1960 No. 1143 (S. 59)

The Housing (Forms) (Scotland) Regulations, 1960

Made - - - -	30*th June*, 1960
Laid before Parliament	15*th July*, 1960
Coming into Operation	20*th July*, 1960

In exercise of the powers conferred upon me by subsection (5) and subsection (7) of section 114, section 122 and subsection (1) of section 172 of the Housing (Scotland) Act, 1950(a), as read with sections 6 and 9 of the Housing (Scotland) Act, 1952(b), Part 1 of the Housing (Repairs and Rents) (Scotland) Act, 1954(c), sections 20 and 22 of the Housing and Town Development (Scotland) Act, 1957(d), and section 22 of the House Purchase and Housing Act, 1959(e) and of all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations :—

1.—(1) These regulations may be cited as the Housing (Forms) (Scotland) Regulations, 1960, and shall come into operation on the 20th day of July, 1960.

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

(3) The Housing (Forms) (Scotland) Regulations, 1951(g), the Housing (Forms) (Scotland) Amendment Regulations, 1955(h), the Housing (Forms) (Scotland) Amendment Regulations, 1958(i), and the Housing (Forms) (Scotland) Amendment Regulations, 1959(j) are hereby revoked, 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.

2. The forms set out in the Schedule hereto or forms as near thereto as circumstances admit shall be the forms to be used for the purposes of the Housing (Scotland) Acts, 1950 to 1959 in the cases to which those forms are applicable.

3.—(1) An order made by a local authority under subsection (1) of section 43 of the Housing (Scotland) Act, 1950 (which provides for the extinction of public rights of way and the closing or diversion of streets) shall, before being submitted to the Secretary of State for approval, be published by the local authority—

(*a*) by giving notice in the form prescribed by these regulations of the making of the order in one or more newspapers circulated in their district; and

(*b*) by affixing a like notice in a prominent position at each end of the public right of way or street to which the order relates.

(a) 14 Geo. 6. c. 34. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 63. (c) 2 & 3 Eliz. 2. c. 50.
(d) 5 & 6 Eliz. 2. c. 38. (e) 7 & 8 Eliz. 2. c. 33. (f) 52 & 53 Vict. c. 63.
(g) S.I. 1951/774 (1951 I, p. 1005). (h) S.I. 1955/288 (1955 I, p. 960).
(i) S.I. 1958/30 (1958 I, p. 1234). (j) S.I. 1959/1611 (1959 I, p. 1447).

(2) Every notice affixed in accordance with the provisions of sub-paragraph (*b*) of the last preceding paragraphs of this regulation shall be kept exhibited in such position for a period of not less than two months.

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

St. Andrew's House,
Edinburgh, 1.
29th June, 1960.

We consent.

J. D. Gibson-Watt.
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

30th June, 1960.

SCHEDULE

List of Forms

The forms marked* 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]
1	Form of order under section 5 (4) declaring expenses incurred by a county council in providing waterclosets or earthclosets to be payable by weekly, monthly, half-yearly or annual instalments.	5 and 8 (4)
2	Form of notice under section 7 requiring the person having control of a house to execute works.	7 (1)
3	Form of order under section 8 (4) declaring expenses incurred by a local authority in executing works on an insanitary house to be payable by weekly, monthly, half-yearly or annual instalments.	7 and 8; 14 (3), 44 (3) and 4th Schedule, 1954 Act.[2]
4	Form of notice under section 9 of the time and place at which the question of making (1) a demolition order, or (2) a closing order, in respect of a house will be considered*.	9 (1)
5	Form of demolition order under section 9	9 (4)
6	Form of demolition order under section 9 on breach or deemed breach of undertaking.	9 (4) and 9 (3)
7	Form of closing order under section 9*	9 (4)
8	Form of closing order under section 9 on breach or deemed breach of undertaking*.	9 (4) and 9 (3)
9	Form of order under section 9 terminating a closing order*.	9 (4)
10	Form of notice under section 9 of refusal of local authority to terminate a closing order*.	9 (4)

[1] The references are to the Housing (Scotland) Act, 1950 unless otherwise noted.
[2] Housing (Repairs and Rents) (Scotland) Act, 1954.

Form	*Purpose*	*Reference to sections of the Act*[1]
11	Form of demolition order under section 12 on recall of closing orders.	12
12	Form of closing order under section 13 (1) in respect of a house for which a building preservation order is in force.	13 (1)
13	Form of order under section 13 (2) substituting a closing order for a demolition order made in respect of a house in relation to which a building preservation order has taken effect.	13 (2)
14	Form of notice under section 13 (2) of termination of demolition order in respect of a house in relation to which a building preservation order has taken effect.	13 (2)
15	Form of order under section 13 (3) terminating a closing order in respect of a house subject to a building preservation order.	13 (3)
16	Form of notice of refusal of local authority to terminate a closing order under section 13 in respect of a house subject to a building preservation order.	13 (3)
17	Form of charging order under section 20...	20 and 21
18	Form of charging order under section 22	22 and 21
19	Form of clearance order under section 26 and the First Schedule.	26 and the First Schedule.
20	Form of advertisement under section 26 and paragraph 4 of the First Schedule of the making of a clearance order.	26 and paragraph 4 of the First Schedule.
21	Form of notice under section 26 and paragraph 4 of First Schedule to owners, superiors, holders of heritable securities, lessees or occupiers, of the making of a clearance order.	26 and paragraph 4 of the First Schedule.
22	Form of advertisement and notice under section 26 and paragraph 1 of the Second Schedule of confirmation of a clearance order.	26 and paragraph 1 of the Second Schedule.
23	Form of notice under section 18 or section 26 of intention to cleanse from vermin a house or building to be demolished under a demolition order or a clearance order.	18 or 26
24	Form of notice under section 18 or section 26 to proceed with demolition after a house or building has been cleansed from vermin.	18 or 26
25	Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land comprised in a clearance area and land surrounded by or adjoining the area.	29 and paragraphs 1 to 3 of the Third Schedule.
26	Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.	29 and paragraphs 1 to 3 of the Third Schedule; 22 of the 1957 Act.[2]
27	Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land surrounded by or adjoining a clearance area.	29 and paragraphs 1 to 3 of the Third Schedule.

[1] The references are to the Housing (Scotland) Act, 1950 unless otherwise noted.
[2] Housing and Town Development (Scotland) Act, 1957.

Form	*Purpose*	*Reference to sections of the Act*[1]
28	Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land surrounded by or adjoining a clearance area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.	29 and paragraphs 1 to 3 of the Third Schedule; 22 of the 1957 Act.[2]
29	Form of advertisement under section 29 and paragraph 4 of the Third Schedule of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area*.	29 and paragraph 4 of the Third Schedule.
30	Form of advertisement under section 29 and paragraph 4 of the Third Schedule of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion*.	29 and paragraph 4 of the Third Schedule; 22 of the 1957 Act.[2]
31	Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.	29 and paragraph 4 of the Third Schedule.
32	Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.	29 and paragraph 4 of the Third Schedule; 22 of the 1957 Act.[2]
33	Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land surrounded by or adjoining a clearance area*.	29 and paragraph 4 of the Third Schedule.
34	Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land surrounded by or adjoining a clearance area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion*.	29 and paragraph 4 of the Third Schedule; 22 of the 1957 Act.[2]
35	Form of advertisement and notice under section 29 and paragraph 1 of the Second Schedule of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area*.	29 and paragraph 1 of the Second Schedule.

[1] The references are to the Housing (Scotland) Act, 1950 unless otherwise noted.
[2] Housing and Town Development (Scotland) Act, 1957.

Form	*Purpose*	*Reference to sections of the Act*[1]
36	Form of advertisement and notice under section 29 and paragraph 1 of the Second Schedule of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion*.	29 and paragraph 1 of the Second Schedule; 22 of 1957 Act.[2]
37	Form of compulsory purchase order under section 32 and paragraphs 1 to 3 of the Third Schedule in respect of cleared land which owners have failed to redevelop.	32 and paragraphs 1 to 3 of the Third Schedule.
38	Form of compulsory purchase order under section 32 and paragraphs 1 to 3 of the Third Schedule in respect of cleared land which owners have failed to redevelop and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.	32 and paragraphs 1 to 3 of the Third Schedule; 22 of the 1957 Act.[2]
39	Form of order under section 43 extinguishing a public right of way or closing or diverting a street.	43
40	Form of notice under section 43 of the making of an order extinguishing a public right of way or closing or diverting a street.	43
41	Form of notice under section 45 to owner of subjects requiring information as to superior of, and holders of heritable securities over, subjects included in clearance order or compulsory purchase order.	45
42	Form of notice under section 46 of (1) time and place at which the question of the demolition of an obstructive building will be considered, and (2) request for information as to superior of, and holder of any heritable security over, such building.	46
43	Form of licence under section 52 for temporary use of house by persons in excess of the permitted number.	52
44	Form of notice under section 52 of revocation of licence for temporary use of house by persons in excess of permitted number.	52 (3)
45	Form of statement of permitted number of persons under section 54.	54
46	Form of acknowledgment under section 54 to be obtained by landlord.	54
47	Form of charging order under section 76	76 and 21
48	Form of notice to be given before a charging order under section 76 is made.	76 (3)
49	Form of notice of payment of improvement grant or standard grant.	114 (5); 22 of the 1959 Act.[3]
50	Form of charging order under section 114 (6)	114 (6) and 21; 22 of the 1959 Act.[3]
51	Form of discharge of charging order made under section 114 (6).	114 (6); 22 of the 1959 Act.[3]
52	Form of notice of cessor of conditions of improvement grant or standard grant.	114 (7) and 115 (3); 22 of the 1959 Act.[3]

[1] The references are to the Housing (Scotland) Act, 1950 unless otherwise noted.
[2] Housing and Town Development (Scotland) Act, 1957.
[3] House Purchase and Housing Act, 1959.

Form	*Purpose*	*Reference to sections of the Act*[1]
53	Form of notice under section 157 to occupier to remove from house after demolition order or clearance order has become operative.	157
54	Form of notice under section 157 to occupier to remove from house after closing order has become operative.	157
55	Form of notice under section 157 to occupier to vacate an obstructive building in respect of which a demolition resolution has become operative.	157
56	Form of notice under section 159 to be given by any person authorised by the local authority or the Secretary of State before entry for the purpose of survey and examination or valuation, or measuring of rooms.	159
57	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.	168
58	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 no undertaking has been given.	3 of the 1954 Act.[2]
59	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 breach or deemed breach of undertaking.	3 of the 1954 Act.[2]
60	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.	10; and 3 of the 1954 Act.[2]
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 recall of closing orders under section 12 of the Housing (Scotland) Act, 1950.	12; and 3 of the 1954 Act.[2]
62	Form of notice under section 20 (3) of the Housing and Town Development (Scotland) Act, 1957, that no payment falls to be made under section 20 (2) of that Act.	20 (2) and 20 (3) of the 1957 Act.[3]

[1] The references are to the Housing (Scotland) Act, 1950 unless otherwise noted.
[2] Housing (Repairs and Rents) (Scotland) Act, 1954.
[3] Housing and Town Development (Scotland) Act, 1957.

FORM 1

Form of order under section 5 (4) declaring expenses incurred by a county council in providing watercloseets or earthclosets to be payable by weekly, monthly, half-yearly or annual instalments.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1].....,
the [2][owner] [occupier] of the house [3].....
.....

Whereas the [4]....., 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 section 5 of the Act, have required the owner of [2][part of] the above-mentioned house to provide a [2][watercloset] [earthcloset];

And Whereas the owner has failed to carry out such requirement within three months after intimation thereof, and the local authority, in exercise of the powers conferred upon them by the said section 5 of the Act, have themselves executed the necessary work, and have incurred expenses amounting to the sum of £.....;

Now, therefore, in exercise of the powers conferred upon them by subsection (4) of section 8 of the Act, as applied by subsection (4) of section 5 of the Act, the local authority hereby declare that the said expenses shall be payable by [5]..... instalments of £..... within a period of [6].....years, with interest at the rate of [7]£..... per cent. per annum from the [8]..... day of ....., 19..., until the whole amount is paid. The first payment shall be made on the ..... day of ....., 19..., and subsequent instalments shall be payable on the ..... thereafter until the whole amount is paid.

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

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

Notes

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

By subsection (4) of section 8 of the Act, it is provided that any instalments and interest, or any part thereof, under an order of the local authority declaring their expenses to be payable by weekly, monthly, half-yearly or annual instalments, may be recovered from any owner or occupier of the house, and if recovered from the occupier may be deducted by him from the rent of the house.

By subsection (4) of section 5 of the Act the provisions of subsection (4) of section 8 are applied to the recovery of expenses incurred by a local authority under section 5 of the Act.

Any person aggrieved by this order may in accordance with the provisions of section 16 of the Act appeal to the sheriff against the order. The appeal must be made within 21 days after 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.

Notes for guidance in completing this form

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

[2] Delete the words which are not applicable.

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

[4] Insert the name of the county council.

[5] Insert "weekly", "monthly", "half-yearly" or "annual" as the case may be.

[6] The period to be specified must not exceed 30 years.

[7] The rate of interest is prescribed by the Secretary of State with the approval of the Treasury under section 8 (4) of the Act.

[8] Insert date of service of demand for payment of expenses.

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

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 1959

To [1]....., the person having control of the house [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"), 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 subsection (1) of section 7 of the Act, the local authority require you within a period of [4]..... days, ending on the ..... day of ....., 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 184 (2) of the Act provides that in determining for the purposes of the Act whether a house is fit for human habitation regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any building regulations in operation in the district.

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.

Any person aggrieved, 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.

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, which provides for the substitution of an order under section 9 (4) for a notice under section 7 (1) in certain cases, is as follows:—

(*here quote the whole of section* 10)

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 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 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, the authority may purchase the house 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 a 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 3

Form of order under section 8 (4) declaring expenses incurred by a local authority in executing works on an insanitary house to be payable by weekly, monthly, half-yearly or annual instalments.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]....., the [2][owner] [occupier] of the house [3].....

Whereas by a notice dated the ..... day of ....., 19..., the [4]....., 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 section 7 of the Act, have required the person having control of the above-mentioned house to execute, within the time specified in that notice, the works specified in the said notice, stating therein that such works would in their opinion render the house fit for human habitation;

And Whereas the said notice has not been complied with, and the local authority, in exercise of the powers conferred upon them by section 8 of the Act, have done the work required to be done by the said notice [2][and in addition have executed the following further works which were found to be necessary for the purpose of rendering the above-mentioned house fit for human habitation, but which could not reasonably have been ascertained to be required at the examination prior to the service of the aforesaid notice, namely [5].....] and have incurred in executing all the aforesaid works expenses amounting to the sum of £.....;

Now, therefore, in exercise of the powers conferred upon them by subsection (4) of section 8 of the Act, the local authority hereby declare that the said expenses shall be payable by [6]..... instalments of £..... within a period of [7]..... years, with interest at the rate of [8]£..... per cent. per annum, from the [9]..... day of ....., 19....., until the whole amount is paid. The first payment shall be made on the ..... day of ....., 19....., and subsequent instalments shall be payable on the ..... thereafter until the whole amount is paid.

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

(L.S.)

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

Notes

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

By subsection (4) of section 8 of the Act it is provided that any instalments and interest, or any part thereof, under an order of the local authority declaring their expenses to be payable by weekly, monthly, half-yearly or annual instalments, may be recovered from any owner or occupier of the house, and, if recovered from the occupier, may be deducted by him from the rent of the house.

Any person aggrieved by this order may in accordance with the provisions of section 16 of the Act appeal to the sheriff against the order. The appeal must be made within 21 days after 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. On an appeal against the order, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works. Subsection (2) of section 8 of the Act provides that where in addition to the works required to be done under the original notice, the local authority have executed any further works which were found to be necessary for the purpose of rendering the house fit for human habitation, but which could not reasonably have been ascertained to be required at the examination prior to the service of the original notice, any question as to whether such further works were necessary or could not have been reasonably ascertained as aforesaid shall be determined by the sheriff whose decision shall be final.

Notes for guidance in completing this form

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

[2] Delete the words which are not applicable.

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

[4] Insert the name of the local authority.

[5] Insert specification in detail of the additional works so executed.

[6] Insert " weekly ", " monthly ", " half-yearly " or " annual " as the case may be.

[7] The period to be specified must not exceed 30 years.

[8] The rate of interest is prescribed by the Secretary of State with the approval of the Treasury under section 8 (4) of the Act.

[9] Insert date of service of demand for payment of expenses.

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

FORM 4

[1]Form of notice under section 9 of the time and place at which the question of making (1) a demolition order, or (2) a closing order, in respect of a house will be considered.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

[2][To [3]......, the person having control of the house [4].....]

[2][To [3]......, the owner of the house [4].....]

Whereas the [5]....., 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 "), are satisfied that the above-mentioned house is unfit for human habitation and, 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 it is not capable at a reasonable expense of being rendered so fit.

Take notice that, in accordance with the provisions of section 9 of the Act, the condition of the said house and any offer with respect to the carrying out of works or the future use of the house will be considered by the local authority at [6]..... on the [7].....day of ....., 19....., at ..... o'clock on the .....noon, when any person to whom this notice is addressed, and any person who is the holder of a heritable security over the said house will be entitled to be heard.

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 9 of the Act, which empowers the local authority to order the demolition or closing of insanitary houses, is as follows:—

(Here quote the whole of section 9.)

[Subsection (1) of section 11 of the Act applies the provisions of section 9 with respect to the making of a closing order, subject to the necessary modifications, in relation to any underground room habitually used as a sleeping place which is for the purposes of Part II of the Act to be deemed to be a house unfit for human habitation. Subsection (2) of section 11 provides that a room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall, for the purposes of Part II of the Act, be deemed to be a house unfit for human habitation, if the room either—

(*a*) is not on an average at least seven feet in height from floor to ceiling; or

(*b*) does not comply with such regulations as the local authority may with the consent of the Secretary of State make for securing the proper ventilation or lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation.]

Section 3 (as read with section 15 (2) of the Housing (Repairs and Rents) (Scotland) Act, 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 in pursuance of a notice served by them under section 9 (1) of the Act and it appears to them 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, the authority may purchase the house in lieu of making such an order.

Section 158 of the Act provides that where an undertaking has been given under Part II of the Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent any owner of those premises from obtaining possession thereof.

Section 16 of the Act, which, subject to the provisions of that section, gives to any person aggrieved by a demolition order or a closing order a right of appeal to the sheriff, provides that on any such appeal a person on whom this notice has been served is not entitled to raise any question if the question is one which was not raised by him at the consideration of the matter by the local authority and which, if it had then been raised, could have been dealt with by means of such an undertaking as is mentioned in section 9 (2) of the Act (quoted above). Section 16 further provides that no such appeal to the sheriff shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement, the unexpired term of which does not exceed six months.

Notes for guidance in completing this form

[1] In cases to which section 11 applies the paragraph in square brackets in the "Notes to be incorporated in the notice and any copies thereof" should be inserted. The wording of the form will require modification to meet the case of an underground room which is deemed to be a house unfit for human habitation.

Similar modifications will be required in Forms, 7, 8, 9 and 10 should these be used in section 11 cases.

[2] Delete whichever is not applicable.

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

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

[5] Insert the name of the local authority.

[6] Insert the name and address of the place where the matter will be considered.

[7] The time must not be less than 21 days after the service of this notice.

FORM 5

[1]Form of demolition order under section 9.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

DEMOLITION 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"), after complying with the requirements of section 9 of the Act, are satisfied that the house [3].....is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit;

And Whereas the local authority have accepted no undertaking from an owner or holder of a heritable security with respect to the carrying out of works or the future use of the said house;

Now, therefore, the local authority, in exercise of the powers conferred upon them by subsection (4) of section 9 of the Act, hereby order as follows:—

1. The said house shall be vacated within [4]..... days from the date on which this order becomes operative;
2. The said house shall be demolished within three months after the expiration of the aforesaid period, or, if the house is not vacated before the expiration of the aforesaid period, within three months after the date on which it is vacated.

[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 copies thereof.*)

Section 9 of the Act, which empowers the local authority to order the demolition or closing of insanitary houses, is as follows:—

(*Here quote the whole of section* 9.)

Section 16 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order made under Part II of the Act may appeal to the sheriff by giving notice of appeal within 21 days after the date of the service of the order, and no proceedings may be taken by the local authority to enforce any order whilst an appeal against it is pending. On an appeal against a demolition order a person is not entitled to raise any question, if the question is one which was not raised by him at the consideration of the matter by the local authority, and which, if it had then been raised, could have been dealt with by means of such an undertaking as is mentioned in section 9 (2) of the Act (quoted above). No appeal lies against a demolition order at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement, the unexpired term of which does not exceed six months.

A demolition order shall, if no appeal is brought, become operative on the expiration of the 21 days referred to, and if an appeal is brought it shall become operative as from the date of the determination of the appeal. (Section 16 (3) of the Act.)

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 demolition order has, after the commencement of

the Act of 1957, been vacated in pursuance of the 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 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.

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 any 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. Section 157 (4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any house, enters into occupation of that house or of any part thereof after the date by which the order requires that house 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.

It is further provided by section 14 of the Act that when a demolition order under Part II of the Act has become operative, the owner of the house to which the order applies shall demolish the house within the time limited in that behalf by the order; and if the house is not demolished within that time, the local authority may enter and demolish the house and sell the materials thereof, and any expenses so incurred by them, after giving credit for any amount realised by the sale of materials, may be recovered by them from the owner of the house, and any surplus in the hands of the local authority shall be paid by them to the owner of the house.

Section 18 (3) of the Act provides, however, that where a local authority serve a notice under section 18 (1) that they intend to cleanse from vermin a house to which a demolition order applies, the local authority shall not be entitled to take the action described in the last foregoing paragraph 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.

Notes for guidance in completing this form

[1] A separate form of demolition order (Form 6) is to be used in the case of the demolition of a house on breach or deemed breach of undertaking.

[2] Insert the name of the local authority.

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

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

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

FORM 6

Form of demolition order under section 9 on breach or deemed breach of undertaking.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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"), in exercise of the powers conferred upon them by section 9 of the Act, being satisfied that the house [2]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, and having complied with the provisions of the said section as to the service of notices and the consideration of representations, on the ..... day of ....., 19....., accepted an undertaking from [3]..... ..... being the [4][owner of] [holder of a heritable security over] the said house, in the following terms: —

(Here set out the terms of the undertaking;)

And Whereas the said undertaking [4][has been broken] [is deemed to have been broken] in the following respects:—

(Here give particulars of the breach or deemed breach of the undertaking;)

Now, therefore, the local authority, in exercise of the powers conferred upon them by subsection (4) of section 9 of the Act, hereby order as follows:—

1. The said house shall be vacated within [5]..... days from the date on which this order becomes operative;

2. The said house shall be demolished within three months after the expiration of the aforesaid period, or, if the house is not vacated before the expiration of the aforesaid period, within three months after the date on which it is vacated.

[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.)

(The notes to this form should be the same as the notes to Form 5.)

Notes for guidance in completing this form

[1] Insert the name of the local authority.

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

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

[4] Delete whichever is not applicable.

[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.

FORM 7

[1]Form of closing order under section 9

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959
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"), after complying with the requirements of section 9 of the Act, are satisfied that the house [3]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit;

And Whereas the local authority have accepted no undertaking from an owner or holder of a heritable security with respect to the carrying out of works or the future use of the said house;

Now, therefore, the local authority, in exercise of the powers conferred upon them by the proviso to subsection (4) of section 9 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 copies thereof.*)

Section 9 of the Act, which empowers the local authority to order the demolition or closing of insanitary houses, is as follows:—

(*Here quote the whole of section* 9.)

Section 16 of the Act provides that, subject to the provisions of that section, any person aggrieved by a closing order or by the refusal of the local authority to determine a closing order may appeal to the sheriff by giving notice of appeal within 21 days after the date of the service of the order or after the refusal to determine the order, and no proceedings may be taken by the local authority to enforce any order whilst an appeal against it is pending. On an appeal against a closing order a person is not entitled to raise any question if the question is one which was not raised by him at the consideration of the matter by the local authority, and which, if it had then been raised, could have been dealt with by means of such an undertaking as is mentioned in section 9 (2) of the Act. No appeal lies against a closing order at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement, the unexpired term of which does not exceed six months.

A closing order shall, if no appeal is brought, become operative on the expiration of the 21 days referred to, and if an appeal is brought, it shall become operative as from the date of the determination of the appeal. (Section 16 (3) of the Act.)

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, after the commencement of the Act of 1957, 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 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.

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.

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 any purpose unless he shall previously have obtained the consent of the local authority to the purpose for which the premises are proposed to be used, 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] Form 8 is to be used in respect of a house to be closed on breach of undertaking.

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 modified on the lines suggested in note 1 of the "Notes for guidance in completing this form" appended to Form 4.

[2] Insert the name of the local authority.

[3] Insert such a 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.

FORM 8

[1]Form of closing order under section 9 on breach or deemed breach of undertaking

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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"), in exercise of the powers conferred upon them by section 9 of the Act, being satisfied that the house [3]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, and having complied with the provisions of the said section as to service of notices and the consideration of representations, on the ..... day of ....., 19 ....., accepted an undertaking from [4]..... being the [5][owner of] [holder of a heritable security over] the said house, in the following terms:—

(Here set out the terms of the undertaking;)

And Whereas the said undertaking [5][has been broken] [is deemed to have been broken] in the following respects:—

(Here give particulars of the breach or deemed breach of the undertaking;)

Now, therefore, the local authority, in exercise of the powers conferred upon them by the proviso to subsection (4) of section 9 of the Act, hereby prohibit the use of the said house for human habitation as from the expiration of [6]..... days from the date on which this order becomes operative.

[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 copies thereof.)

(The notes to this form should be the same as the notes to Form 7.)

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 modified on the lines suggested in note 1 of the "Notes for guidance in completing this form" appended to Form 4.

[2] Insert the name of the local authority.

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

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

[5] Delete the words which are not applicable.

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

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

FORM 9

[1]Form of order under section 9 terminating a closing order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

TERMINATION OF CLOSING ORDER

Whereas on the ..... day of ....., 19....., in exercise of the powers conferred upon them by the proviso to subsection (4) of 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 closing order in respect of the house [3]..... by which closing order the local authority prohibited the use of the said house for human habitation;

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

Now, therefore, in further exercise of the said powers the local authority hereby terminate the closing order aforesaid.

[4]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 modified on the lines suggested in note 1 of the "Notes for guidance in completing this form" appended to Form 4.

[2] Insert the name of the local authority.

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

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

FORM 10

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

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2].....,
owner of the house [3].....

Take notice that the [4].....
the local authority under the Housing (Scotland) Act, 1950,

(1) having considered your application to them to terminate the closing order made by them on the ..... day of ....., 19....., in exercise of the powers conferred upon them by the proviso to subsection (4) of section 9 of the said Act, in respect of the above-mentioned house, and

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

have this day refused to terminate 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 said Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to terminate a closing order may apply to the sheriff by giving notice of appeal within 21 days after the date 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 modified on the lines suggested in note 1 of "Notes for guidance in completing this form" appended to form 4.

[2] Insert the name and residence or place of business of the owner.

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

[4] Insert the name of the local authority.

FORM 11

Form of demolition order under section 12 on recall of closing orders.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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 Act"), in exercise of the powers conferred upon them by Part II of the Act, have made closing orders in respect of all of the houses comprising the building [2]....., which orders have not been terminated;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 12 of the Act, hereby order as follows:—

(1) The said closing orders are hereby recalled;

(2) The said houses comprising 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 aforesaid period, or, if the house is not vacated before the expiration of the aforesaid 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.*)

Section 12 (1) (*a*) of the Act provides as follows:—

(*Here quote the whole of section* 12 (1) *with the exception of* (*b*) *and thereafter insert note similar to that following Form* 5.)

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.

FORM 12

Form of closing order under section 13 (1) in respect of a house for which a building preservation order is in force

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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"), after complying with the requirements of section 9 of the Act, are satisfied that the house [2]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit;

And Whereas the local authority have accepted no undertaking from an owner or holder of a heritable security with respect to the carrying out of works or the future use of the said house;

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

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 house;

Now, therefore, the local authority, in exercise of the powers conferred upon them by subsection (1) of section 13 of the Act, hereby prohibit the use of the said house for human habitation as from the expiration of [3]..... days from the date on which this order becomes operative.

[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.)

In accordance with the provisions of subsection (3) of section 13 of the Act the local authority are required to terminate a closing order made by them under that section if they are satisfied that the house has been rendered fit for human habitation.

(Repeat the last five paragraphs of the notes to Form 7.)

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] 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.

FORM 13

Form of order under section 13 (2) substituting a closing order for a demolition order made in respect of a house in relation to which a building preservation order has taken effect.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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 the ..... day of ....., 19..... made a demolition order in respect of the house, [2].....; which order [3][became] [would become] operative on the ..... day of ....., 19..... ;

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 house;

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

(1) The said demolition order is hereby terminated;

(2) The local authority 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 [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.)

In accordance with the provisions of subsection (2) of section 13 of the Act, where a building preservation order takes effect in relation to a house to which a demolition order applies, the local authority are required to terminate the demolition order and make a closing order prohibiting the use of the house for human habitation, and to serve on the person having the control of the house and also on any other person who is an owner thereof, notice that the demolition order has been terminated and a copy of the closing order.

In accordance with the provisions of subsection (3) of section 13 of the Act the local authority are required to terminate a closing order made by them under that section if they are satisfied that the house has been rendered fit for human habitation.

(*Repeat the last five paragraphs of the notes to Form* 7.)

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 Delete the words which are not applicable.

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.

FORM 14

Form of notice under section 13 (2) of termination of demolition order in respect of a house in relation to which a building preservation order has taken effect.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]..... ....., the [2][person having the control] [owner] of the house[3] .....

Take notice that the [4]....., the local authority under the Housing (Scotland) Act, 1950, in accordance with the provisions of subsection (2) of section 13 of that Act hereby give notice that the demolition order made by them on the ..... day of ....., 19..... in respect of the said house has been terminated, and a closing order made in respect of the said house. A copy of the said closing order is enclosed herewith.

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 Delete the words which are not applicable.

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

4 Insert the name of the local authority.

FORM 15

Form of order under section 13 (3) terminating a closing order in respect of a house subject to a building preservation order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

Whereas on the ..... day of ....., 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 closing order the local authority prohibited the use of the said house for human habitation ;

And Whereas the local authority are satisfied that the said house has been rendered fit for human habitation ;

Now, therefore, in exercise of the powers conferred upon them by subsection (3) of the said section of the said Act, the local authority hereby terminate the closing order aforesaid.

[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 Act as to the signing and sealing of orders.

FORM 16

Form of notice of refusal of local authority to terminate a closing order under section 13 in respect of a house subject to a building preservation order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1].....

Take notice that the [2].....,
the local authority under the Housing (Scotland) Act, 1950,

(1) having considered the termination of the closing order made by them on the .....day of ....., 19 ....., in exercise of the powers conferred upon them by section 13 of the said Act, in respect of the house [3]....., and

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

have this day refused to terminate 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 said Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to terminate a closing order may appeal to the sheriff by giving notice of appeal within 21 days after the date of the refusal of 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 the name of the local authority.

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

FORM 17

Form of charging order under section 20.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 20 of that Act, do hereby provide and declare that the subjects described in the schedule hereto are hereby charged and burdened with payment to [2]..... his executors or assignees of an annuity of [3]..... sterling payable on the [4]..... 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[5]	Name and designation of owner	Name of occupier	Parish	County

[6]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 the name and designation of the owner of the house.

[3] Insert in words the amount of the annuity as provided for in section 20 (3) of the Act.

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

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

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

FORM 18

Form of charging order under section 22.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 22 of that Act, 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.....

(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 in words the amount of the annuity as provided for in section 20 (3) of the 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 Act as to the signing and sealing of orders.

FORM 19

Form of clearance order under section 26 and the First Schedule.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

CLEARANCE 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 "), being satisfied as respects an area in their district that—

(1) [2][the houses in that area] [the greater part of the houses in that area] are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement or the narrowness or bad arrangement of the streets injurious or dangerous to the health of the inhabitants of the area ; and

(2) the most satisfactory method of dealing with the aforesaid conditions is the demolition of all the buildings in the area;

have, in exercise of the powers conferred upon them by section 25 of the Act, caused that area to be defined on a map in such a manner as not to include therein the site of a building unless at least part of the building consists of houses which are unfit for human habitation or injurious or dangerous to health, or of other premises which are injurious or dangerous to health;

And Whereas the local authority have satisfied themselves, in accordance with the requirements of proviso (*b*) to subsection (1) of section 25 of the Act that accommodation available for the persons who will be displaced by the demolition of buildings in the area exists, or can be provided by the local authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and that the resources of the local authority are sufficient for the purpose of carrying into effect the resolution hereinafter referred to ;

And Whereas the local authority at a meeting held on the ..... day of ....., 19..... passed a resolution declaring the area so defined to be a clearance area, which area is known as the [3]..... Clearance Area;

And Whereas, in exercise of their powers under the said section 25, the local authority have determined by a resolution passed at a meeting held on the ..... day of ....., 19..... to proceed to secure the clearance of [2][the area] [part of the area] by ordering the demolition of the buildings hereinafter referred to;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 26 of the Act, hereby make the following Clearance Order—

1.—(1) The buildings specified in, or consisting of the houses and premises specified in, the schedule hereto and comprising the whole buildings within the area edged yellow and coloured red on a map marked [4]..... and signed and sealed with reference to this order and deposited at the offices of the local authority, shall be demolished.

(2) For the purpose of demolition, each of the houses and premises specified in the schedule shall be vacated on or before the expiration of the period specified in the sixth column thereof opposite to the number and description of the house or premises.

2. The houses specified in Part I of the schedule hereto are the houses included in this order which are unfit for human habitation.

3.—(1) This order may be cited as the [6]..... Clearance Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

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

(L.S.)

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

Schedule

Part I

Houses included in the order which are unfit for human habitation.

Numbers on map deposited at offices of the local authority (1)	Description and situation of houses (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Period from the date when the order comes into operation within which the houses are to be vacated[5] (6)

Part II

Houses and premises included in the order other than houses which are unfit for human habitation.

Numbers on map deposited at offices of the local authority (1)	Description and situation of houses and premises (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Period from the date when the order comes into operation within which the houses are to be vacated[5] (6)

Notes for guidance in completing this form

[1] Insert the name of the local authority.

[2] Delete the words which are not applicable.

[3] Insert the name by which the clearance area is known.

[4] The map should be identified by a heading in the terms of the short title of the order.

[5] In terms of paragraph 1 of the First Schedule to the Act the local authority must fix a period within which they require the buildings to be vacated. The period is in their discretion, but it must not be less than 28 days from the date when the order comes into operation. The local authority may fix different periods as respects different buildings. The date when alternative accommodation may be available will have a bearing on the date to be fixed.

The Second Schedule to the Act provides that, when a clearance order has been confirmed by the Secretary of State, it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of that Schedule: but if proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act, or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

[6] Insert a suitable short title.

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

Note for local authority

Before submitting a clearance order for confirmation, the local authority must, in terms of section 45 (1) of the Act, require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, the subjects, and under section 45 (2) the local authority must serve on any person whose name and address is so furnished the like notice as they are required to serve on the owner. (See Form 41.)

FORM 20

Form of advertisement under section 26 and paragraph 4 of the First Schedule of the making of a clearance order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [1]..... Clearance Order, 19.....

Notice is hereby given, that the [2]....., the local authority under the Housing (Scotland) Act, 1950, have, in exercise of the powers conferred upon them by that Act, made the above-mentioned clearance order requiring the demolition of all the buildings within the area described in the schedule hereto and their vacation within the period or periods respectively specified in the schedule to the order.

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Copies of the order and of the map referred to therein and a map showing the clearance area, have been deposited at [3]..... and may be seen there without payment of fee between the hours of ..... and .....

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

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

Schedule

(*Here insert a description of the area to which the clearance order applies such as will enable the area to be identified.*)

Notes for guidance in completing this form

[1] Insert the title of the order.

[2] Insert the name of the local authority.

[3] Insert the address of the place of deposit.

Note for local authority

The local authority should forward to the Secretary of State, by addressing to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, a copy of this advertisement immediately after publication, and should at the same time state the time specified in the notices served on owners, superiors, lessees and others, within which objections to the order are to be lodged with him.

FORM 21

Form of notice under section 26 and paragraph 4 of the First Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a clearance order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [1]..... Clearance Order, 19.....

To [2].....

Take notice that 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, in exercise of the powers conferred upon them by the Act, made the above-mentioned clearance order requiring the demolition of all the buildings specified in, or consisting of the houses and other premises specified in, the schedule to the order.

The order includes the houses and other premises described in the schedule hereto—in which property you are believed to be interested as

[4] { owner. / superior. / holder of a heritable security. / lessee. / occupier. }

The order requires that for the purpose of demolition each property shall be vacated on or before the expiration of the period specified in the sixth column of the schedule hereto opposite to the description of the property.

The clearance order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made to the Secretary of State in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the [5]..... day of ....., 19..... A copy of any objection lodged should also be sent to the Clerk to the local authority at [6].....

Copies of the order and of the map referred to therein and a map showing the clearance area have been deposited at [7]..... and may be seen there without payment of fee between the hours of ..... and .....

[8][The order refers to each of the properties in which you are believed to be interested as being in the Part or Parts of the schedule to the order mentioned in the last column of the schedule hereto set opposite to the description of the property.

In the case of the houses specified in Part I of the schedule to the clearance order as being unfit for human habitation, no compensation is payable under the Act in respect of the demolition of the building.

In the case of the houses and premises specified in Part II of the schedule to the order, the local authority are, in terms of section 37 of the Act, liable to pay to the owner compensation ascertained in accordance with the provisions of that section.]

The Act provides that if no objection is duly made by the owner or lessee or occupier of, or the superior of, or holder of a heritable security over, any building to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification. Section 39 of the Act provides (*quote so far as appropriate*).

Before confirming the order, the Secretary of State is required to send a copy of the order as proposed to be confirmed to every person who, having given notice to the Secretary of State of his objection to the order, appeared at the inquiry in support of his objection, and to consider any representations that may be submitted to the Secretary of State in writing with respect thereto within fourteen days after the date on which the copy of the order has been so sent.

The Act also provides that when a clearance order has been confirmed by the Secretary of State it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of the Act; but if in accordance with the provisions of the Second Schedule to the Act proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

The Act further provides that when a clearance order has become operative the owner of any building to which the order applies shall demolish that building before the expiration of three months from the date on which the building is required by the order to be vacated, or, if it is not vacated until after that date, before the expiration of three months from the date on which it is vacated.

Section 157 of the Act makes provision for the local authority or the owner obtaining possession of any building or house or part thereof in respect of which a clearance order has become operative.

Section 18, as applied by section 26 of the Act provides (*state effect of the section*).

Subsections (4) and (5) of section 26 of the Act, which restrict the use of land after a clearance order becomes operative, provide (*here quote the whole of the subsections*).

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

.....

(Signature of Clerk to the local authority)

Schedule

Numbers on map deposited at offices of the local authority	Description and situation of house or other premises	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or a less period than a month)	Period from the date when the order comes into operation within which the house or premises are to be vacated	[8]Part of schedule to clearance order in which the house or premises are specified[9]
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Notes for guidance in completing this form

[1] Insert the title of the order.

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

[3] Insert the name of the local authority.

[4] Delete the words which are not applicable.

[5] It is suggested that the period within which objections must be lodged should be not less than 21 days from the date of notice.

[6] Insert the address to which a copy of any objection should be sent.

[7] Insert the address of the place of deposit.

[8] These three paragraphs and also the last column of the schedule should be omitted in the case of notices to lessees and occupiers.

[9] Insert in this column " Part I " or " Part II ".

FORM 22

Form of advertisement and notice under section 26 and paragraph 1 of the Second Schedule of confirmation of a clearance order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [1]..... Clearance Order, 19.....

Notice is hereby given that the Secretary of State has, in exercise of the powers conferred on him by the Housing (Scotland) Act, 1950, (hereafter in this notice referred to as " the Act "), on the ..... day of ....., 19....., confirmed [2][with modifications] the [1].....Clearance Order, 19....., submitted to him by the [3]..... ordering the demolition of all the buildings within the area described in the schedule hereto and their vacation within the [4][period] [periods respectively] specified in the order.

Copies of the order as confirmed and of the map referred to therein and a map showing the clearance area have been deposited at [5]..... and may be seen there without payment of fee between the hours of ..... and .....

The order will become operative at the expiration of thirty days from the date of the publication of this notice, but if, in accordance with the provisions of the Second Schedule to the Act, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

[6][Demolition of any building comprised in the confirmed order in respect of which the local authority give or have given notice to the owners that they intend to cleanse the building from vermin after it is vacated and before it is demolished shall be deferred until the local authority serve a further notice on the owner authorising him to proceed with the demolition.]

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

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

Schedule

(Here insert description of the area to which the clearance order as confirmed applies, such as will enable the area to be identified.)

Notes for guidance in completing this form

[1] Insert the title of the order.
[2] Delete this if it is not applicable.
[3] Insert the name of the local authority.
[4] Delete the words which are not applicable.
[5] Insert the address of the place of deposit.
[6] This paragraph may be omitted if the local authority do not intend to cleanse any building comprised in the order.

Note for local authority

In accordance with the provisions of paragraph 1 of the Second Schedule to the Act, the local authority are required, as soon as may be after the clearance order has been confirmed by the Secretary of State, to publish the foregoing notice in a newspaper circulating in their district. A copy of the notice must also, in terms of the said paragraph, be served on every person who, having given notice to the Secretary of State of his objection to the order, appeared at the public local inquiry in support of his objection.

Paragraph 5 of the Second Schedule to the Act requires the local authority, so soon as may be after an order has become operative, to serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Secretary of State for confirmation.

FORM 23

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

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]....., owner of the [2][house] [building] [3]..... being a [2][house] [building] in respect of which a [2][demolition order] [clearance order] made on the ..... day of ....., 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 [2][18] [26] of the Act intend to cleanse the above-mentioned [2][house] [building] from vermin before its demolition.

Section [2][18 (2)] [26 (7)] of the Act provides that a local authority who have served a notice that they intend to cleanse a [2][house] [building] to which a [2][demolition order] [clearance order] applies, may, at any time after the order has become operative in relation to the [2][house] [building] and it has been vacated, enter the [2][house] [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 [2][house] [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 [2][house] [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 [2][house] [building] whether the work has then been completed or not.

[2][Subsection (3) of section 18 of the Act provides that where a local authority have served a notice that they intend to cleanse a house to which a demolition order applies, the local authority shall not be entitled to take action under the power granted them by subsection (1) of section 14 of the Act to enter and demolish the house and sell the materials thereof if the house 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 subsection (2) of section 18 of the Act to proceed with the demolition.]

[2][Subsection (7) of section 26 of the Act provides that where a local authority have served a notice that they intend to cleanse 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 subsection (2) of section 18 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] Delete whichever is not applicable.

[3] Insert description of the house or building to which the notice relates.

[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 house or building has been cleansed from vermin.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]....., owner of the [2][house] [building] [3].....

Take notice that—

(1) 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"), have completed the cleansing from vermin of the above-mentioned [2][house] [building] to which a [2][demolition] [clearance] order applies, the order having become operative on the ..... day of ....., 19 ....., and in relation to which a notice of intention to cleanse from vermin was served upon you by the local authority on the ..... day of ....., 19....., and

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

[2][Subsection (3) of section 18 of the Act provides that where a local authority have served a notice of intention to cleanse from vermin a house to which a demolition order applies, the local authority shall not be entitled to take action under the power granted them by subsection (1) of section 14 of the Act to enter and demolish the house and sell the materials thereof if the house 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 subsection (2) of section 18 of the Act to proceed with the demolition.]

[2][Subsection (7) of section 26 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 subsection (2) of section 18 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] Delete whichever is not applicable.

[3] Insert description of the house or building to which the notice relates.

[4] Insert the name of the local authority.

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

FORM 25

[1]Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE 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 "), being satisfied as respects an area in their district that

(1) [3][the houses in that area] [the greater part of the houses in that area] are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement or the narrowness or bad arrangement of the streets injurious or dangerous to the health of the inhabitants of the area ; and

(2) the most satisfactory method of dealing with the aforesaid conditions is the demolition of all the buildings in the area ;

have, in exercise of the powers conferred upon them by section 25 of the Act, caused that area to be defined on a map in such a manner as not to include in the area the site of a building unless at least part of the building consists of houses which are unfit for human habitation or injurious or dangerous to health, or of other premises which are injurious or dangerous to health ;

And Whereas the local authority have satisfied themselves, in accordance with the requirements of the said section 25, that accommodation available for the persons who will be displaced by the demolition of buildings in the area exists, or can be provided by the local authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and that the resources of the local authority are sufficient for the purpose of carrying into effect the resolutions hereinafter referred to ;

And Whereas the local authority at a meeting held on the ..... day of ....., 19....., passed a resolution declaring the area so defined to be a clearance area, which area is known as the [4]..... Clearance Area ;

And Whereas, in further exercise of the powers conferred upon them by the said section 25, the local authority have by a resolution passed at a meeting held on the ..... day of ....., 19....., determined to proceed to secure the clearance of [3][the area] [part of the area] by purchasing the land hereinafter described comprised therein and themselves undertaking, or otherwise securing, the demolition of the buildings on the said land ;

[5][And Whereas the local authority, in exercise of the powers conferred upon them by section 27 of the Act, have by a resolution passed at a meeting on the ..... day of ....., 19....., determined to purchase certain other land hereinafter mentioned as [3][being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area]] ;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 29 of the Act, hereby make the following Compulsory Purchase Order—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act, the land and buildings described in the schedule hereto.

2. [(1)] The land and buildings specified in Parts I and II of the said schedule and edged yellow and coloured red on a map marked [6]..... and signed and sealed with reference to this order and deposited at the offices of the local authority, are land and buildings within the clearance area.

[5][(2) The land and buildings specified in Part III of the said schedule and coloured blue on the said map are land and buildings outside the clearance area.]

3. The houses specified in Part I of the said schedule are the houses within the clearance area which are unfit for human habitation.

4. Subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the Third Schedule to the Act, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

5.—(1) This order may be cited as the [7]..... Clearance Area Compulsory Purchase Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

[8]Given under the Seal of the [2]..... this ..... day of ....., 19.....

(L.S.) .....

(Signature of Clerk to the local authority.)

Schedule

Part I

Houses within the clearance area which are unfit for human habitation.

Numbers on map deposited at offices of the local authority	Description and situation of the houses	Owners or reputed owners	Lessees or reputed lessees	Occupiers (except tenants for a month or a less period than a month)
(1)	(2)	(3)	(4)	(5)

Part II

Land and buildings within the clearance area other than houses which are unfit for human habitation.

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)

[5][Part III]

Land and buildings outside the clearance area.

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)

Notes for guidance in completing this form

[1] Form 27 should be used where it is proposed to acquire separately land surrounded by or adjoining a clearance area.

In cases to which this form of compulsory purchase order applies, Form 29 is the appropriate form of advertisement; Form 31 is the appropriate form of notice to owners, etc.; and Form 35 is the appropriate form of advertisement and notice of confirmation.

[2] Insert the name of the local authority.

[3] Delete the words which are not applicable.

[4] Insert the name by which the clearance area is known.

[5] Delete this, if it is not applicable, making any necessary consequential alterations.

[6] The map should be identified by a heading in the terms of the short title to this order.

[7] Insert a suitable short title.

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

Notes for local authority

In terms of section 29 (2) of the Act a compulsory purchase order in respect of land comprised in a clearance area must be submitted to the Secretary of State within six months after the date of the clearance resolution or within such longer period as the Secretary of State may allow.

In accordance with section 2 (4) of the Housing (Repairs and Rents) (Scotland) Act, 1954 (hereafter in these notes referred to as " the Act of 1954 "), a compulsory purchase order under section 29 of the Act authorising the compulsory purchase by a local authority of any land on which there is a building which is or which contains a house which in the opinion of the authority, having regard to its existing condition and to the needs of the district with regard to the provision of further housing accommodation, must be continued in use as housing accommodation for the time being, within an area declared as a clearance area before the commencement of the Act of 1954, may, notwithstanding anything in section 29 (2) of the Act, be submitted to the Secretary of State at any time not later than six months after the approval under section 1 of the Act of 1954 of proposals submitted by the authority under that section.

Where the demolition of any building in a clearance area is postponed under section 2 (1) of the Act of 1954, section 29 (2) of the Act does not apply to the purchase of any land on which there is a building whose demolition has been postponed under section 2 (2) of the Act of 1954.

In most cases local authorities will no doubt include in one compulsory purchase order all the land they propose to acquire in or in connection with a clearance area. But to meet any cases where the local authority find it necessary or desirable to make a separate compulsory purchase order in respect of land surrounded by or adjoining the area, a separate form of order has also been prescribed. (See Form 27.)

Before submitting a compulsory purchase order for the purposes of Part III of the Act for confirmation by the Secretary of State the local authority must in terms of section 45 (1) of the Act require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, the subjects, and under section 45 (2) the local authority must serve on any person whose name and address is so furnished the like notice as they are required to serve on the owner. (See Form 41.)

FORM 26

[1]Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE ORDER

Whereas the [2].....the local authority under the Housing (Scotland) Acts, 1950 to 1957 (which Council are hereafter in this order referred to as " the local authority "), being satisfied as respects an area in their district that

(1) [3][the houses in that area] [the greater part of the houses in that area] are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement or the narrowness or bad arrangement of the streets injurious or dangerous to the health of the inhabitants of the area ; and

(2) the most satisfactory method of dealing with the aforesaid conditions is the demolition of all the buildings in the area ;

have, in exercise of the powers conferred upon them by section 25 of the Housing (Scotland) Act, 1950 (hereafter in this order referred to as "the Act of 1950") caused that area to be defined on a map in such a manner as not to include in the area the site of a building unless at least part of the building consists of houses which are unfit for human habitation or injurious or dangerous to health, or of other premises which are injurious or dangerous to health ;

And Whereas the local authority have satisfied themselves, in accordance with the requirements of the said section 25 of the Act of 1950, that accommodation available for the persons who will be displaced by the demolition of buildings in the area exists, or can be provided by the local authority in advance of the displacements which will from time to time become necessary as the demolition proceeds, and that the resources, of the local authority are sufficient for the purpose of carrying into effect the resolution hereinafter referred to ;

And Whereas the local authority at a meeting held on the .....day of....., 19....., passed a resolution declaring the area so defined to be a clearance area, which area is known as the [4]..... Clearance Area ;

And Whereas, in further exercise of the powers conferred upon them by the said section 25 of the Act of 1950, the local authority have by a resolution passed at a meeting held on the.....day of....., 19..., determined to proceed to secure the clearance of [3][the area] [part of the area] by purchasing the land hereinafter described comprised therein and themselves undertaking, or otherwise securing, the demolition of the buildings on the said land ;

[5][And Whereas the local authority, in exercise of the powers conferred upon them by section 27 of the Act of 1950, have by a resolution passed at a meeting on the ..... day of....., 19..., determined to purchase certain other land hereinafter mentioned as [3][being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area]] ;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 29 of the Act of 1950, hereby make the following Compulsory Purchase Order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act of 1950 the land and buildings described in the schedule hereto.

2.[(1)] The land and buildings specified in Parts I and II of the said schedule and edged yellow and coloured red on a map marked [6]..... and signed and sealed with reference to this order and deposited at the offices of the local authority, are land and buildings within the clearance area.

[5][(2)) The land and buildings specified in Part III of the said schedule and coloured blue on the said map are land and buildings outside the clearance area.]

3. The houses specified in Part I of the said schedule are the houses within the clearance area which are unfit for human habitation.

4. Subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845) ;

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and

(*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the Third Schedule to the Act of 1950, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

5. Application is hereby made to the Secretary of State under section 22 of the Housing and Town Development (Scotland) Act, 1957 for the inclusion in the order as confirmed by him of a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to this order as respects [8][the whole of the land comprised herein] [so much of the land comprised herein as is hatched..... on the map].

6. For the purposes of clause (*b*) of sub-paragraph 3 of paragraph 1 of the said Sixth Schedule a long tenancy which is about to expire shall be a tenancy expiring on or before the date entered in column (6) of the schedule hereto[7] in respect of any tenancy described therein.

[8][7. The period of..... is hereby substituted for the period of two months for the purposes of the operation of sub-paragraph (2) of paragraph 3 of the said Sixth Schedule.]

8.—(1) This order may be cited as the [9].....Clearance Area Compulsory Purchase Order, 19....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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

(L.S.) .....

(Signature of Clerk to the local authority).

SCHEDULE

PART I

Houses within the clearance area which are unfit for human habitation

Numbers on map deposited at offices of the local authority (1)	Description and situation of the houses (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Date defining a long tenancy about to expire (6)

PART II

Land and buildings within the clearance area other than houses which are unfit for human habitation

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Date defining a long tenancy about to expire (6)

[5][PART III]

Land and buildings outside the clearance area

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Date defining a long tenancy about to expire (6)

Notes for guidance in completing this form

[1]Form 28 should be used where it is proposed to acquire separately land surrounded by or adjoining a clearance area and application is to be included in the order for a direction under section 22 of the Housing and Town Development (Scotland) Act, 1957.

In cases to which this form of compulsory purchase order applies, Form 30 is the appropriate form of advertisement; Form 32 is the appropriate form of notice to owners, etc.; and Form 36 is the appropriate form of advertisement and notice of confirmation.

[2]Insert the name of the local authority.

[3]Delete the words which are not applicable.

[4]Insert the name by which the clearance area is known.

[5]Delete this, if it is not applicable, making any necessary consequential alterations.

[6]The map should be identified by a heading in the terms of the short title to this order.

[7]The date inserted in column (6) of the schedule shall be at least a year later than the estimated date of recording of the order, if confirmed, in the appropriate Register of Sasines.

[8]Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3 (2) of the Sixth Schedule.

[9]Insert a suitable short title.

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

Notes for local authority

The notes to Form 25 apply with the addition at the end thereof of the following:—

In accordance with section 22 (1) of the Housing and Town Development (Scotland) Act, 1957 a local authority may in the circumstances therein provided for include in a compulsory purchase order under section 29 (1) of the Act of 1950 an application for a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 shall apply to the order or, as the case may be, to the order so far as it relates to the part of the land in question.

FORM 27

[1]Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land surrounded by or adjoining a clearance area.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE 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"), in accordance with the provisions of section 25 of the Act, passed at a meeting held on the ..... day of ....., 19....., a clearance resolution declaring a certain area in their district, as defined on a map, to be a clearance area, which area is known as the [3]..... Clearance Area;

And Whereas the local authority by a resolution passed at a meeting held on the.....day of....., 19....., determined to purchase [4][the land] [part of the land] comprised in the said clearance area and [5][they were authorised to purchase the said land compulsorily by the [6]..... Compulsory Purchase Order, 19....., confirmed by the Secretary of State on the .....day of.....];

And Whereas the local authority, in exercise of the powers conferred upon them by section 27 of the Act have, by a resolution passed at a meeting on the.....day of....., 19....., determined to purchase the land hereinafter described as [4][being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area];

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 29 of the Act, hereby make the following Compulsory Purchase Order—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act, the land described in the schedule hereto, which land is coloured blue on a map marked [7]..... and signed and sealed with reference to this order and deposited at the offices of the local authority.

2. Subject to the necessary adaptations—

   (*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845);

   (*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the Third Schedule to the Act, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

3.—(1) This order may be cited as the [8].....Compulsory Purchase Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

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

.....

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

Schedule

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)

Notes for guidance in completing this form

[1] In cases to which this form of compulsory purchase order applies, Form 29, suitably amended, should be the form of advertisement used ; Form 33 is the appropriate form of notice to owners, etc. ; and Form 35, suitably amended, should be used as the form of advertisement and notice of confirmation.

[2] Insert the name of the local authority.

[3] Insert the name by which the clearance area is known.

[4] Delete the words which are not applicable.

[5] This will require alteration if the land was purchased by agreement.

[6] Insert short title of that compulsory purchase order.

[7] The map should be identified by a heading in the terms of the short title to this order.

[8] Insert a suitable short title.

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

Notes for local authority

Land surrounded by or adjoining a clearance area cannot be acquired unless the local authority are also acquiring or have acquired land within the area. (See section 27 of the Act.)

In accordance with the provisions of section 29 (2) of the Act, a compulsory purchase order in respect of land surrounded by or adjoining a clearance area must be submitted to the Secretary of State within twelve months after the date of the clearance resolution, or within such longer period as the Secretary of State may allow.

Where, however, the demolition of any building in a clearance area is postponed under section 2 (1) of the Housing (Repairs and Rents) (Scotland) Act, 1954, section 29 (2) of the Act does not apply to the purchase of any land surrounded by or adjoining the area. (Section 2 (2) of the said Act of 1954.)

Before submitting a compulsory purchase order for the purposes of Part III of the Act for confirmation by the Secretary of State, the local authority must, in terms of section 45 (1) of the Act, require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of and the holder of any heritable security over the subjects, and under section 45 (2) the local authority must serve on any person whose name and address is so furnished the like notice as they are required to serve on the owner. (See Form 41.)

FORM 28

[1]Form of compulsory purchase order under section 29 and paragraphs 1 to 3 of the Third Schedule in respect of land surrounded by or adjoining a clearance area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE ORDER

Whereas the [2]....., the local authority under the Housing (Scotland) Acts, 1950 to 1957 (which Council are hereafter in this order referred to as "the local authority"), in accordance with the provisions of section 25 of the Housing (Scotland) Act, 1950 (hereafter in this order referred to as "the Act of 1950") passed at a meeting held on the ..... day of ....., 19....., a clearance resolution declaring a certain area in their district, as defined on a map, to be a clearance area, which area is known as the [3]..... Clearance Area;

And Whereas the local authority by a resolution passed at a meeting held on the ..... day of ....., 19....., determined to purchase [4][the land] [part of the land] comprised in the said clearance area and [5][they were authorised to purchase the said land compulsorily by the [6]..... Compulsory Purchase Order, 19....., confirmed by the Secretary of State on the ..... day of .....];

And Whereas the local authority, in exercise of the powers conferred upon them by section 27 of the Act of 1950 have, by a resolution passed at a meeting on the ..... day of ....., 19....., determined to purchase the land hereinafter described as [4][being land surrounded by the clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [being land adjoining the clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area];

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 29 of the Act of 1950, hereby make the following Compulsory Purchase Order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act of 1950, the land described in the schedule hereto, which land is coloured blue on a map marked [7]..... and signed and sealed with reference to this order and deposited at the offices of the local authority.

2. Subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the Third Schedule to the Act of 1950, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

3. Application is hereby made to the Secretary of State under section 22 of the Housing and Town Development (Scotland) Act, 1957 for the inclusion in the order as confirmed by him of a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to this order as respects [4][the whole of the land comprised herein] [so much of the land comprised herein as is hatched ..... on the map.]

4. For the purposes of clause (*b*) of sub-paragraph 3 of paragraph 1 of the said Sixth Schedule a long tenancy which is about to expire shall be a tenancy expiring on or before the date entered in column (6) of the schedule hereto[8] in respect of any tenancy described therein.

[9][5. The period of ..... is hereby substituted for the period of two months for the purposes of the operation of sub-paragraph (2) of paragraph 3 of the said Sixth Schedule.]

6.—(1) This order may be cited as the [10]..... Compulsory Purchase Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

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

(L.S.)

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

SCHEDULE

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	Date defining a long tenancy about to expire (6)

Notes for guidance in completing this form

[1] In cases to which this form of compulsory purchase order applies, Form 30, suitably amended, should be the form of advertisement used; Form 34 is the appropriate form of notice to owners, etc.; and Form 36 suitably amended, should be used as the form of advertisement and notice of confirmation.

[2] Insert the name of the local authority.

[3] Insert the name by which the clearance area is known.

[4] Delete the words which are not applicable.

[5] This will require alteration if the land was purchased by agreement.

[6] Insert short title of that compulsory purchase order.

[7] The map should be identified by a heading in the terms of the short title to this order.

[8] The date inserted in column (6) of the schedule shall be at least a year later than the estimated date of the recording of the order, if confirmed, in the appropriate Register of Sasines.

[9] Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3(2) of the Sixth Schedule.

[10] Insert a suitable short title.

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

Notes for local authority

The notes to Form 27 apply with the addition at the end of the following:—

In accordance with section 22(1) of the Housing and Town Development (Scotland) Act, 1957, a local authority may in the circumstances therein provided for include in a compulsory purchase order under section 29(1) of the Act of 1950 an application for a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945, shall apply to the order or, as the case may be, to the order so far as it relates to the part of the land in question.

FORM 29

[1]Form of advertisement under section 29 and paragraph 4 of the Third Schedule of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area

THE HOUSING (SCOTLAND) ACTS, 1950 to 1959

The [2]..... Clearance Area Compulsory Purchase Order, 19.....

Notice is hereby given that the [3]....., the local authority under the Housing (Scotland) Act, 1950, have, in exercise of the powers conferred upon them by that Act, on the..... day of..... 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purposes of Part III of the said Act, the land described in the schedule hereto, which land comprises [4][(1)] land within an area declared to be a clearance area by a resolution of the local authority dated the.....day of....., 19..... [4][and (2) land surrounded by or adjoining the said clearance area].

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Copies of the order and of the map referred to therein and a map showing the clearance area, have been deposited at [5]..... and may be seen there without payment of fee between the hours of ..... and .....

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

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

Schedule

(Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified.)

Notes for guidance in completing this form

[1] This form is prepared in relation to the case of a compulsory purchase order to which Form 25 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 27 or 37.

[2] Insert the title of the order.

[3] Insert the name of the local authority.

[4] Delete this if it is not applicable.

[5] Insert the address of the place of deposit.

Note for local authority

The local authority should forward to the Secretary of State, by addressing it to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, a copy of this advertisement immediately after publication, and should at the same time state the time specified in the notices served on owners, superiors, lessees, and others, within which objections to the order are to be lodged with the Secretary of State.

FORM 30

[1]Form of advertisement under section 29 and paragraph 4 of the Third Schedule of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The[2].....Clearance Area Compulsory Purchase Order, 19.....

Notice is hereby given that the[3] ....., the local authority under the Housing (Scotland) Acts, 1950 to 1957, have, in exercise of the powers conferred upon them by the Housing (Scotland) Act, 1950, on the ..... day of ....., 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purposes of Part III of that Act, the land described in the schedule hereto, which land comprises[4] [(1)] land within an area declared to be a clearance area by a resolution of the local authority dated the .....day of ....., 19..... [4][and (2) land surrounded by or adjoining the said clearance area].

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Copies of the order and of the map referred to therein and a map showing the clearance area, have been deposited at [5] ..... and may be seen there without payment of fee between the hours of ..... and .....

Application is included in the order for a direction under section 22 of the Housing and Town Development (Scotland) Act, 1957 that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to the order as respects [6][the whole of the land comprised therein] [so much of the land comprised therein as is hatched ..... on the map referred to therein]. The general effect of such application of the Sixth Schedule is set out below, but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as applicable to the purchase, would have effect as if notices to treat had been served on the date on which the order is recorded in the appropriate Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notices would not be deemed to have been served, and actual notices to treat would require to be served.

(ii) The said[3] ..... would be entitled, after the execution of a declaration, to enter on and take possession of the land in the area designated by the declaration at the expiration of the period specified therein, and such land would vest in the said[3] .....

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

.....

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

SCHEDULE

(*Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified.*)

Notes for guidance in completing this form

[1]This form is prepared in relation to the case of a compulsory purchase order to which Form 26 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 28 or 38.

[2] Insert the title of the order.

[3] Insert the name of the local authority.

[4] Delete this if it is not applicable.

[5] Insert the address of the place of deposit.

[6] Delete the words which are not applicable.

Note for local authority

The local authority should forward to the Secretary of State, by addressing it to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh 1, a copy of this advertisement immediately after publication, and should at the same time state the time specified in the notices served on owners, superiors, lessees, and others, within which objections to the order are to be lodged with the Secretary of State.

FORM 31

[1]Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [2]..... Clearance Area Compulsory Purchase Order, 19.....

To [3].....

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"), have, in exercise of the powers conferred upon them by the Act, on the.....day of ....., 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purposes of Part III of the Act, the land specified in the schedule to the order.

The order includes the land (with the houses and other buildings thereon) described in the schedule hereto, in which property you are believed to be interested as

[5] { owner. / superior. / holder of a heritable security. / lessee. / occupier. }

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the [6].....day of....., 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at [7].....

Copies of the order and of the map referred to therein and a map showing the clearance area have been deposited at [8]..... and may be seen there without payment of fee between the hours of ..... and .....

[9][The order refers to each of the properties in which you are believed to be interested as being in the Part or Parts of the schedule to the order mentioned in the last column of the schedule hereto set opposite to the description of the property. (Notes are appended hereto explanatory of the effect of the inclusion of properties in these Parts of the schedule to the order.)]

The Act provides that if no objection is duly made by the owner or lessee or occupier of, or the superior of, or the holder of a heritable security over, any land or building to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the Lands Tribunal by whom the compensation is to be assessed. But in any other case, the Secretary of State shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

Section 39 of the Act provides (*quote so far as applicable*).

Before confirming the order, the Secretary of State is required to send a copy of the order as proposed to be confirmed to every person who, having given notice to the Secretary of State of his objection to the order, appeared at the

inquiry in support of his objection, and to consider any representations that may be submitted to the Secretary of State in writing with respect thereto within fourteen days after the date on which the copy of the order has been so sent.

The Act provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of the Act; but if, in accordance with the provisions of the Second Schedule to the Act, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

Section 31 of the Act provides that (*here quote the whole of section* 31).

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

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

Schedule

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and houses or other buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	[9]Part of the schedule to the compulsory purchase order in which the houses or buildings are specified[10] (6)

[9][*Explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the compulsory purchase order*

(1) [11]Parts I and II of the schedule to the compulsory purchase order specify the land and buildings within the clearance area. Part III of the schedule specifies the land and buildings outside the clearance area, that is to say, land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area. Part I of the schedule to the order specifies the houses within the clearance area which are unfit for human habitation.

(2) In the case of a house specified in Part I of the schedule to the compulsory purchase order as unfit for human habitation, the compensation which will be payable if the order is confirmed by the Secretary of State may be less than, but shall not exceed, the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

In the case of the land including the buildings thereon specified in Parts II and III of the schedule to the order the compensation which will be payable, if the order is confirmed by the Secretary of State, will be assessed in accordance with the provisions of the Fourth Schedule to the Act.

Subject to these two modifications, the compensation will be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as read with the Town and Country Planning (Scotland) Act, 1959.]

Notes for guidance in completing this form

[1] This form is prepared in relation to the case of a compulsory purchase order to which Form 25 applies.

[2] Insert the title of the order.

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

[4] Insert the name of the local authority.

[5] Delete the words which are not applicable.

[6] It is suggested that the period within which objections must be lodged should be not less than 21 days from the date of notice.

[7] Insert the address to which copy of objections should be sent.

[8] Insert the address of the place of deposit.

[9] This paragraph and also the last column of the schedule and all the explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the order should be omitted from the notices to lessees and occupiers.

[10] Insert in this column " Part I " or " Part II " or " Part III ".

[11] The explanatory notes should be amended by deleting therefrom any parts which are not applicable, and making all necessary consequential amendments.

FORM 32

[1]Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [2].....Clearance Area Compulsory Purchase Order, 19.....

To [3].....

Take notice that the [4]....., the local authority under the Housing (Scotland) Acts, 1950 to 1957 (which Council are hereafter in this notice referred to as " the local authority "), have, in exercise of the powers conferred upon them by the Housing (Scotland) Act, 1950 (hereafter in this notice referred to as " The Act of 1950 "), on the ..... day of ....., 19..., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purposes of Part III of the Act of 1950, the land specified in the schedule to the order.

The order includes the land (with the houses and other buildings thereon) described in the schedule hereto, in which property you are believed to be interested as

[5] { owner. / superior. / holder of a heritable security. / lessee. / occupier. }

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the [6].....day of ....., 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at [7].....

Copies of the order and of the map referred to therein and a map showing the clearance area have been deposited at [8]..... and may be seen there without payment of fee between the hours of ..... and .....

Application is included in the order for a direction under section 22 of the Housing and Town Development (Scotland) Act, 1957, that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to the order as respects [5][the whole of the land comprised therein] [so much of the land comprised therein as is hatched ..... on the map referred to therein]. The general effect of such application of the Sixth Schedule is set out below, but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as applicable to the purchase, would have effect as if notices to treat had been served on the date on which the order is recorded in the appropriate Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notices would not be deemed to have been served, and actual notices to treat would require to be served.

(ii) The said [4]..... would be entitled, after the execution of a declaration, to enter on and take possession of the land in the area designated by the declaration at the expiration of the period specified therein, and such land would vest in the said [4].....

[9][The order refers to each of the properties in which you are believed to be interested as being in the Part or Parts of the schedule to the order mentioned in the last column of the schedule hereto set opposite to the description of the property. (Notes are appended hereto explanatory of the effect of the inclusion of properties in these Parts of the schedule to the order.)]

The Act of 1950 provides that if no objection is duly made by the owner or lessee or occupier of, or the superior of, or the holder of a heritable security over, any land or building to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The Act of 1950 also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the Lands Tribunal by whom the compensation is to be assessed. But in any other case, the Secretary of State shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

Section 39 of the Act of 1950 provides (*quote so far as applicable*).

Before confirming the order, the Secretary of State is required to send a copy of the order as proposed to be confirmed to every person who having given notice to the Secretary of State of his objection to the order, appeared at the inquiry in support of his objection, and to consider any representations that may be submitted to the Secretary of State in writing with respect thereto within fourteen days after the date on which the copy of the order has been so sent.

The Act of 1950 provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of that Act but if, in accordance with the provisions of the Second Schedule to the Act of 1950, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act of 1950 or that the interests of the applicant have been substantially prejudiced by any requirement of the Act of 1950 not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

Section 31 of the Act of 1950 provides that *(here quote the whole of section* 31).

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

.....

(Signature of Clerk to the local authority).

SCHEDULE

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land and houses or other buildings (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	[9]Part of the schedule to the compulsory purchase order in which the houses or buildings are specified[10] (6)	[11]Date defining a long tenancy about to expire (7)

[9][*Explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the compulsory purchase order*

(1) [12]Parts I and II of the schedule to the compulsory purchase order specify the land and buildings within the clearance area. Part III of the schedule specifies the land and buildings outside the clearance area, that is to say, land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area. Part I of the schedule to the order specifies the houses within the clearance area which are unfit for human habitation.

(2) In the case of a house specified in Part I of the schedule to the compulsory purchase order as unfit for human habitation, the compensation which will be payable if the order is confirmed by the Secretary of State may be less than, but shall not exceed, the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building regulations for the time being in force in the district.

In the case of the land including the buildings thereon specified in Parts II and III of the schedule to the order the compensation which will be payable, if the order is confirmed by the Secretary of State, will be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1950.

Subject to these two modifications, the compensation will be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as read with the Town and Country Planning (Scotland) Act, 1959.]

Notes for guidance in completing this form

[1] This form is prepared in relation to the case of a compulsory purchase order to which Form 26 applies.

[2] Insert the title of the order.

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

[4] Insert the name of the local authority.

[5] Delete the words which are not applicable.

[6] It is suggested that the period within which objections must be lodged should be not less than 21 days from the date of notice.

[7] Insert the address to which copy of objections should be sent.

[8] Insert the address of the place of deposit.

[9] This paragraph and also column (6) of the schedule and all the explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the order should be omitted from the notices to lessees and occupiers.

[10] Insert in this column "Part I" or "Part II" or "Part III".

[11] The date to be inserted in column (7) should be the same as that inserted in column (6) of the schedule to the compulsory purchase order.

[12] The explanatory notes should be amended by deleting therefrom any parts which are not applicable, and making all necessary consequential amendments.

FORM 33

[1]Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land surrounded by or adjoining a clearance area.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [2]..... Compulsory Purchase Order, 19.....

To [3].....

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"), have, in exercise of the powers conferred upon them by the Act, on the ..... day of ....., 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily, for the purposes of Part III of the Act, the land specified in the schedule to the order, which land the local authority, in exercise of the powers conferred upon them by section 27 of the Act, have determined to purchase as being [5][land surrounded by a clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [land adjoining a clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area].

The order includes the land described in the schedule hereto, in which land you are believed to be interested as

[5] { owner. / superior. / holder of a heritable security. / lessee. / occupier. }

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made to the Secretary of State in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the [6]..... day of ....., 19..... A copy of any objection lodged should also be sent to the Clerk to the local authority at [7].....

Copies of the order and of the map referred to therein and a map showing the clearance area have been deposited at [8]..... and may be seen there without payment of fee between the hours of ..... and .....

The Act provides that if no objection is duly made by the owner or lessee or occupier of, or the superior of, or the holder of a heritable security over, any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the Lands Tribunal by whom the compensation is to be assessed. In any other case, the Secretary of State shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

Before confirming the order, the Secretary of State is required to send a copy of the order as proposed to be confirmed to every person who, having given notice to the Secretary of State of his objection to the order, appeared at the inquiry in support of his objection, and to consider any representations that may be submitted to him in writing with respect thereto within fourteen days after the date on which the copy of the order has been so sent.

The Act also provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of the Act; but if, in accordance with the provisions of the Second Schedule to the Act, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

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

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

Schedule

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)

Notes for guidance in completing this form

[1] This form is prepared in relation to the case of a compulsory purchase order to which Form 27 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 37 applies.

[2] Insert the title of the order.

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

[4] Insert the name of the local authority.

[5] Delete the words which are not applicable.

[6] It is suggested that the period within which objections must be lodged should be not less than 21 days from the date of the notice.

[7] Insert the address to which a copy of objections should be sent.

[8] Insert the address of place of deposit.

FORM 34

[1]Form of notice under section 29 and paragraph 4 of the Third Schedule to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a compulsory purchase order in respect of land surrounded by or adjoining a clearance area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND ACTS), 1950 TO 1959

The [2].....Compulsory Purchase Order, 19.....

To [3].....

Take notice that the [4]....., the local authority under the Housing (Scotland) Acts, 1950 to 1957 (which Council are hereafter in this notice referred to as "the local authority"), have, in exercise of the powers conferred upon them by the Housing (Scotland) Act, 1950 (hereafter in this notice referred to as "the Act of 1950"), on the ..... day of ....., 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily, for the purposes of Part III of the Act of 1950, the land specified in the schedule to the order, which land the local authority, in exercise of the powers conferred upon them by section 27 of the Act of 1950, have determined to purchase as being [5][land surrounded by a clearance area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [land adjoining a clearance area the acquisition of which is reasonably necessary for the satisfactory development or use of the clearance area].

The order includes the land described in the schedule hereto, in which land you are believed to be interested as

[5] { owner. / superior. / holder of a heritable security. / lessee. / occupier. }

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made to the Secretary of State in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before the [6]..... day of, ..., 19..... A copy of any objection lodged should also be sent to the Clerk to the local authority at [7].....

Copies of the order and of the map referred to therein and a map showing the clearance area have been deposited at [8]..... and may be seen there without payment of fee between the hours of ..... and .....

Application is included in the order for a direction under section 22 of the Housing and Town Development (Scotland) Act, 1957 that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to the order as respects [5][the whole of the land comprised therein] [so much of the land comprised therein as is hatched ..... on the map referred to therein]. The general effect of such application of the Sixth Schedule is set out below, but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as applicable to the purchase, would have effect as if notices to treat had been served on the date on which the order is recorded in the appropriate Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notice would not be deemed to have been served, the actual notices to treat would require to be served.

(ii) The said [4]..... would be entitled, after the execution of a declaration, to enter on and take possession of the land in the area designated by the declaration at the expiration of the period specified therein, and such land would vest in the said [4].....

The Act of 1950 provides that if no objection is duly made by the owner or lessee or occupier of, or the superior of, or the holder of a heritable security over, any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The Act of 1950 also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the Lands Tribunal by whom the compensation is to be assessed. In any other case, the Secretary of State shall, before confirming the order cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification.

Before confirming the order, the Secretary of State is required to send a copy of the order as proposed to be confirmed to every person who, having given notice to the Secretary of State of his objection to the order, appeared at the inquiry in support of his objection, and to consider any representations that may be submitted to him in writing with respect thereto within fourteen days after the date on which the copy of the order has been so sent.

The Act of 1950 also provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative at the expiration of thirty days from the date on which notice of its confirmation is published in accordance with the provisions of that Act; but if, in accordance with the provisions of the Second Schedule to the Act of 1950, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act of 1950 or that the interests of the applicant have been substantially prejudiced by any requirement of the Act of 1950 not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

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

.....

(Signature of Clerk to the local authority.)

SCHEDULE

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees (4)	Occupiers (except tenants for a month or a less period than a month) (5)	[9]Date defining a long tenancy about to expire (6)

Notes for guidance in completing this form

[1] This form is prepared in relation to the case of a compulsory purchase order to which Form 28 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 28 applies.

[2] Insert the title of the order.

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

[4] Insert the name of the local authority.

[5] Delete the words which are not applicable.

[6] It is suggested that the period within which objections must be lodged should be not less than 21 days from the date of this notice.

[7] Insert the address to which a copy of objections should be sent.

[8] Insert the address of place of deposit.

[9] The date to be inserted in column (6) should be the same as that inserted in column (6) of the schedule to the compulsory purchase order.

FORM 35

[1]Form of advertisement and notice under section 29 and paragraph 1 of the Second Schedule of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [2]..... Clearance Area Compulsory Purchase Order, 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by the Housing (Scotland) Act, 1950, (hereafter in this notice referred to as "the Act"), has confirmed [3][with modifications] the above-mentioned compulsory purchase order submitted to him by the [4]..... authorising the local authority to purchase compulsorily for the purposes of Part III of the Act, the land described in the schedule hereto, which land comprises [3][(1)] land within an area declared to be a clearance area by a resolution of the local authority dated the ..... day of ....., 19..... [3][and (2) land surrounded by or adjoining the said clearance area].

Copies of the order as confirmed and of the map referred to therein and a map showing the clearance area have been deposited at [5]..... and may be seen there without payment of fee between the hours of.....and.....

The order will become operative at the expiration of thirty days from the date of publication of this notice, but if, in accordance with the provisions of the Second Schedule to the Act, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act or that the interests of the applicant have been substantially prejudiced by any requirement of the Act not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

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

.....

(Signature of Clerk to the local authority.)

Schedule

(Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified.)

Notes for guidance in completing this form

[1] This form is prepared in relation to a compulsory purchase order made in the case to which Form 25 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 27 or 37.

[2] Insert the title of the order.

[3] Delete this if it is not applicable.

[4] Insert the name of the local authority.

[5] Insert the address of place of deposit.

Note for local authority

Paragraph 1 of the Second Schedule to the Act requires the local authority, as soon as may be after the compulsory purchase order has been confirmed by the Secretary of State, to publish the foregoing notice in a newspaper circulating in their district. A like notice must also, in terms of the said paragraph, be served on every person who, having given notice to the Secretary of State of his objection to the order, appeared at the public local inquiry in support of his objection.

Paragraph 5 of the Second Schedule to the Act requires the local authority, so soon as may be after an order has become operative, to serve a copy thereof on any person on whom a notice was served by them of their intention to submit the order to the Secretary of State for confirmation.

FORM 36

[1]Form of advertisement and notice under section 29 and paragraph 1 of the Second Schedule of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957, for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [2]..... Clearance Area Compulsory Purchase Order, 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by the Housing (Scotland) Acts, 1950 to 1957, has confirmed [3][with modifications] the above-mentioned compulsory purchase order submitted to him by the [4]..... authorising the local authority to purchase compulsorily for the purposes of Part III of the Housing (Scotland) Act, 1950

(hereafter in this notice referred to as "the Act of 1950"), the land described in the schedule hereto, which land comprises [3][(1)] land within an area declared to be a clearance area by a resolution of the local authority dated the ..... day of ....., 19....., [3][and (2) land surrounded by or adjoining the said clearance area].

Copies of the order as confirmed and of the map referred to therein and a map showing the clearance area have been deposited at [5]..... and may be seen there without payment of fee between the hours of ..... and .....

The order as confirmed contains a direction under section 22 of the Housing and Town Development (Scotland) Act, 1957 that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22), providing for expedited completion of purchase shall apply to the order as respects [7][the whole of the land comprised therein] [so much of the land comprised therein as is hatched ..... on the map referred to therein].

Any person entitled to claim compensation in respect of any of the land to which the said Sixth Schedule applies, or in respect of any interest in any such land, may send to the [4]..... his name and postal address, a description of the land in which he has an interest sufficient to enable them to identify the extent and boundaries thereof, and particulars of his interest in the land, of any leases and tenancy of, and any heritable securities and other real burdens and encumbrances affecting the land, and of any war damage sustained by the land.

Provision as to entry on and vesting of the land is contained in sub-paragraph (4) of paragraph 3 of the said Sixth Schedule. The general effect of this provision is set out below but reference should be made to the Sixth Schedule itself for its precise operation.

(i) The said [4]..... shall be entitled on the expiration of the period (not being less than 28 days) specified in a declaration executed by them to enter on and take possession of the land in the area designated by the declaration without previous consent or compliance with sections 83-88 of the Lands Clauses Consolidation (Scotland) Act, 1845. The earliest date at which such a declaration may be executed is the expiration of a period of [6][2 months] [.....] from the date of the recording of the order in the Register of Sasines.

(ii) On the recording of a Notice of Title in the appropriate Register of Sasines the said land shall vest in the said [4].....

(iii) The said [4]..... will be liable to pay the like compensation and interest as would have been payable if the provisions of the 1845 Act had been complied with.

There are exceptions from the position as indicated above in the case of short tenancies [and] long tenancies about to expire [and certain properties of which the order provides for purchase in part only].

The order will become operative at the expiration of thirty days from the date of publication of this notice, but if, in accordance with the provisions of the Second Schedule to the Act of 1950, proceedings in the Court of Session are instituted within that period by an aggrieved person desirous of questioning the validity of the order, the Court may, if satisfied that the order is not within the powers of the Act of 1950 or that the interests of the applicant have been substantially prejudiced by any requirement of the Act of 1950 not having been complied with, set aside the order either generally or in so far as it affects any property of the applicant, or do otherwise as shall appear to the Court to be just.

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

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

SCHEDULE

(Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified.)

Notes for guidance in completing this form

[1] This form is prepared in relation to a compulsory purchase order made in the case to which Form 26 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 28 or 38.

[2] Insert the title of the order.

[3] Delete this if it is not applicable.

[4] Insert the name of the local authority.

[5] Insert the address of place of deposit.

[6] Two months will apply unless a shorter period is prescribed in the order (see paragraph 7 in Form 26).

[7] Delete the words which are not applicable.

Note for local authority

Paragraph 1 of the Second Schedule to the Act of 1950 requires the local authority, as soon as may be after the compulsory purchase order has been confirmed by the Secretary of State, to publish the foregoing notice in a newspaper circulating in their district. A like notice must also, in terms of the said paragraph, be served on every person who, having given notice to the Secretary of State of his objection to the order, appeared at the public local inquiry in support of his objection.

Paragraph 5 of the Second Schedule to the Act of 1950 requires the local authority, so soon as may be after an order has become operative, to serve a copy thereof on any person on whom a notice was served by them of their intention to submit the order to the Secretary of State for confirmation.

FORM 37

[1]Form of compulsory purchase order under section 32 and paragraphs 1 to 3 of the Third Schedule in respect of cleared land which owners have failed to redevelop.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE 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"), in exercise of the powers conferred upon them by section 26 of the Act have made a clearance order, known as the [3]..... Clearance Order, 19....., requiring the demolition of the buildings consisting of the houses and premises within the area edged yellow and coloured red on a map marked [4]....., and signed and sealed with reference to the order and deposited at the offices of the local authority, which order [5][with modifications] was confirmed by the Secretary of State on the ..... day of ....., 19.....;

And Whereas, in accordance with the provisions of section 26 of the Act, as read along with the Second Schedule thereto, the said clearance order became operative on the ..... day of ....., 19.....;

And Whereas the land hereinafter described has been cleared of buildings in accordance with the said clearance order, but at the date of passing the resolution aftermentioned had not been or was not in process of being used for building purposes or otherwise developed by the owner;

And Whereas the local authority, in exercise of the powers conferred upon them by section 32 of the Act, have by a resolution passed at a meeting of the

authority on the ..... day of ....., 19....., being a date after the expiration of eighteen months from the date on which the said clearance order became operative, determined to purchase the said land;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 32 of the Act, hereby make the following Compulsory Purchase Order—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act, the land described in the schedule hereto, which land is coloured [6]..... on a map marked [7]..... and signed and sealed with reference to this order and deposited at the offices of the local authority.

2. Subject to the necessary adaptations—

   (*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845);

   (*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

   (*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

   as modified by the Third Schedule to the Act, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

3.—(1) This order may be cited as the[8]..... Compulsory Purchase Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

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

(L.S.)

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

Schedule

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees if any (4)	Occupiers (except tenants for a month or a less period than a month), if any (5)

Notes for guidance in completing this form

[1] In cases to which this form of compulsory purchase order applies, Form 29, suitably amended, should be the form of advertisement used; Form 33, suitably amended, should be the form of notice to owners, etc. used; and Form 35, suitably amended, should be the form of advertisement and notice of confirmation used.

[2] Insert the name of the local authority.

[8] Insert the title of the clearance order.

[4] Insert the heading marked on the map.

[5] Delete this if it is not applicable.

[6] Insert the colour or colours by which the land is shown on the map.

[7] The map should be identified by a heading in the terms of the short title to this order.

[8] Insert a suitable short title.

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

Note for local authority

Before submitting a compulsory purchase order for the purposes of Part III of the Act for confirmation by the Secretary of State, the local authority must, in terms of section 45 (1) of the Act, require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of and the holder of any heritable security over the subjects and under section 45 (2) the local authority must serve on any person whose name and address is so furnished the like notice as they are required to serve on the owner. (See Form 41.)

FORM 38

[1]Form of compulsory purchase order under section 32 and paragraphs 1 to 3 of the Third Schedule in respect of cleared land which owners have failed to redevelop and providing under section 22 of the Housing and Town Development (Scotland) Act, 1957 for expedited completion.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

COMPULSORY PURCHASE ORDER

Whereas the [2]....., the local authority under the Housing (Scotland) Acts, 1950 to 1957 (which Council are hereafter in this order referred to as "the local authority"), in exercise of the powers conferred upon them by section 26 of the Housing (Scotland) Act, 1950 (hereafter in this order referred to as "the Act of 1950") have made a clearance order, known as the [3]..... Clearance Order, 19..... requiring the demolition of the buildings consisting of the houses and premises within the area edged yellow and coloured red on a map marked [4]....., and signed and sealed with reference to the order and deposited at the offices of the local authority, which order [5][with modifications] was confirmed by the Secretary of State on the ..... day of ....., 19.....;

And Whereas, in accordance with the provisions of section 26 of the Act of 1950, as read along with the Second Schedule thereto, the said clearance order became operative on the ..... day of ....., 19.....;

And Whereas the land hereinafter described has been cleared of buildings in accordance with the said clearance order, but at the date of passing the resolution aftermentioned had not been or was not in process of being used for building purposes or otherwise developed by the owner;

And Whereas the local authority, in exercise of the powers conferred upon them by section 32 of the Act of 1950, have by a resolution passed at a meeting of the authority on the ..... day of ..... 19 ....., being a date after the expiration of eighteen months from the date on which the said clearance order became operative, determined to purchase the said land;

Now, therefore, the local authority in exercise of the powers conferred upon them by section 32 of the Act of 1950, hereby make the following Compulsory Purchase Order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purposes of Part III of the Act of 1950, the land described in the schedule hereto, which land is coloured [6]..... on a map marked [7]..... and signed and sealed with reference to this order and deposited at the offices of the local authority.

2. Subject to the necessary adaptations—

(*a*) the Lands Clauses Acts (except sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) section 70 of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923,

as modified by the Third Schedule to the Act of 1950, are hereby incorporated in this order, and the provisions of those Acts shall apply accordingly.

3. Application is hereby made to the Secretary of State under section 22 of the Housing and Town Development (Scotland) Act, 1957 for the inclusion in the order as confirmed by him of a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 (as amended by the Town and Country Planning (Scotland) Act, 1947, and set out in the Eleventh Schedule thereto and as read with the said section 22) providing for expedited completion of purchase shall apply to this order as respects [8][the whole of the land comprised herein] [so much of the land comprised herein as is hatched ..... on the map].

4. For the purposes of clause (*b*) of sub-paragraph 3 of paragraph 1 of the said Sixth Schedule a long tenancy which is about to expire shall be a tenancy expiring on or before the date entered in column (6) of the schedule hereto[9] in respect of any tenancy described therein.

[10][5. The period of ..... is hereby substituted for the period of two months for the purposes of the operation of sub-paragraph (2) of paragraph 3 of the said Sixth Schedule.]

6.—(1) This Order may be cited as the [11]..... Compulsory Purchase Order, 19.....

(2) The Interpretation Act, 1889, shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

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

(L.S.) .....

(*Signature of Clerk to the local authority*)

SCHEDULE

Numbers on map deposited at offices of the local authority (1)	Description and situation of the land (2)	Owners or reputed owners (3)	Lessees or reputed lessees if any (4)	Occupiers (except tenants for a month or a less period than a month) if any (5)	Date defining a long tenancy about to expire (6)

Notes for guidance in completing this form

[1] In cases to which this form of compulsory purchase order applies, Form 30 suitably amended, should be the form of advertisement used; Form 34, suitably amended, should be the form of notice to owners, etc. used; and Form 36, suitably amended, should be the form of advertisement and notice of confirmation used.

[2] Insert the name of the local authority.

[3] Insert the title of the clearance order.

[4] Insert the heading marked on the map.

[5] Delete this if it is not applicable.

[6] Insert the colour or colours by which the land is shown on the map.

[7] The map should be identified by a heading in the terms of the short title to this order.

[8] Delete the words which are not applicable.

[9] The date inserted in column (6) of the schedule shall be at least a year later than the estimated date of the recording of the order, if confirmed, in the appropriate Register of Sasines.

[10] Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3 (2) of the Sixth Schedule.

[11] Insert a suitable short title.

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

Note for local authority

Before submitting a compulsory purchase order for the purposes of Part III of the Act of 1950 for confirmation by the Secretary of State, the local authority must, in terms of section 45 (1) of that Act, require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of and the holder of any heritable security over the subjects and under section 45 (2) the local authority must serve on any person whose name and address is so furnished the like notice as they are required to serve on the owners. (See Form 41.)

In accordance with section 22 (1) of the Housing and Town Development (Scotland) Act, 1957 a local authority may in the circumstances therein provided for include in a compulsory purchase order under section 32 (2) of the Act of 1950 an application for a direction that the provisions of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945 shall apply to the order or, as the case may be, to the order so far as it relates to the part of the land in question.

FORM 39

Form of order under section 43 extinguishing a public right of way or closing or diverting a street.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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 section 43 of the Act, by a resolution passed at a meeting of the local authority on the ..... day of ....., 19....., determined to order [2][the extinction of the public right of way [3]..... over the land situated at [3]....., the line of which public right of way is shown on the map marked [4]..... and signed and sealed with reference to this order and deposited at the offices of the local authority,

by dotted lines between the points A and B and hatched blue on said map, and which land is shown coloured red on the same map] [the closing] [the diversion] [of [3]..... street the line of which street is shown on the map marked [4]..... signed and sealed with reference to this order and deposited at the offices of the local authority, by dotted lines between the points A and B and hatched blue on said map].

Now, therefore, the local authority in exercise of the powers conferred upon them by the said section hereby order [2][that the said public right of way over the said land] [that the said street] shall be [2][closed] [diverted along the line shown on the said map by dotted lines between the points C and D and thereon hatched brown on the said map] as from the [5]..... day of ....., 19.....

This order may be cited as [6].....

[7]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] Delete the words which are not applicable.

[3] Insert such a description of the public right of way or street or land as may be sufficient for identification.

[4] The map should be identified by a heading in the terms of the short title to the order.

[5] If the order is for the extinction of a right of way and it is made in advance of the purchase of the land, the order may, under the provisions of section 43 (2) of the Act, extinguish the right of way, as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order or as the Secretary of State in approving the order may direct. In any other case the date of operation of the order should be stated either as the date of its approval by the Secretary of State or as at the expiration of a specified time thereafter.

[6] Insert a suitable short title.

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

FORM 40

Form of notice under section 43 of the making of an order extinguishing a public right of way or closing or diverting a street.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

Notice is hereby given that the [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 43 of the said Act, on the ..... day of ....., 19....., made an order [2][extinguishing the public right of way] [providing for the closing of the street] [providing for the diverting of the street] described in the schedule hereto.

The order, which comes into operation only if approved by the Secretary of State, is about to be submitted to him for approval.

A copy of the order and of the map referred to therein showing the [2][right of way] [street] have been deposited at [3]..... and may be seen there without payment of fee between the hours of ..... and .....

Any objections to the order must be made to the Secretary of State in writing stating the grounds of objection and should be addressed to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1, before

the expiration of two months from the date of the publication of this notice and a copy of any objection lodged should be sent to the local authority at [4].....
.....

Subsection (1) of the said section 43 provides that if any objection to the order is made to the Secretary of State before the expiration of the aforesaid period of two months the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.

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

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

Schedule

(*Here insert such a description of the public right of way or the street to which the order relates as may be sufficient for identification.*)

Notes for guidance in completing this form

[1] Insert the name of the local authority.
[2] Delete the words which are not applicable.
[3] Insert the address of the place of deposit.
[4] Insert the address to which a copy of objection is to be sent.

Note for local authority

Immediately after the publication of the notice the local authority should forward a copy thereof to the Secretary of State, by addressing it to the Secretary, Department of Health for Scotland, St. Andrew's House, Edinburgh, 1.

FORM 41

Form of notice under section 45 to owner of subjects requiring information as to superior of, and holders of heritable securities over, subjects included in clearance order or compulsory purchase order.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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

Take notice that, in exercise of the powers conferred upon them by section 45 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 furnish them with a written statement specifying the name and address of the superior of, and the holder of any heritable security over, the said subjects.

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

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

Note

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

Section 45 of the Housing (Scotland) Act, 1950 provides that, before submitting to the Secretary of State for confirmation a clearance order or a compulsory purchase order for the purposes of Part III of that Act, the local authority shall require the owner of any subjects to which the order relates to furnish a written statement specifying the name and address of the superior of, and the holder of any heritable security over, the subjects. If any person so required by the local authority fails to give that information or knowingly makes any misstatement

with reference thereto, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

By section 184 of the said Act "superior" includes the creditor in a ground annual.

Notes for guidance in completing this form

[1] Insert the name and residence or the place of business of the owner.
[2] Insert such a description of the subjects as may be sufficient for identification.
[3] Insert the name of the local authority.

FORM 42

Form of notice under section 46 of (1) time and place at which the question of the demolition of an obstructive building will be considered; and (2) request for information as to superior of, and holder of any heritable security over, such building.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]....., the owner[s] of the building situated at [2].....

Whereas it appears to [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"), that the above-mentioned building is by reason only of its contact with, or proximity to, other buildings injurious or dangerous to health, and is an obstructive building within the meaning of section 46 (6) of the Act.

Take notice—

(1) that the question of demolishing the building will be considered by the local authority at [4]..... on the [5]..... day of ....., 19....., at ..... o'clock in the ..... noon, and that you will be entitled to be heard when the matter is so taken into consideration; and

(2) that in exercise of the powers conferred upon them by section 46 of the Act, the local authority require you within two weeks from the date of this notice to furnish them with a written statement specifying the name and address of the superior of whom you hold, and of the holder of any heritable security over your interest in the building.

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

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

Notes

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

Sections 46 and 47 of the Act provide:—

(*Here quote the whole of these sections.*)

By section 184 of the Act "superior" includes the creditor in a ground annual.

Notes for guidance in completing this form

[1] Insert the name and address of the person or body to whom the notice is addressed.
[2] Insert such a description of the building as may be sufficient for identification.
[3] Insert the name of the local authority.
[4] Insert the name and address of the place where the matter will be considered.
[5] The time must not be less than one month after the service of this notice.

FORM 43

Form of licence under section 52 for temporary use of house by persons in excess of the permitted number.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 52 of the said Act, hereby authorise [2].....
the [3][occupier] [intending occupier] of the house [4].....
to permit ..... persons in excess of the permitted number [5].....
to sleep in the said house during the period from [6]..... to .....
[3][subject to the following conditions:—]

This license will not in any circumstances continue in force beyond the ..... day of ....., 19....., and it may be revoked before then at the discretion of the local authority by means of a notice in writing served upon the occupier specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

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

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

Notes for guidance in completing this form

[1] Insert the name of the local authority.

[2] Insert the name and address of the occupier or intending occupier.

[3] Delete the words which are not applicable.

[4] Insert short description of house.

[5] Insert the number of persons permitted.

[6] The period must not exceed twelve months.

Note for local authority

Subsection (4) of section 52 of the Act requires a local authority to serve a copy of any licence granted under that section and of any notice served thereunder on the landlord, if any, of the house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

FORM 44

Form of notice under section 52 of revocation of licence for temporary use of house by persons in excess of permitted number.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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

Take notice that the [3]..... the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by subsection (3) of section 52 of the said Act, hereby give notice that the licence granted to you by the said local authority dated the ..... day of ....., 19....., and authorising you to permit ..... persons in excess of the permitted number to sleep in the said house shall cease to be in force on the [4]..... ...day of ....., 19.....

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 occupier.
[2] Insert short description of house.
[3] Insert the name of the local authority.
[4] The period must not be less than one month from the date of service of the notice.

Note for local authority

Subsection (4) of section 52 of the Act requires a local authority to serve a copy of any licence granted under that section and of any notice served thereunder on the landlord, if any, of the house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

FORM 45

Form of statement of permitted number of persons under section 54.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

Date ....., 19.....

To [1].....

With regard to the house at ..... which you desire to take on let, I hereby state for your information in accordance with the provisions of subsection (1) of section 54 of the above-mentioned Act that the number of persons permitted to sleep in the said house, as defined in the Fifth Schedule to the said Act, is [2].....(.....)

Signature of landlord .....

Note:—A child who has attained one year and is under 10 years old is reckoned as one half of a unit. No account is taken of a child under one year old.

Notes for guidance in completing this form

[1] Enter the name and address of the intending tenant.
[2] State the permitted number in words and numerals.

FORM 46

Form of acknowledgment under section 54 to be obtained by landlord.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

Date ....., 19.....

To [1].....

I acknowledge having received from you in accordance with the provisions of subsection (1) of section 54 of the above-mentioned Act a written statement, dated the ..... day of ....., 19....., of the permitted number of persons in relation to the house at ..... which I desire to take on let. I note that according to the statement the permitted number of persons is [2].....(.....).

Signature of intending tenant .....

Notes for guidance in completing this form

[1] Enter the name and address of the landlord.
[2] State the permitted number in words and numerals.

FORM 47

Form of charging order under section 76.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 76 of that Act, 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 [4]..... years from the date of this order.

Schedule

Description of subjects[5]	Name and designation of owner	Name of occupier	Parish	County

[6]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 in words the amount of the annuity as agreed in terms of section 76 (2) of the Act.

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

[4] State term of years, which must not exceed 30, as agreed in terms of section 76 (2) of the Act.

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

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

FORM 48

Form of notice to be given before a charging order under section 76 is made.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1].....
[2][proprietor of] [holder of a heritable security over] [3].....
part of] the subjects [3].....

Take notice that in exercise of the powers conferred upon them by section 76 of the Housing (Scotland) Act, 1950, [4]....., the local authority under that Act, intend, if no objection in writing is intimated to them within 21 days from the date of service of this notice, to make a charging order charging and burdening the above-mentioned subjects with an annuity of £..... sterling per annum payable for the term of ..... years.

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] Delete the words which are not applicable.

[3] Insert such description as may be necessary for identification.

[4] Insert the name of the local authority.

FORM 49

FORM OF NOTICE OF PAYMENT OF IMPROVEMENT GRANT OR STANDARD GRANT

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

NOTICE OF PAYMENT OF IMPROVEMENT GRANT*/STANDARD GRANT*

*Whereas the [1]..... (hereinafter in this notice referred to as "the local authority") in accordance with the provisions of the Housing (Scotland) Acts, 1950 to 1959 (hereinafter in this notice referred to as "the said Acts") have paid to [2]..... an improvement grant of [3]..... in respect of improvement works relating to the dwelling(s) described in the schedule hereto:

*Whereas the [1]..... (hereinafter in this notice referred to as "the local authority") in accordance with the provisions of Part III of the House Purchase and Housing Act, 1959 (hereinafter in this notice referred to as "the Act of 1959") have paid to [2]..... a standard grant of [3]..... in respect of the provision of standard amenities in the dwelling described in the schedule hereto:

Now, therefore, notice is hereby given, in accordance with the provisions of subsection (5) of section 114 of the Housing (Scotland) Act, 1950 as amended by section 9 of the Housing (Scotland) Act, 1952[4]:—

(1) for a period of ten years commencing on the [5]..... day of ..... 19....., the following conditions shall be observed with respect to the said dwelling:—

(*a*) the dwelling shall not be used for purposes other than those of a private dwelling-house;

(*b*) the dwelling shall, at all times at which it is not occupied—

(i) by the applicant for the improvement grant*/standard grant* or a member of his family; or

(ii) by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person; or

(iii) by a person who after the expiration of three years from the beginning of the period during which the said conditions are to be observed has become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or in the proceeds of a sale thereof, or by a member of the family of such a person; or

(iv) by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant;

be let or kept available for letting;

(*c*) the annual rent payable by a tenant of the dwelling shall, subject to the provisions of section 10 of the Rent Act, 1957, not exceed the rent recorded in respect of the dwelling in the Register of Rents kept by the local authority in accordance with the provisions of section 21 of the Housing and Town Development (Scotland) Act, 1957, and no fine, premium or other like sum shall be taken in addition to the rent;

(*d*) the owner of the dwelling shall, on being required so to do by the local authority, certify that the foregoing conditions are being observed with respect to the dwelling, and any tenant of the dwelling shall, on being so required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition;

(*e*) all reasonable steps shall be taken to secure the maintenance of the dwelling so as to be in all respects fit for human habitation;

(*f*) in the event of a tenant assigning his interest in, or otherwise parting with the possession of, the dwelling, it shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment;

(*g*) if the dwelling is for the time being occupied in pursuance of a contract of service by a member of the agricultural population and if the contract is determined—

(i) by less than four weeks' notice given by the employer;

(ii) by dismissal of the employee without notice; or

(iii) by the death of either party;

the employer or his personal representative shall permit the employee (or, in the case of his death, any person residing with him at his death) to continue to occupy the dwelling free of charge from the determination of the contract until the expiration of a period of four weeks, beginning with the date on which notice is given or, if the contract is determined otherwise than by notice, with the date on which it is determined; and

(2) in the event of a breach of any of the conditions above specified during the period during which they are required as aforesaid to be observed with respect to the said dwelling, there shall, on being demanded by the local authority, forthwith become payable to them by the owner for the time being of the said dwelling the appropriate proportion (as defined in section 114 of the Housing (Scotland) Act, 1950), of [6]—

(*a*) any sums paid by the local authority by way of improvement grant*/ standard grant* in respect of [the expenses incurred for the purpose of executing the said improvement works],* [the provision of standard amenities]* together, in the case of each sum, with compound interest on that proportion thereof as from the date of payment of the sum, calculated at the rate prescribed by the Secretary of State, with the consent of the Treasury, and with yearly rests or

(*b*) a part of any sums paid by the local authority by way of improvement grant in respect of the expenses incurred for the purpose of executing the said improvement works bearing to the whole of such sums the same proportion that the approved proportion (as defined in section 111 of the said Act of 1950) of the approved expense (as so defined) of executing the said improvement works bears to the whole of the approved expense of executing these works, together, in the case of each part of a sum, with compound interest on the appropriate proportion thereof as from the date of payment of the sum, calculated at the rate prescribed by the Secretary of State, with the consent of the Treasury, and with yearly rests.

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

.....

(Signature of Clerk to the local authority)

* Delete as necessary.

SCHEDULE

Description of the dwelling to which the foregoing notice relates[7]:—

Notes for guidance in completing this form

[1] Insert the name of the local authority.

[2] Insert the name, designation and address of the recipient of the grant.

[3] Insert in words the appropriate amount.

[4] In the case of a standard grant insert the words "as read with section 22 of the Act of 1959".

[5] Insert the date from which the period begins in accordance with section 114 (1) of the said Act of 1950.

[6] In the case of standard grant delete clause (*b*) and in any other case delete the clause which is not applicable having regard to section 114 (2) (*a*) and (*b*) of the said Act of 1950.

[7] Describe the dwelling sufficiently to identify it for the purpose of recording in the Register of Sasines, e.g., "All and Whole ..... [in the County of .....] [in the Burgh of ..... and County of .....] being [part of] the subjects described in (Disposition, etc.) by ..... in favour of ..... dated ..... and recorded in the Division of the General Register of Sasines applicable to the ..... of ..... on .....". A separate notice should be used for each resultant dwelling.

FORM 50

Form of charging order under section 114 (6).

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by subsection (6) of section 114 of that Act, 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 amount of [2]..... sterling, payable forthwith.

Schedule

Description of subjects[3]	Name and designation of owner	Name of occupier	Parish	County

[4]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 in words the sum payable, as provided in section 114 (2) of the Act.
[3] Describe the subjects, preferably by reference to a recorded title.
[4] See section 167 (1) of the Act as to the signing and sealing of orders.

FORM 51

Form of discharge of charging order made under section 114 (6).

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

DISCHARGE OF CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act, 1950, in consideration of the sum of ..... sterling paid to them by [2]..... hereby discharge the charging order for an amount of [3]..... sterling made by them on the ..... day of ....., 19....., and recorded in the

Division of the General Register of Sasines applicable to the County of..... ..... (Book ..... Folio .....) on the ..... day of ....., 19.....

[4]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 the name and designation of the person making payment.
[3] Insert in words the amount of the sum payable as in the charging order.
[4] See section 167 (1) of the Act as to the signing and sealing of orders.

FORM 52

FORM OF NOTICE OF CESSOR OF CONDITIONS OF IMPROVEMENT GRANT OR STANDARD GRANT

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

NOTICE OF CESSOR OF CONDITIONS OF IMPROVEMENT GRANT*/STANDARD GRANT*

Whereas by notice of payment of improvement grant*/standard grant* (amounting to .....) to [1]..... dated the ..... day of ..... 19..... and recorded in the Division of the General Register of Sasines applicable to the ..... on the ..... day of ..... 19....., it is provided that there shall with respect to the dwelling described in the schedule hereto be observed the conditions specified in the said notice;

And Whereas, in accordance with the provisions of [subsection (3) of section 114]* [subsection (1) of section 115]* of the Housing (Scotland) Act, 1950,[2] observance of the said conditions has ceased to be requisite with respect to the said dwelling;

Now, therefore, the [3]..... as the local authority concerned hereby give notice, in accordance with the provisions of [subsection (7) of section 114 of the said Act of 1950]* [subsection (7) of section 114 as read with subsection (3) of section 115 both of the said Act of 1950]* [subsection (7) of section 114 of the said Act of 1950 as read with section 22 of the said Act of 1959]* [subsection (7) of section 114 as read with subsection (3) of section 115 both of the said Act of 1950 and as read with section 22 of the said Act of 1959]* that as from the [4]..... day of ..... 19....., the said conditions specified in the said notice of payment of improvement grant*/standard grant* no longer apply to the said dwelling.

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

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

* Delete as necessary.

SCHEDULE

Description of the dwelling to which the foregoing notice relates[5]:—

Notes for guidance in completing this form

[1] Insert name, designation and address of the recipient of the grant.
[2] In the case of a standard grant insert the words "as read with section 22 of the House Purchase and Housing Act, 1959".
[3] Insert the name of the local authority.
[4] Insert the appropriate date of cessation of the conditions in accordance with section 114 (3) or section 115 (1) of the Act of 1950, as the case may be.
[5] Repeat the description contained in the schedule in the relevant recorded notice of payment of improvement or standard grant. A separate notice should be used for each dwelling.

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 1959

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

Take notice that—

(1) on the ..... day of ....., 19....., the [3]....., 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 above-mentioned house be vacated within [5]..... days from the date on which the order becomes operative;

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

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

(3) in exercise of the powers conferred upon them by section 157 of the said Act, the local authority hereby require you to remove from the said house on or before the [6]..... day of ....., 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 *inter alia* 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 a description of the house as may be sufficient for identification.
[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 54

Form of notice under section 157 to occupier to remove from house after closing order has become operative.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

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

Take notice that—

(1) on the ..... day of ....., 19....., the [3]..... ....., the local authority under the Housing (Scotland) Act, 1950,

in exercise of the powers conferred upon them by section 9 of that Act, made an order (hereinafter referred to as "the closing order") prohibiting the use of the said house for human habitation as from the expiration of [4]..... ..... days from the date on which the order became operative;

(2) the closing order became operative on the ..... day of ....., 19.....;

(3) in exercise of the powers conferred upon them by section 157 of the said Act, the local authority hereby require you to remove from the said house on or before the [5]..... day of ....., 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 *inter alia* for the recovery of possession of buildings subject to a closing 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 identification.
[3] Insert the name of the local authority.
[4] Insert the number of days as specified in the order.
[5] The date to be inserted is either the date 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 55

Form of notice under section 157 to occupier to vacate an obstructive building in respect of which a demolition resolution has become operative.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1] ....., the occupier of the building known as [2].....

Take notice that—

(1) the [3]....., the local authority under the Housing (Scotland) Act, 1950, in exercise of the powers conferred upon them by section 46 of that Act, on the .....day of....., 19....., passed a resolution (hereinafter called "the demolition resolution") that—

(*a*) [4][the said building] [part of the said building comprising [5]..... .....] be demolished; and

(*b*) for the purpose of demolition [4][the said building] [the aforesaid part of the said building] be vacated within two months from the date on which the demolition resolution becomes operative.

(2) the demolition resolution became operative on the..... day of....., 19.....; and

(3) in exercise of the powers conferred upon them by section 157 of the said Act, the local authority hereby require you to vacate [4][the said part of] the said building before the [6].....day of ....., 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 *inter alia* for the recovery of possession of buildings subject to such a demolition resolution, 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 a description of the building as may be sufficient for identification.
[3] Insert the name of the local authority.
[4] Delete the words which are not applicable.
[5] If the resolution requires vacation and demolition of part of the building insert sufficient description of such part.
[6] The date to be inserted is either the date that was specified in the demolition resolution by which the building was to be vacated or 28 days from the service of this notice, whichever date may be the later.

FORM 56

[1]Form of notice under section 159 to be given by any person authorised by the local authority or the Secretary of State before entry for the purpose of survey and examination or valuation, or measuring of rooms.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2]....., the [3][owner] [occupier] of the [3][house] [building] [premises] [4].....

In accordance with the provisions of section 159 of the Housing (Scotland) Act, 1950, I [5]....., hereby give notice that I, being a person duly authorised in writing by the [6]..... intend, on the [7].....day of ....., 19....., at any time between the hour of [8]..... in the forenoon and..... in the afternoon, to enter the above-mentioned [3][house] [building] [premises] for the purpose of [3][survey and examination] [survey] [valuation] [measuring the rooms to ascertain, for the purposes of Part IV of the said Act, the number of persons permitted to use the house for sleeping].

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

Signature .....
Description .....
Residence or place of business..... } of person authorised to enter

Notes for guidance in completing this form

[1] Notice must be given to the occupier and also to the owner if the owner is known.
For methods of service of notice see section 349 of the Local Government (Scotland) Act, 1947.
[2] Insert the name and description, where known, of the occupier or owner.
[3] Delete the words which are not applicable.
[4] Insert such a description of the house, building or premises as may be sufficient for identification.
[5] Insert the name and description of the person authorised to enter.
[6] Insert the name of the local authority or the Secretary of State as the case may be.
[7] Twenty-four hours' notice must be given.
[8] Entry must be at reasonable times.

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 1959

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, and 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.

Notes for guidance in completing this form

[1] When Form 34 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

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 no undertaking has been given[1].

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Acts, 1950 and 1952, 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 "), after complying with the requirements of section 9 of the said Act of 1950, are satisfied that the house [4]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit ;

And Whereas the local authority have accepted no undertaking from an owner or holder of a heritable security with respect to the carrying out of works or the future use of the said house;

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 subsection (1) of section 3 of the Housing (Repairs and Rents) (Scotland) Act, 1954, 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 9 of the Housing (Scotland) Act, 1950 (hereinafter 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 follows:—

(quote here the whole of section 9)

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

(quote here the whole of section 3)

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 subsection (1) of section 17 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 provides that any reference to a demolition order in section 3 is to be considered as including a reference to a closing order made in lieu of a demolition order by virtue of the proviso to subsection (4) of 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 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 authority to enforce the notice while an appeal is pending. On any such appeal a person on whom a notice has been served under section 9 (1) of the Act of 1950 is not entitled to raise any question if the question is one which was not raised by him at the consideration of the matter by the local authority under that section and which if it had then been raised could have been dealt with by means of such an undertaking as is mentioned in section 9 (2) of the Act

of 1950. 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 expiry 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 59—On a breach or deemed breach of undertaking.
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 recall of closing orders under section 12 of the said 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] Insert such a description of the house as may be sufficient for identification.

FORM 59

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 breach or deemed breach of undertaking[1].

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Acts, 1950 and 1952, 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 section 9 of the said Act of 1950, being satisfied that the house [4]..... is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit; and having complied with the provisions of the said section as to the service of notices and the consideration of representations, on the .....day of ....., 19... accepted an undertaking from [5]..... .....being the[6] [owner of] [holder of a heritable security over] the said house in the following terms

(*Here set out the terms of the undertaking;*)

And Whereas the said undertaking[6] [has been broken] [is deemed to have been broken] in the following respects:—

(*Here give particulars of the breach or deemed breach of the undertaking;*)

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 subsection (1) of section 3 of the Housing (Repairs and Rents) (Scotland) Act, 1954, 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)

The notes to this form should be the same as the notes to 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 no undertaking has been given.
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 recall of closing orders under section 12 of the said Act of 1950.

[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 a description of the house as may be sufficient for identification.
[5] Insert the name of the person from whom the undertaking was accepted.
[6] Delete whichever is not applicable.

FORM 60

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[1].

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Acts, 1950 and 1952, as read with Part I of the Housing (Repairs and Rents) (Scotland) Act, 1954 (which Council is hereinafter in this notice referred to as "the local authority"), on the ..... day of ....., 19..., served a notice under subsection (1) of section 7 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 the ..... day of ....., 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 subsection (4) of 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 subsection (4), having regard to the estimated cost of the foresaid 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 subsection (1) of section 3 of the Housing (Repairs and Rents) (Scotland) Act, 1954, 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)

The notes to this form should be the same as the notes to Form 58 with the insertion, after Note 1, of the following note:—

"1A. Section 10 of the Act of 1950, under which the local authority may substitute a demolition or closing order under section 9 (4) 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)".

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 no undertaking has been given.
Form 59—On a breach or deemed breach of an undertaking.
Form 61—On the recall of closing orders under section 12 of the Housing (Scotland) Act, 1950.

[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 a description of the house as may be sufficient for identification.
[5] Insert the name of the person who has made application to the local authority under section 10 of the said Act of 1950.
[6] Delete words which are 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 recall of closing orders under section 12 of the Housing (Scotland) Act, 1950[1].

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [2].....

Whereas the [3]....., the local authority under the Housing (Scotland) Acts, 1950 and 1952, 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 comprising the building [4]..... which orders have not been determined;

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 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 subsection (1) of section 3 of the Housing (Repairs and Rents) (Scotland) Act, 1954, 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)

The Notes to this form should be the same as the notes to Form 58 with the insertion, after Note 1, of the following note:—

"1A. Section 12 (1) of the Act of 1950, 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)) ".

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 no undertaking has been given.
Form 59—On a breach or deemed breach of an undertaking.
Form 60—Where an application has been made to the local authority under section 10 of the Housing (Scotland) Act, 1950.

[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 a description of the building as may be sufficient for identification.

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

FORM 62

Form of notice under section 20 (3) of the Housing and Town Development (Scotland) Act, 1957, that no payment falls to be made under section 20 (2) of that Act.

THE HOUSING (SCOTLAND) ACTS, 1950 TO 1959

To [1]....., the person who has made a representation to the local authority that the house [2]..... has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense.

The [3]....., the local authority under the Housing (Scotland) Acts, 1950 to 1957, in exercise of the power conferred upon them by section 20 (3) of the Housing and Town Development (Scotland) Act, 1957 (hereinafter referred to as "the Act of 1957"),

(1) having considered your representation that the said house has been well maintained within the meaning of subsection (2) of section 20 of the Act of 1957 by you or at your expense, and

(2) being satisfied that the said house has not been well maintained as aforesaid

hereby give notice that no payment falls to be made to you under the said subsection (2).

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

.....

(Signature of Clerk to the local authority.)

Notes

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

Any person aggrieved by the decision of a local authority that no payment falls to be made under section 20 (2) of the Act of 1957 may, in accordance with the provisions of subsections (1) and (3) of section 16 of the Housing (Scotland) Act, 1950, as applied by section 20 (3) of the Act of 1957, appeal to the sheriff by giving notice of appeal within 21 days after the date of service of this notice.

Notes for guidance in completing this form

[1] Insert the name and address of the person to whom the notice is addressed.
[2] Insert such description of the house as may be sufficient for identification.
[3] Insert name of local authority.

EXPLANATORY NOTE

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

These regulations prescribe the forms in which orders, notices, advertisements, statements and other documents should be made under the provisions of the Housing (Scotland) Acts, 1950 to 1959.