes operative on the expiration of *twenty-one days from the date of service of the order determining the suspension order.*

10. If the local authority accept an undertaking that no house in the building will be used for human habitation, and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event, the demolition order becomes operative on the expiration of *twenty-one days from the date of service of the order determining the suspension order. Or,* if the suspension order expires at the end of one year and is not renewed, the demolition order becomes operative on the expiration of *twenty-one days from the date of expiry of the suspension order.*

11. If an appeal to the Sheriff is brought against the demolition order, and the Sheriff confirms the order, it becomes operative *on the date of the determination of the appeal.*

Appeal

12. The coming into operation of a demolition order is subject to any appeal which might be brought.

13. Section 16 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal *within twenty-one days after the date of the service of the order,* and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending.

14. If an undertaking is offered under section 9 (4) the period of twenty-one days referred to in note 13 above is *extended* (by section 9 (6)) as follows:—

(*a*) if the undertaking is rejected, notice of appeal may be given *within twenty-one days after the date of service of notice of rejection of the undertaking;*

(*b*) if the undertaking is accepted and a suspension order is made by the local authority under section 9 (4) the demolition order does not become operative unless the undertaking is broken and the suspension order determined (but see (*c*) below). In that case notice of appeal against the demolition order itself may be given *within twenty-one days after the date of service of the order determining the suspension order;*

(*c*) if the suspension order is made in consequence of an undertaking that no house in the building will be used for human habitation until made fit, and that suspension order is therefore made for a limited period of one year only, and if the suspension order expires and is not renewed, notice of appeal against the demolition order may be given *within twenty-one days after the date of expiry of the suspension order.*

Implementation of demolition order

15. Under section 14 of the Act (as amended by the Housing (Scotland) Act 1962) when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down

in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

16. Where the building comprises two or more parts separately owned, the duty to demolish the building is a duty on the several owners to arrange jointly for demolition. In such a case, where the local authority themselves carry out the work of demolition as referred to in note 15 above, any amount due to the local authority for their expenses on demolition is recoverable from the several owners and any amount payable by the local authority, by way of surplus, is payable to the several owners. Any sum recoverable by or payable by the local authority as described above is recoverable from or payable to the several owners in such proportions as may be agreed by the owners; or, failing agreement, as determined by an arbiter nominated by the owners; or, failing such nomination, as determined by an arbiter nominated by the Sheriff on the application of the local authority or any of the owners.

17. Section 18 (3) of the Act provides that where a local authority serve a notice under section 18 (1) that they intend to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action to demolish the building until the expiration of three months from the date on which the owner became entitled by virtue of section 18 (2) to proceed with the demolition.

Vacation of building

18. Where a demolition order has become operative, the local authority are required by section 157 (1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later. Section 157 (4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payments for good maintenance

19. It is provided by section 20 (2) of the Housing and Town Development (Scotland) Act 1957 (hereafter in these notes referred to as "the Act of 1957"), that if a house has been vacated in pursuance of a demolition order, any person may, within three months after the service of the order, make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 20 (2) that person will be entitled to receive a payment from them in accordance with the provisions of section 40 of the Act as read with any order made by the Secretary of State under the provisions of section 20 (1) of the Act of 1957. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 16 of the Act.

If house or houses made fit

20. Under section 9 (3) of the Act if any person interested applies to the local authority and satisfies them that the house has or all the houses in the

building have been made fit the local authority shall determine (cancel) the demolition order Such an application may be made at any time and whether or not an undertaking under section 9 (4) has been given or accepted. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 16 of the Act *within twenty-one days after service of notice of rejection of the application.*

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert such description of the building as may be sufficient for identification.

[3]The period must be not less than 28 days.

[4]See section 167 (1) of the Act as to the signing and sealing of orders.

[5]Quote in an Appendix the whole of section 9.

FORM 7

[1]Form of closing order under section 9

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1962

CLOSING ORDER

Whereas the [2]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this order referred to respectively as "the local authority" and "the Act"), are satisfied that the house [3]..... is unfit for human habitation and is incapable at a reasonable expense of being rendered so fit ;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 9 (1) of the Act, hereby prohibit the use of the said house for human habitation as from the expiration of [4].....days from the date on which this order becomes operative.

[5]Given under the seal of the [2]..... this.....day of....., 19...

(L.S.) .....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copy thereof)

Power to make a closing order

1. Section 9 of the Act, which empowers the local authority to make closing orders or demolition orders, is as set out in the [6]Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the house may give to the local authority an undertaking in terms of paragraph (*a*) of section 9 (4) of the Act (see Appendix). Such an undertaking may be given within twenty-one days of the date of service of the closing order or within such longer period as the local authority may allow.

3. If the local authority accept the undertaking they make a suspension order, which has the effect of suspending the closing order.

4. If an undertaking that the house will be made fit is accepted by the local authority and they suspend the closing order, and the house is made fit, application may be made under section 9 (3) for determination (cancellation) of the closing order—see note 13 below.

5. The effect of the giving and acceptance of an undertaking, and the making of a suspension order, on the closing order itself is explained below. (In all cases further intimation will be received from the local authority in relation to these matters.)

Date of operation

6. If no undertaking is offered under section 9 (4) and no appeal is brought (see notes 9 to 12 below) the closing order becomes operative on the expiration of the period of *twenty-one days from the date of service of the order.*

7. If an undertaking is offered under section 9 (4) and the local authority reject it, the closing order does not become operative until the expiration of *twenty-one days after service of notice of rejection of the undertaking.*

8. If the local authority accept an undertaking that the house will be made fit and make a suspension order accordingly, the closing order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the closing order becomes operative on the expiration of *twenty-one days from the date of service of the order determining the suspension order.*

9. If an appeal to the Sheriff is brought against the closing order, and the Sheriff confirms the order, it becomes operative on the date of the determination of the appeal.

Appeal

10. The coming into operation of a closing order is subject to any appeal which might be brought.

11. Section 16 of the Act provides that, subject to the provisions of that section, any person aggrieved by a closing order may appeal to the Sheriff by giving notice of appeal *within twenty-one days after the date of the service of the order,* and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending.

12. If an undertaking is offered under section 9 (4) the period of twenty-one days referred to in note 11 above is extended (by section 9 (6)) as follows:—

(*a*) if the undertaking is rejected, notice of appeal against the closing order may be given *within twenty-one days after the date of service of notice of rejection of the undertaking;*

(*b*) if the undertaking is accepted and a suspension order is made by the local authority under section 9 (4) the closing order does not become operative unless the undertaking is broken and the suspension order determined (see note 8 above). In that case notice of appeal against the closing order itself may be given *within twenty-one days after the date of service of the order determining the suspension order;*

If the house is made fit

13. Under section 9 (3) of the Act if any person interested applies to the local authority and satisfies them that the house has been made fit the local authority shall determine (cancel) the closing order. Such an application may be made at any time, and whether or not an undertaking under section 9 (4) has been given or accepted. If the local authority refuse the application for determination of the closing order, notice of appeal to the Sheriff against that refusal may be given under section 16 of the Act *within twenty-one days after service of notice of rejection of the application.*

Notice to vacate house

14. Where a closing order has become operative, the local authority are required by section 157 (1) of the Act to serve on the occupier of the house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the house to be vacated and requiring him to remove from the house before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.

Payments for good maintenance

15. It is provided by section 20 (2) of the Housing and Town Development (Scotland) Act 1957 (hereafter in these notes referred to as "the Act of 1957"), that if a house subject to a closing order has been vacated in pursuance of the

closing order, any person may, within three months after the service of the order, make a representation to the local authority that the house has been well maintained and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 20 (2) that person will be entitled to receive a payment from them in accordance with the provisions of section 40 of the Act as read with any order made by the Secretary of State under the provisions of section 20 (1) of the Act of 1957. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 16 of the Act.

Penalties

16. Section 15 of the Act provides that if any person, knowing that a closing order has become operative and applies to any premises, uses those premises or permits those premises to be used for human habitation unless he shall previously have obtained the consent of the local authority to the use of the house for that purpose, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further fine of £5 for every day or part of a day on which he so uses or permits them to be so used after conviction.

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name of the local authority.

[3]Insert such description of the house as may be sufficient for identification.

[4]The period must not be less than 28 days.

[5]See section 167 (1) of the Act as to the signing and sealing of orders.

[6]Quote in an Appendix the whole of section 9.

FORM 9

[1]Form of order under section 9 determining a closing order or demolition order

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

DETERMINATION OF CLOSING ORDER/DEMOLITION ORDER

Whereas on .....19... in exercise of the powers conferred upon them by section 9 of the Housing (Scotland) Act 1950 the [2]....., the local authority under the said Act (hereafter in this order referred to as "the local authority"), made a [3][closing order] [demolition order] in espect of the [3][house] [building] [4].....
.....by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building].

And Whereas the local authority after consideration of an application to determine the order are satisfied that [3][the house has] [the house or houses comprised in the building has/have] been rendered fit for human habitation;

Now, therefore, in further exercise of the said powers the local authority hereby determine the said order.

[5]Given under the seal of the [2]..... this.....

day of..... 19...

(L.S.) .....

(Signature of Clerk to the local authority)

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the Act applies, this form should be suitably modified by reference to the tems of that section.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

[4]Insert such description of the house or building as may be sufficient for identification.

[5]See section 167 (1) of the Act of 1950 as to the signing and sealing of orders.

FORM 10

[1]Form of notice under section 9 of refusal of local authority to determine a closing order or demolition order

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

.....

Take notice that the [3].....,
the local authority under the Housing (Scotland) Act 1950,

(1) having considered [4][an] [your] application to them to determine the [4][closing order] [demolition order] made by them on ..... 19... in exercise of the powers conferred upon them by section 9 of the said Act, in respect of the [4][house] [building] [5].....,
and

(2) not being satisfied that [4][the said house has] [the house/houses comprised in the said building has/have] been rendered fit for human habitation,

refuse to determine the said order.

Dated this ..... day of ..... 19...

.....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

Section 16 of the Act of 1950, as amended by the Housing (Scotland) Act 1962, provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order or demolition order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of notice of the refusal of the local authority.

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 11 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 9 (7) of the Housing (Scotland) Act 1950.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

[5]Insert such description of the house or building as may be sufficient for identification.

FORM 11

Form of demolition order under section 12 on determination of closing orders

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

Whereas [1]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this order referred to respectively as "the local authority" and the "the Act"), in exercise of the powers conferred upon them by Part II of the Act, have made closing orders in respect of all the houses comprised in the building [2]..... ....., none of which orders has been determined or is subject to a suspension order;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 12 of the Act as amended by the Housing (Scotland) Act 1962 hereby order as follows:—

(1) The said closing orders are hereby determined;

(2) The said building shall be vacated within [3]..... days from the date on which this order becomes operative;

(3) The said building shall be demolished within three months after the expiration of the said period, or, if the said building is not vacated before the expiration of the said period, within three months after the date on which it is vacated.

[4]Given under the seal of the [1].....

this..... day of ..... 19 .....

(L.S.) .....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copies thereof)

1. Section 12 (1) (*a*) of the Act, as amended by the Housing (Scotland) Act 1962, provides as follows:—

(here quote the whole of section 12 (1)—as so amended—with the exception of (*b*)).

2. Subsections (2) (3), (7) and (8) of section 9 of the Act, which apply in relation to a demolition order made in replacement of closing orders in terms of section 12, are as set out in the [5]Appendix to these notes.

Date of operation

3. If no appeal is brought (see notes 5 and 6 below) the demolition order becomes operative on the expiration of the period of *twenty-one days from the date of service of the order.*

4. If an appeal to the Sheriff is brought against the demolition order, and the Sheriff confirms the order, it becomes operative *on the date of the determination of the appeal.*

Appeal

5. The coming into operation of a demolition order is subject to any appeal which might be brought.

6. Section 16 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal *within twenty-one days after the date of service of the order,* and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending.

Implementation

7. Under section 14 of the Act (as amended by the Housing (Scotland) Act 1962) when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

8. Where the building comprises two or more parts separately owned, the duty to demolish the building is a duty on the several owners to arrange jointly for demolition. In such a case, where the local authority themselves carry out the work of demolition as referred to in note 7 above, any amount due to the local authority for their expenses on demolition is recoverable from the several owners and any amount payable by the local authority, by way of surplus, is payable to the several owners. Any such sum recoverable by or payable by the local authority as described above is recoverable from or payable to the several owners in such proportions as may be agreed by the owners; or, failing agreement as determined by an arbiter nominated by the owners: or, failing such nomination, as determined by an arbiter nominated by the Sheriff on the application of the local authority or any of the owners.

9. Section 18 (3) of the Act provides that where a local authority serve a notice under section 18 (1) that they intend to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action to demolish the building until the expiration of three months from the date on which the owner became entitled by virtue of section 18 (2) to proceed with the demolition.

Vacation of building

10. Where a demolition order has become operative, the local authority are required by section 157 (1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order, and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later. Section 157 (4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payments for good maintenance

11. It is provided by section 20 (2) of the Housing and Town Development (Scotland) Act 1957 (hereafter in these notes referred to as "the Act of 1957"), that if a house has been vacated in pursuance of a demolition order, any person may, within three months after the service of the order, make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 20 (2), that person will be entitled to receive a payment from them in accordance with the provisions of section 40 of the Act as read with any order made by the Secretary of State under the provisions of section 20 (1) of the Act of 1957. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 16 of the Act.

If houses made fit

12. Under section 9 (3) of the Act, if any person interested applies to the local authority and satisfies them that the houses in the building have been made fit, the local authority shall determine (cancel) the demolition order. Such an application may be made *at any time*. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 16 of the Act *within twenty-one days after service of notice of rejection of the application.*

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert such description of the building as may be sufficient for identification.

[3]The period must not be less than 28 days.

[4]See section 167 (1) of the Act as to the signing and sealing of orders.

[5]Quote in an Appendix subsections (2), (3), (7) and (8) of section 9 of the Act.

FORM 12

Form of closing order under section 13 (1) in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

Whereas the [1]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this order referred to respectively as "the local authority" and "the Act"), are satisfied that the building [2].....comprises only [3][a house which is] [houses which are] unfit for human habitation and incapable at a reasonable expense of being rendered so fit;

And Whereas accordingly the local authority would otherwise be under a duty to make a demolition order under Part II of the Act with respect to the said building;

[3][And Whereas a building preservation order under section 27 of the Town and Country Planning (Scotland) Act 1947 is in force in relation to the said building;]

[3][And Whereas the said building is included in a list compiled or approved under section 27 of the Town and Country Planning (Scotland) Act 1947;]

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 13 (1) of the Act, hereby prohibit the use of the house [4]..... ....., being a house comprised in the said building, for human habitation as from the expiration of [5]..... days from the date on which this order becomes operative.

[6]Given under the seal of the [1]....., this ..... day of....., 19....

.....

(L.S.) (Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copies thereof)

Power to make a closing order

Under section 13 (3) of the Act, if a building is subject to a building preservation order or is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act, 1947, the local authority must make a closing order on the house or houses in the building where otherwise they would be required to make a demolition order on the building. The

provisions of section 9 of the Act. which is set out in the [7]Appendix to these notes, are applied to a closing order made under section 13 (3) of the Act.

(repeat notes 2 to 16 of form 7)

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert such description of the building as may be sufficient for identification.

[3]Delete whichever is not applicable.

[4]Insert such description of the house as may be sufficient for identification.

[5]The period must not be less than 28 days.

[6]See section 167 (1) of the Act as to the signing and sealing of orders.

[7]Quote in an Appendix the whole of section 9.

FORM 13

Form of order under section 13 (2) substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation order has taken effect, or which becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

Whereas the [1]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this order referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by Part II of the Act, on..... 19... made a demolition order in respect of the building [2].....
which order [3][became] [would become] operative on.....
..... 19... ;

[3][And Whereas a building preservation order under section 27 of the Town and Country Planning (Scotland) Act 1947 has taken effect in relation to the said building ;]

[3][And Whereas the said building has become included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947 ;]

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 13 (2) of the Act, hereby order as follows:—

(1) The said demolition order is hereby determined ;

(2) The local authority hereby prohibit the use of the house [4].....
....., being a house comprised in the said building, for human habitation as from the expiration of [5].....days from the date on which this order becomes operative.

[6]Given under the seal of the [1].....
this.....day of..... 19...

(L.S.) .....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the order and any copies thereof)

1. In accordance with the provisions of section 13 (2) of the Act, where a building preservation order takes effect in relation to a building to which a demolition order applies, or the building becomes included in a list compiled or

approved under section 28 of the Town and Country Planning (Scotland) Act 1947, the local authority are required to determine the demolition order and make closing orders prohibiting the use for human habitation of the house or houses comprised in the building. The provisions of section 9 of the Act relating to the making of closing orders are applied to the making of a closing order under section 13. Section 9 is as set out in the [7]Appendix to these notes.

(Repeat notes 2-16 of form 7)

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert such description of the building as may be sufficient for identification.

[3]Delete whichever is not applicable.

[4]Insert such description of the house as may be sufficient for identification.

[5]The period must not be less than 28 days.

[6]See section 167 (1) of the Act as to the signing and sealing of orders.

[7]Quote in an Appendix the whole of section 9.

FORM 15

Form of order under section 9 (3) determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

Whereas on ....., 19..., in exercise of the powers conferred upon them by section 13 of the Housing (Scotland) Act 1950, the [1].....,
the local authority under the said Act (hereafter in this order referred to as "the local authority"), made a closing order in respect of the house [2].....
..... by which order the local authority prohibited the use of the said house for human habitation ;

And Whereas the local authority after consideration of an application to determine the order are satisfied that the said house has been rendered fit for human habitation ;

Now, therefore, in exercise of the powers conferred upon them by section 9 (3) of the said Act, as read with section 13 (3), the local authority hereby determine the said closing order.

[3]Given under the seal of the [1]..... this

.....day of ....., 19...

(L.S.) .....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert such description of the house as may be sufficient for identification.

[3]See section 167 (1) of the 1950 Act as to the signing and sealing of orders.

FORM 16

Form of notice of refusal of local authority to determine a closing order made under section 13 in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1].....

Take notice that the [2].....,

the local authority under the Housing (Scotland) Act 1950,

(1) having considered [3][an] [your] application to them to determine the closing order made by them on ..... 19..., in exercise of the powers conferred upon them by section 13 of the said Act, in respect of the house [4]....., and

(2) not being satisfied that the said house has been rendered fit for human habitation,

refuse to determine the said closing order.

Dated this .....day of ..... 19...

.....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

Section 16 of the 1950 Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of notice of the refusal of the local authority.

Notes for guidance in completing this form

[1]Insert the name and address of the person on whom the notice is to be served in terms of section 9 (7) of the 1950 Act.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

[4]Insert such description of the house as may be sufficient for identification.

FORM 23

Form of notice under section 18 or section 26 of intention to cleanse from vermin a building to be demolished under a demolition order or a clearance order.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1] .....owner of the building [2] .....being a building in respect of which a [3] [demolition order] [clearance order] made on ..... 19..., applies.

Take notice that the [4] ....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this notice referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section [3] [18] [26] of the Act intend to cleanse the above-mentioned building from vermin before its demolition.

Section [3][18 (2)] [26 (7)] of the Act provides that a local authority who have served a notice that they intend to cleanse from vermin a building to which a [3][demolition order] [clearance order] applies, may, at any time after the order has become operative in relation to the building and it has been vacated, enter the building and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and that the demolition of the building shall not be begun or continued by any owner after service of such a notice on him until the local authority have served on him a further notice authorising him to proceed with the demolition ;

Provided that an owner upon whom such a notice has been served may, at any time after the building has been vacated, serve notice in writing on the

local authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

[3][Section 18 (3) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action under the power granted them by section 14 (1) of the Act to enter and demolish the building and sell the materials thereof if the building is not demolished within the time limited in that behalf by the order until the expiration of a period of three months from the date on which the owner becomes entitled by virtue of section 18 (2) of the Act to proceed with the demolition.]

[3][Section 26 (7) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a clearance order applies, the local authority shall not be entitled to take action under the power granted them in subsection (3) of that section to enter and demolish the building and sell the materials thereof until the expiration of three months from the date on which the owner became entitled by virtue of section 18 (2) of the Act to proceed with the demolition.]

Dated this .....day of ..... 19...

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

[1]Insert the name and address of the person to whom the notice is addressed.

[2]Insert description of the building to which the notice relates.

[3]Delete whichever is not applicable.

[4]Insert the name of the local authority.

FORM 24

Form of notice under section 18 or section 26 to proceed with demolition after a building has been cleansed from vermin

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1]....., owner of the building [2].....

Take notice that—

(1) the [3]....., the local authority under the Housing (Scotland) Act 1950 (which Council and which Act are hereafter in this notice referred to respectively as "the local authority" and "the Act"), have completed the cleansing from vermin of the above-mentioned building to which a [4][demolition] [clearance] order applies, the order having become operative on ....., 19....., and in relation to which a notice of intention to cleanse from vermin was served upon you by the local authority on ....., 19....., and

(2) in exercise of the powers conferred upon them by section 18 (2) [5][as applied by section 26 (7)] of the Act the local authority hereby authorise and require you to proceed with the demolition of the said building in accordance with the said [4][demolition] [clearance] order.

Dated this ..... day of ....., 19 .....

.....
(Signature of Clerk to the local authority)

Note

(To be incorporated in the notice and any copies thereof.)

[4][Section 18 (3) of the Act provides that where a local authority have served a notice of intention to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action under the power granted them by section 14 (1) of the Act to enter and demolish the building and sell the materials thereof if the building is not demolished within the time limited in that behalf by the order until the expiration of a period of three months from the date on which the owner became entitled by virtue of section 18 (2) of the Act to proceed with the demolition.]

[4][Section 26 (7) of the Act provides that where a local authority have served a notice of intention to cleanse from vermin a building to which a clearance order applies the local authority shall not be entitled to take action under the power granted them in subsection (3) of that section to enter and demolish the building and sell the materials thereof until the expiration of three months from the date on which the owner became entitled by virtue of section 18 (2) of the Act to proceed with the demolition.]

Notes for guidance in completing this form

[1]Insert the name and address of the person to whom the notice is addressed.

[2]Insert description of the building to which the notice relates.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

[5]Delete this in the case of a building to which a demolition order applies.

FORM 53

Form of notice under section 157 to occupier to remove from house after demolition order or clearance order has become operative

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [1]..... the occupier of the house [2].....
.....

Take notice that—

(1) on ....., 19....., the [8]....., the local authority under the Housing (Scotland) Act 1950, in exercise of the powers conferred upon them by section [4][9] [26] of that Act, made an order (hereinafter referred to as "the [4][demolition] [clearance] order") to the effect that:—

(*a*) the building in which the said house is comprised be vacated within [5]..... days from the date on which the order becomes operative;

(*b*) the said building be demolished within three months after the expiration of the said period, or, if the building is not vacated before the expiration of the said period, within three months after the date on which it is vacated;

(2) the [4][demolition] [clearance] order became operative on ..... 19.....;

(3) in exercise of the powers conferred upon them by section 157 of the Act of 1950, the local authority hereby require you to remove from the said house on or before [6]..... 19.....

Dated this ..... day of ....., 19 .....

.....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof.)

Subsections (1), (2) and (4) of section 157 of the Housing (Scotland) Act 1950, which provide for the recovery of possession of buildings subject to a demolition or clearance order, are in the following terms:—

(Here quote subsections (1), (2) and (4) of section 157)

Notes for guidance in completing this form

[1]Insert the name of the occupier.

[2]Insert such description of the house as may be sufficient for indentification.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

[5]Insert the number of days as specified in the order.

[6]The date to be inserted is either the date that was specified in the order by which the house was to be vacated, or 28 days from the service of this notice, whichever date may be the later.

FORM 57

[1]Form of notice under section 168 to (1) the occupier of any premises, or (2) any person who, either directly or indirectly, receives rent in respect of any premises, requiring information regarding interests therein.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

.....

Take notice that, in exercise of the powers conferred upon them by section 168 of the Housing (Scotland) Act 1950, the [3].....,
the local authority under the said Act, hereby require you, within two weeks from the date of this notice, to state in writing the nature of your interest in the premises [4]..... and the name and address of any other person known to you as having an interest therein, whether as holder of a heritable security, lessee or otherwise.

Dated this ..... day of ..... 19...

.....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

Section 168 of the Housing (Scotland) Act 1950 provides that a local authority may, for the purpose of enabling them to serve any notice which they are by that Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise. Section 168 further provides that any person who, having been so required by a local authority to give such information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5.

Section 168 is applied by section 9 (8) of the Housing (Scotland) Act 1950 in relation to service of any order made by the local authority under the said section 9.

Notes for guidance in completing this form

[1]When form 41 is appropriate, it, and not this form, should be used.

[2]Insert the name and residence or the place of business of the person to whom the notice is addressed.

[3]Insert the name of the local authority.

[4]Insert such description of the premises as may be sufficient for identification.

FORM 58

[1]Form of notice to persons having control, owners, superiors and holders of heritable securities, of determination to purchase a house or building under section 3 of the Housing (Repairs and Rents) (Scotland) Act 1954.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Act 1950, as read with Part I of the Housing (Repairs and Rents) (Scotland) Act 1954, (which Council is hereafter in this notice referred to as "the local authority"), are satisfied in terms of section 9 of the said Act of 1950 that the [4][house [5]..... is unfit for human habitation and incapable at a reasonable expense of being rendered so fit] [building [5]..... comprises only [4][a house which is] [houses which are] unfit for human habitation and incapable at a reasonable expense of being rendered so fit];

And Whereas it appears to the local authority that, having regard to the existing condition of the [4][house] [houses] and to the needs of the district with regard to the provision of further housing accommodation, the [4][house] [houses] must be continued in use as housing accommodation;

Take notice that the local authority have determined to purchase the said [4][house] [building] under section 3 (1) of the Housing (Repairs and Rents) (Scotland) Act 1954, in lieu of making a [4][closing order] [demolition order] in respect thereof.

Dated this ..... day of ..... 19...

.....
(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

1. Section 9 of the Housing (Scotland) Act 1950 (hereafter in these notes referred to as "the Act of 1950") which empowers a local authority to order the demolition or closing of insanitary houses is as set out in the [6]Appendix to these notes.

2. Section 3 of the Housing (Repairs and Rents) (Scotland) Act 1954 (hereafter in these notes referred to as "the Act of 1954") as amended by the Housing (Scotland) Act 1962, which empowers a local authority to purchase a house or building in lieu of making a demolition or closing order is as follows:—

(quote here the whole of section 3 as so amended)

3. Section 20 (2) of the Housing and Town Development (Scotland) Act 1957 (hereafter in these notes referred to as "the Act of 1957") provides that, if a house has, on or after the commencement of the Act of 1957, been purchased compulsorily under section 17 (1) of the Act of 1950 or under section 3 of the Act of 1954, any person may, within three months after the service of the notice of determination to purchase or after the confirmation of the compulsory purchase order, make a representation to the local authority that the house has been well maintained and that the good maintenance thereof is attributable

wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under said section 20 (2) that person will be entitled to receive a payment from them in accordance with the provisions of section 40 of the Act of 1950, as read with any order made by the Secretary of State under the provisions of section 20 (1) of the Act of 1957. If the local authority give notice that no payment falls to be made the person notified may appeal to the sheriff in accordance with the provisions of section 16 of the Act of 1950.

4. Section 15 (2) of the Act of 1954, as amended by the Housing (Scotland) Act 1962, provides that any reference to a demolition order in section 3 is to be construed as including a reference to a closing order made under section 9 of the Act of 1950.

5. Section 16 of the Act of 1950, which is applied by section 3 (3) of the Act of 1954, gives to any person aggrieved by a notice of determination to purchase a house or building under the said section 3 a right to appeal to the Sheriff within twenty-one days after the service of the notice. No proceedings can be taken by the local authority while an appeal is pending. No appeal to the Sheriff lies at the instance of a person who is in occupation of premises to which the notice relates under a lease or agreement the unexpired term of which does not exceed six months.

6. If no appeal is brought under section 16 of the Act of 1950 a notice of determination to purchase becomes operative on the expiration of the period of twenty-one days from the service thereof. If an appeal is brought the notice, if and in so far as it is confirmed by the Sheriff, becomes operative as from the date of determination of the appeal (section 16 (3) of the Act of 1950).

Notes for guidance in completing this form

[1]Separate forms of notice of determination to purchase are prescribed for the following circumstances—

Form 60—Where an application has been made to the local authority under section 10 of the Housing (Scotland) Act 1950.

Form 61—On the determination of closing orders under section 12 of the Act of 1950.

[2]Insert the name and residence or place of business and description, where known, of the person to whom the notice is addressed.

[3]Insert name of the local authority.

[4]Delete whichever is not applicable.

[5]Insert such description of the house or building as may be sufficient for identification.

[6]Quote in an Appendix the whole of section 9.

FORM 60

[1]Form of notice to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house under section 3 of the Housing (Repairs and Rents) (Scotland) Act 1954, where an application has been made to the local authority under section 10 of the Housing (Scotland) Act 1950.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Act 1950, as read with Part I of the Housing (Repairs and Rents) (Scotland) Act 1954, (which Council is hereafter in this notice referred to as "the local authority"), on ....., 19..., served a notice under section 7 (1) of the said Act of 1950 requiring the execution of works for the purpose of rendering the house [4]..... fit for human habitation;

And Whereas on ....., 19..., [5]..... being [6][the person on whom such a notice was served] [an owner of the house] applied to the local authority under section 10 of the said Act of 1950 to substitute for the notice so served an order under section 9 of the said Act of 1950;

And Whereas the local authority are satisfied it would be reasonable to serve an order under the said section 9 having regard to the estimated cost of the aforesaid works, to the financial circumstances of the person at whose expense the works would have been carried out and the other circumstances of the case;

And Whereas it appears to the local authority that, having regard to the existing condition of the house and to the needs of the district with regard to the provision of further housing accommodation, the house must be continued in use as housing accommodation;

Take notice that the local authority have determined to purchase the house under section 3 (1) of the Housing (Repairs and Rents) (Scotland) Act 1954, as amended by the Housing (Scotland) Act 1962, in lieu of making a demolition order or closing order in respect thereof.

Dated this ..... day of ....., 19....

.....

(Signature of Clerk to the local authority.)

Notes

(To be incorporated in the notice and any copies thereof)

1. Section 10 of the Act of 1950, as amended by the Housing (Scotland) Act 1962, under which the local authority may substitute a demolition or closing order under section 9 of that Act for an order under section 7 (1) of that Act requiring the execution of works, is as follows:—

(quote here the whole of section 10 as so amended)

(repeat notes 2-6 of Form 58)

Notes for guidance in completing this form

[1]Separate forms of notice of determination to purchase are prescribed for the following circumstances:—

Form 58—Where the local authority would otherwise be required by section 9 of the 1950 Act to make a closing order or demolition order under that section.

Form 61—On the determination of closing orders under section 12 of the 1950 Act.

[2]Insert the name and residence or place of business and the description, where known, of the person to whom the notice is addressed.

[3]Insert name of the local authority.

[4]Insert such description of the house as may be sufficient for identification.

[5]Insert the name of the person who made application to the local authority under section 10 of the 1950 Act.

[6]Delete whichever is not applicable.

FORM 61

Form of notice to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house under section 3 of the Housing (Repairs and Rents) (Scotland) Act 1954, on the determination of closing orders under section 12 of the Housing (Scotland) Act 1950.

THE HOUSING (SCOTLAND) ACTS 1950 TO 1962

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Act 1950, as read with Part I of the Housing (Repairs and Rents) (Scotland) Act 1954, (which Council is hereafter in this notice referred to as "the local authority"), in exercise of the powers conferred upon them by Part II of the Act of 1950, have made closing orders in respect of all the houses comprised in the building [4]....., none of which orders has been determined or is the subject of a suspension order;

And Whereas the house [5]..... forms part of the said building;

And Whereas it appears to the local authority that, having regard to the existing condition of the houses comprised in the building and to the needs of the district with regard to the provision of further housing accommodation, the houses must be continued in use as housing accommodation;

Take notice that the local authority in exercise of the powers conferred upon them by section 12 (1) of the said Act of 1950, hereby determine the said closing orders, and have determined to purchase the said building under section 3 (1) of the Housing (Repairs and Rents) (Scotland) Act 1954, as amended by the Housing (Scotland) Act 1962, in lieu of making a demolition order in respect thereof.

Dated this ..... day of ....., 19...

.....

(Signature of Clerk to the local authority)

Notes

(To be incorporated in the notice and any copies thereof)

1. Section 12 (1) of the Act of 1950, as amended by the Housing (Scotland) Act 1962, under which a local authority may substitute a demolition order for closing orders in relation to a building consisting wholly of closed houses, is as follows:—

(quote here the whole of section 12 (1) as so amended)
(repeat notes 2-6 of Form 58)

Notes for guidance in completing this form

[1]Separate forms of notice of determination to purchase are prescribed for the following circumstances:—

Form 58—Where the local authority would otherwise be required by section 9 of the 1950 Act to make a closing order or demolition order under that section.

Form 60—Where an application has been made to the local authority under section 10 of the 1950 Act.

[2]Insert the name and residence or the place of business and the description, where known, of the person to whom the notice is addressed.

[3]Insert name of the local authority.

[4]Insert such description of the building as may be sufficient for identification.

[5]Insert such description of the house as may be sufficient for identification.

SCHEDULE 5

Amendments to Forms 19, 21, 25, 26 *and* 31 *to* 34

(1) In Forms 19, 25 and 26, the words "by reason of disrepair or sanitary defects" shall be deleted.

(2) In Form 21, the paragraph commencing with the words "Before confirming the order ....." shall be deleted; and the paragraph commencing with the words "Subsections (4) and (5) of section 26 of the Act ....." shall be deleted.

(3) In Forms 31 to 34, the paragraph commencing with the words "Before confirming the order ....." shall be deleted.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These regulations amend the Housing (Forms) (Scotland) Regulations 1960, by prescribing certain new Forms, deleting certain existing Forms, and making certain amendments to existing Forms prescribed under the Housing (Scotland) Act 1950, the Housing (Repairs and Rents) (Scotland) Act 1954, and the Housing and Town Development (Scotland) Act 1957, consequential on the provisions of the Housing (Scotland) Act 1962.