STATUTORY INSTRUMENTS

1968 No. 955 (S.101)

HOUSING, SCOTLAND
The Housing (Forms) (Scotland) Regulations 1968

Made - - - -	13*th June* 1968
Laid before Parliament	28*th June* 1968
Coming into Operation	1*st July* 1968

In exercise of the powers conferred upon me by section 197(1) of the Housing (Scotland) Act 1966(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Housing (Forms) (Scotland) Regulations 1968 and shall come into operation on 1st July 1968.

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

(3) The Housing (Declaration of Unfitness) (Scotland) Regulations 1960(c), regulation 3 and forms 1 to 46 and 53 to 62 inclusive of the Housing (Forms) (Scotland) Regulations 1960(d) and the Housing (Forms) (Scotland) Amendment Regulations 1962(e) are hereby revoked except in so far as the forms therein prescribed are appropriate for the completion of proceedings commenced before the date on which these regulations come into operation.

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) Act 1966 in the cases to which those forms are applicable.

3.—(1) An order made by a local authority under section 51(1) of the Housing (Scotland) Act 1966 (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 circulating 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.

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

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

St. Andrew's House,
Edinburgh, 1.
13th June 1968.

(a) 1966 c. 49. (b) 1889 c. 63. (c) S.I. 1960/910 (1960 II, p. 1613).
(d) S.I. 1960/1143 (1960 II, p. 1617). (e) S.I. 1962/1402 (1962 II, p. 1525).

SCHEDULE

List of Forms

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

Form	*Purpose*	*Reference to sections of the Act*[1]
1.	Form of notice under section 11 requiring the person having control of a house to execute works.	11(1)
2.	Form of order under section 12(2) declaring expenses incurred by a local authority in executing works on an unfit house to be payable by weekly, monthly, half-yearly or annual instalments.	11 and 12
3.	Form of demolition order under section 15	15(2)
4.	Form of closing order under section 15*	15(1)
5.	Form of order under section 15 determining a closing order or demolition order*	15(3)
6.	Form of notice under section 15 of refusal of local authority to determine a closing order or demolition order*	15(3)
7.	Form of suspension order under section 15*	15(4)(i)
8.	Form of notice under section 15 of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies*	15(4)(ii)
9.	Form of notice of expiry of a suspension order	15(4)
10.	Form of notice of renewal of a suspension order	15(4)
11.	Form of order under section 15 determining a suspension order*	15(5)
12.	Form of closing order under section 18(1) in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947	18(1)
13.	Form of order under section 18(2) substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation order has taken effect, or which becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.	18(2)
14.	Form of order under section 18(3) as read with section 15(3) determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.	18(3) and 15(3)
15.	Form of notice of refusal of local authority to determine a closing order made under section 18 in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.	18(3)
16.	Form of demolition order under section 19 on determination of closing orders.	19
17.	Form of notice under section 20 to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house or building.	20

[1]The references are to the Housing (Scotland) Act 1966.

Form	*Purpose*	*Reference to sections of the Act*[1]
18.	Form of notice under section 20 to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house where an application has been made to the local authority under section 16.	20 and 16
19.	Form of notice under section 20 to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house on the determination of closing orders under section 19.	20 and 19
20.	Form of notice under section 25(2) that no payment falls to be made under section 25(1).	25(2) and 25(1)
21.	Form of charging order under section 28	28 and 29
22.	Form of charging order under section 30	30 and 29
23.	Form of clearance order under section 36 and Schedule 1	36 and Schedule 1
24.	Form of advertisement under section 36 and paragraph 3 of Schedule 1 of the making of a clearance order	36 and para. 3 of Schedule 1
25.	Form of notice under section 36 and paragraph 3 of Schedule 1 to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a clearance order.	36 and para. 3 of Schedule 1
26.	Form of advertisement and notice under section 36 and paragraph 1 of Schedule 2 of confirmation of a clearance order.	36 and para. 1 of Schedule 2
27.	Form of notice under section 24 or section 36 of intention to cleanse from vermin a building to be demolished under a demolition order or a clearance order.	24 or 36
28.	Form of notice under section 24 or section 36 to proceed with demolition after a building has been cleansed from vermin.	24 or 36
29.	Form of compulsory purchase order under section 38 and paragraphs 1 to 3 of Schedule 3 in respect of land comprised in a clearance area and land surrounded by or adjoining the area.	38 and paras. 1 to 3 of Schedule 3
30.	Form of compulsory purchase order under section 38 and paragraphs 1 to 3 of Schedule 3 in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section 176 for expedited completion.	38, 176 and paras. 1 to 3 of Schedule 3
31.	Form of compulsory purchase order under section 38 and paragraphs 1 to 3 of Schedule 3 in respect of land surrounded by or adjoining a clearance area.	38 and paras. 1 to 3 of Schedule 3
32.	Form of compulsory purchase order under section 38 and paragraphs 1 to 3 of Schedule 3 in respect of land surrounded by or adjoining a clearance area and providing under section 176 for expedited completion.	38, 176 and paras. 1 to 3 of Schedule 3.
33.	Form of advertisement under section 38 and paragraph 4 of Schedule 3 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*.	38 and para. 4 of Schedule 3
34.	Form of advertisement under section 38 and paragraph 4 of Schedule 3 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 under section 176 for expedited completion*.	38, 176 and para. 4 of Schedule 3

[1]The references are to the Housing (Scotland) Act 1966.

Form	*Purpose*	*Reference to sections of the Act*[1]
35.	Form of notice under section 38 and paragraph 4 of Schedule 3 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.	38 and para. 4 of Schedule 3.
36.	Form of notice under section 38 and paragraph 4 of Schedule 3 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 176 for expedited completion.	38, 176 and para. 4 of Schedule 3
37.	Form of notice under section 38 and paragraph 4 of Schedule 3 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.*	38 and para. 4 of Schedule 3
38.	Form of notice under section 38 and paragraph 4 of Schedule 3 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 176 for expedited completion*.	38, 176 and para. 4 of Schedule 3
39.	Form of advertisement and notice under section 38 and paragraph 1 of Schedule 2 of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area*.	38 and para. 1 of Schedule 2
40.	Form of advertisement and notice under section 38 and paragraph 1 of Schedule 2 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 176 for expedited completion*.	38, 176 and para. 1 of Schedule 2
41.	Form of compulsory purchase order under section 43 and paragraphs 1 to 3 of Schedule 3 in respect of cleared land which owners have failed to redevelop.	43 and paras. 1 to 3 of Schedule 3
42.	Form of compulsory purchase order under section 43 and paragraphs 1 to 3 of Schedule 3 in respect of cleared land which owners have failed to redevelop and providing under section 176 for expedited completion.	43, 176 and paras. 1 to 3 of Schedule 3.
43.	Form of order under section 51 extinguishing a public right of way or closing or diverting a street.	51
44.	Form of notice under section 51 of the making of an order extinguishing a public right of way or closing or diverting a street.	51
45.	Form of notice under section 53 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.	53
46.	Form of notice under section 56 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.	56

[1]The references are to the Housing (Scotland) Act 1966.

Form	*Purpose*	*Reference to sections of the Act*[1]
47.	Form of licence under section 92 for temporary use of house by persons in excess of the permitted number.	92
48.	Form of notice under section 92 of revocation of licence for temporary use of house by persons in excess of permitted number.	92(3)
49.	Form of statement of permitted number of persons under section 94.	94
50.	Form of acknowledgment under section 94 to be obtained by landlord.	94
51.	Form of notice under section 181 to occupier to remove from house after demolition order or clearance order has become operative.	181
52.	Form of notice under section 181 to occupier to remove from house after closing order has become operative.	181
53.	Form of notice under section 181 to occupier to vacate an obstructive building in respect of which a demolition resolution has become operative.	181
54.	Form of notice under section 183 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.	183
55.	Form of notice under section 192 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.	192
56.	Form of declaration of unfitness order under paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963.	paragraph 1(2) of Schedule 2[2].
57.	Form of notice under paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963 to owners, superiors and holders of heritable securities of the making of a declaration of unfitness order.	paragraph 1(2) of Schedule 2[2].

[1]The references are to the Housing (Scotland) Act 1966.

[2]The references are to the Land Compensation (Scotland) Act 1963.

FORM 1

Form of notice under section 11 *requiring the person having control of a house to execute works.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that—

(1) the[3].....the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the above-mentioned house is unfit for human habitation;

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

(3) in exercise of the powers conferred upon them by section 11(1) of the Act the local authority require you **within a period of**[4].....**days, ending on**.....**19**....., to execute the following works, which will, in the opinion of the local authority render the house fit for human habitation, namely[5].....

Dated..... 19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

The person having control of a house is defined in section 208(2) 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 32 of the Act further provides that in determining whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.

Section 5 of the Act provides that in determining whether a house is unfit for human habitation regard shall be had to its condition in respect of (*a*) general state of repair; (*b*) structural stability; (*c*) freedom from dampness; (*d*) natural lighting; (*e*) air space; (*f*) ventilation; (*g*) adequacy and accessibility of water supply; (*h*) adequacy and accessibility of sanitary and other conveniences; (*i*) drainage; (*j*) condition of paving and drainage of courts, yards or passages; (*k*) facilities for storage, preparation and cooking of food and for the disposal of waste water. Section 5 of the Act goes on to say that a house shall be determined to be unfit for human habitation if, and only if, it is so far defective in one or more of these matters that it is not reasonably suitable for occupation in that condition.

Any person aggrieved by this notice may, in accordance with the provisions of section 26 of the Act, appeal to the Sheriff against any notice requiring him to execute works under section 11 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 12 of the Act with respect to any such expenses. The appeal must be brought **within 21 days after the date of the service of the notice, demand or order,** and no proceedings may be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending. On an appeal against a demand for the recovery of expenses incurred by a local authority in executing works or against an order made by a local authority with respect to any such expenses, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works (i.e., this notice).

Subsections (2) and (3) of section 11 and subsections (1), (2) and (3) of secton 12, to which reference is made in the preceding paragraph, provide as follows:—

(*here quote subsections* (2) *and* (3) *of section* 11 *and subsections* (1), (2) *and* (3) *of section* 12)

Subsections (1) and (2) of section 14 of the Housing (Repairs and Rents) (Scotland) Act 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 13 of the Act 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* 13)

Section 16 of the Act which provides for the substitution of an order under subsection (1) or subsection (2) of section 15 (i.e., a closing order or demolition order) for a notice under section 11(1) in certain cases, is as follows:—

(*here quote the whole of section* 16)

Section 20 provides that in any case where a local authority would, but for that section, be required to make a demolition or closing order in respect of a house or building in pursuance of an application made to them under section 16 of the Act and it appears to them that, having regard to the existing condition of the house or building and to the needs of the district with regard to the provision of further housing accommodation, the house or building must be continued in use as housing accommodation, the authority may purchase the house or building in lieu of making such an order.

Notes for guidance in completing this form

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

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

[3]Insert the name of the local authority.

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

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

FORM 2

Form of order under section 12(2) *declaring expenses incurred by a local authority in executing works on an unfit house to be payable by weekly, monthly, half-yearly or annual instalments.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Whereas by a notice dated....., 19.... the [4]....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 11(1) 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 11(2) 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 section 12(2) 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 [9]....., 19...., until the whole amount is paid. **The first payment shall be made on..... .....19...., and subsequent instalments shall be payable on..... .....thereafter until the whole amount is paid.**

[10]Given under the seal of the [4].....on.....19....

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

NOTES FOR YOUR INFORMATION

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

By section 12(2) 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 26 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. Section 11(2) 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 12(3) of the Act.

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

[10]See section 191(1) of the Act as to the signing and sealing of orders.

FORM 3

Form of demolition order under section 15

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

DEMOLITION ORDER

Whereas the [1] ....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied in terms of section 15 of the Act that the building [2]..... comprises only a house which is, or houses which are, unfit for human habitation and incapable at a reasonable expense of being rendered so fit;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 15(2) of the Act, hereby order as follows:—

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

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

[4]Given under the seal of the [1].....on.....19....

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

NOTES FOR YOUR INFORMATION

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

Power to make a demolition order

1. Section 15 of the Act, which empowers the local authority to make demolition orders or closing orders, is as set out in the[5] Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the building may give to the local authority an undertaking in terms of either paragraph (*a*) or paragraph (*b*) of section 15 (4) of the Act (see Appendix). Such an undertaking may be given **within 21 days of the date of service of the demolition order or within such longer period as the local authority may allow.**

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

4. If an undertaking that the house or all the houses in the building will be made fit is accepted by the local authority and they suspend the demolition order, and the house is or the houses are made fit, application may be made under section 15(3) for determination (cancellation) of the demolition order—see note 21 below.

5. If an undertaking that no house in the building will be used for human habitation is accepted by the local authority and the demolition order is suspended, **the suspension order lasts for one year only** (section 15(4)) unless renewed by the local authority. If such a suspension order is not renewed, the original demolition order revives.

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

Date of operation

7. If no undertaking is offered under section 15(4) and no appeal is brought (see notes 11 to 14 below) the demolition order becomes operative on the expiration of the period of **21 days from the date of service of the order.**

8. If an undertaking is offered under section 15(4) and the local authority reject it, the demolition order does not become operative until the expiration of **21 days after service of notice of rejection of the undertaking.**

9. If the local authority accept an undertaking that the house or all the houses in the building will be made fit and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the demolition order becomes operative on the expiration of **21 days from the date of service of the order determining the suspension order.**

10. If the local authority accept an undertaking that no house in the building will be used for human habitation, and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken, and the local authority determine (cancel) the suspension order. In that event, the demolition order becomes operative on the expiration of **21 days from the date of service of the order determining the suspension order.** Or, if the suspension order expires at the end of one year and is not renewed, the demolition order becomes operative on the expiration of **21 days from the date of expiry of the suspension order.**

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

Appeal

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

13. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of the service of the order,** and no proceedings may be taken by the local authority to enforce the order while an appeal against it is pending.

14. If an undertaking is offered under section 15(4) **the period of 21 days referred to in note 13 above is extended** (by section 15(6)) **as follows:—**

(*a*) if the undertaking is rejected, notice of appeal may be given within **21 days after the date of service of notice of rejection of the undertaking;**

(*b*) if the undertaking is accepted and a suspension order is made by the local authority under section 15(4) the demolition order does not become operative unless the undertaking is broken and the suspension order determined (but see (*c*) below). In that case notice of appeal against the demolition order itself may be given within **21 days after the date of service of the order determining the suspension order;**

(*c*) if the suspension order is made in consequence of an undertaking that no house in the building will be used for human habitation until made fit, and that suspension order is therefore made for a limited period of one year only, and if the suspension order expires, and is not renewed, notice of appeal against the demolition order may be given within **21 days after the date of expiry of the suspension order.**

Implementation of demolition order

15. Under section 22 of the Act when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it, and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

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

17. Section 24(3) of the Act provides that where a local authority serve a notice under section 24(1) that they intend to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action to demolish the building until the expiration of **3 months from the date on which the owner becomes entitled by virtue of section 24(2) to proceed with the demolition.**

Vacation of building

18. Where a demolition order has become operative, the local authority are required by section 181(1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later. Section 181(4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payments for good maintenance

19. It is provided by section 25(1) of the Act that if a house has on or after 17th July 1957 been vacated in pursuance of a demolition order, any person may, **within 3 months after the service of the order,** make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 25(1) that person will be entitled to receive a payment from them in accordance with the provisions of section 49 of the Act. 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 26 of the Act.

Outstanding liabilities

20. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

If house or houses made fit

21. Under section 15(3) of the Act if any person interested applies to the local authority and satisfies them that the house has or all the houses in the building have been made fit the local authority shall determine (cancel) the demolition order. Such an application may be made **at any time** and whether or not an undertaking under section 15(4) has been given or accepted. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act **within 21 days after service of notice of rejection of the application.**

Notes for guidance in completing this form

[1]Insert the name of the local authority.
[2]Insert such description of the building as may be sufficient for identification.
[3]The period must be **not less than 28 days.**
[4]See section 191(1) of the Act as to the signing and sealing of orders.
[5]Quote in an Appendix the whole of section 15.

FORM 4

[1]Form of closing order under section 15

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

CLOSING ORDER

Whereas the [2].....the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the house [3]..... is unfit for human habitation and is incapable at a reasonable expense of being rendered so fit;

Now, therefore, the local authority in exercise of the powers conferred upon them by section 15(1) of the Act, hereby prohibit the use of the said house for human habitation **as from the expiration of [4].....days from the date on which this order becomes operative.**

[5]Given under the seal of the [2].....on.....19....

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

NOTES FOR YOUR INFORMATION

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

Power to make a closing order

1. Section 15 of the Act, which empowers the local authority to make closing orders or demolition orders, is as set out in the [6]Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the house may give to the local authority an undertaking in terms of paragraph (*a*) of section 15(4) of the Act (see Appendix). Such an undertaking may be given **within 21 days of the date of service of the closing order or within such longer period as the local authority may allow.**

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

4. If an undertaking that the house will be made fit is accepted by the local authority and they suspend the closing order, and the house is made fit, application may be made under section 15(3) for determination (cancellation) of the closing order—see note 13 below.

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

Date of operation

6. If no undertaking is offered under section 15(4) and no appeal is brought (see notes 9 to 12 below) the closing order becomes operative on the expiration of the period of **21 days from the date of service of the order.**

7. If an undertaking is offered under section 15(4) and the local authority reject it, the closing order does not become operative until the expiration of **21 days after service of notice of rejection of the undertaking.**

8. If the local authority accept an undertaking that the house will be made fit and make a suspension order accordingly, the closing order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the closing order becomes operative on the expiration of **21 days from the date of service of the order determining the suspension order.**

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

Appeal

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

11. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a closing order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of the service of the order,** and no proceedings may be taken by the local authority to enforce the order while an appeal against it is pending.

12. If an undertaking is offered under section 15(4) **the period of 21 days referred to in note 11 above is extended** (by section 15(6)) **as follows:—**

(*a*) if the undertaking is rejected, notice of appeal against the closing order may be given **within 21 days after the date of service of notice of rejection of the undertaking;**

(*b*) if the undertaking is accepted and a suspension order is made by the local authority under section 15(4), the closing order does not become operative unless the undertaking is broken and the suspension order determined (see note 8 above). In that case notice of appeal against the closing order itself may be given **within 21 days after the date of service of the order determining the suspension order.**

If the house is made fit

13. Under section 15(3) of the Act if any person interested applies to the local authority and satisfies them that the house has been made fit the local authority shall determine (cancel) the closing order. Such an application may be made at any time, and whether or not an undertaking under section 15(4) has been given or accepted. If the local authority refuse the application for determination of the closing order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act **within 21 days after service of notice of rejection of the application.**

Notice to vacate house

14. Where a closing order has become operative, the local authority are required by section 181(1) of the Act to serve on the occupier of the house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the house to be vacated and requiring him to remove from the house **before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.**

Payments for good maintenance

15. It is provided by section 25(1) of the Act, that if a house subject to a closing order has been vacated in pursuance of the closing order, any person may, **within 3 months after the service of the order,** make a representation to the local authority that the house has been well maintained and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 25(1) that person will be entitled to receive a payment from them in accordance with the provisions of section 49 of the Act. 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 26 of the Act.

Penalties

16. Section 21 of the Act provides that if any person—

(*a*) knowing that a closing order has become operative and applies to any premises, uses those premises or permits those premises to be used for human habitation unless he shall previously have obtained the consent of the local authority to the use of the premises for that purpose; or

(*b*) knowing that an undertaking has been accepted by the local authority that any premises shall not be used for human habitation uses them for human habitation or permits them to be so 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.

Outstanding liabilities

17. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name of the local authority.

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

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

[5]See section 191(1) of the Act as to the signing and sealing of orders.

[6]Quote in an Appendix the whole of section 15.

FORM 5

[1]*Form of order under section 15 determining a closing order or demolition order.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

DETERMINATION OF [3]CLOSING ORDER/DEMOLITION ORDER

Whereas on.....19.....in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966 the [2].....,the local authority under the said Act (hereinafter referred to as "the local authority") made a [3][closing order] [demolition order] in respect of the [3][house] [building][4].....
by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building].

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

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

[5]Given under the seal of the[2].....on.....19.....

.....
(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 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

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

[5]See section 191(1) of the Act as to the signing and sealing of orders.

FORM 6

[1]*Form of notice under section 15 of refusal of local authority to determine a closing order or demolition order.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

REFUSAL TO DETERMINE A [4]CLOSING ORDER/DEMOLITION ORDER

To [2].....

.....

Take notice that the[3].....,
the local authority under the Housing (Scotland) Act 1966,

(1) having considered [4][an] [your] application to them to determine the [4][closing order] [demolition order] made by them on..... 19.....in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, in respect of the [4][house] [building] [5]..... ....., and

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

Dated .....19.....

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

NOTES FOR YOUR INFORMATION

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

Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order or demolition order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of service of notice of the refusal of the local authority.**

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 15(7) of the Act.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

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

FORM 7

[1]*Form of suspension order under section* 15

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

SUSPENSION ORDER

Whereas on.....19....., in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, the [2]....., the local authority under the said Act (hereinafter referred to as "the local authority"), made a [3][closing order] [demolition order] in respect of the [3][house] [building] [4].....
by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

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

(*here set out the terms of the undertaking*)

And Whereas the local authority have accepted the said undertaking;

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

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

[7]Given under the seal of the [2].....
on.....19.....

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

NOTES FOR YOUR INFORMATION

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

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

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

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

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

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

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

[7]See section 191(1) of the Act as to the signing and sealing of orders.

FORM 8

[1]*Form of notice under section 15 of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To [2].....

Take notice that the [3].....

the local authority under the Housing (Scotland) Act 1966,

(1) having made a [4][closing order] [demolition order] on..... 19....., in exercise of the powers conferred upon them by section 15 of the said Act, in respect of the [4][house] [building] [5]..... and

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

Dated .....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

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

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

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

[2]Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 15(7) of the Act.

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

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

FORM 9

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

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

EXPIRY OF A SUSPENSION ORDER

To [2].....

Whereas on.....19..... the [3]..... the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to as "the local authority"), made a demolition order in exercise of the powers conferred upon them by section 15 of the said Act, in respect of the building [4]..... .....;

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

Take notice that by virtue of the proviso to section 15(4) of the said Act, the said suspension order **will expire on** [5].....**19**.....

Dated.....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

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

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

Notes for guidance in completing this form

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

[2]Insert the names of the persons on whom the demolition and suspension orders were served, in terms of section 15(7) of the Act.

[3]Insert name of the local authority.

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

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

FORM 10

Form of notice of renewal of a suspension order.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To [1].....

Take notice that the [2]....., the local authority under the Housing (Scotland) Act 1966, having on..... .....19....., made a suspension order suspending the demolition order made by them on.....19..... in respect of the building [3]....., have this day renewed the said suspension order **until** [4].....**19**.....

Dated .....19...

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

Notes for guidance in completing this form

[1]Insert the names of the persons on whom the demolition order and suspension order were served in terms of section 15(7) of the Act.

[2]Insert the name of the local authority.

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

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

FORM 11

[1]*Form of order under section 15 determining a suspension order*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

DETERMINATION OF SUSPENSION ORDER

Whereas on.....19....., in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, the [2].....the local authority under the said Act (hereinafter referred to as "the local authority"), made a [3][closing order] [demolition order] in respect of the [3][house] [building] [4].....

.....by which order the local authority [3][prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

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

(*here set out the terms of the undertaking*)

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

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

(*here give particulars of the breach of undertaking*)

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

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

on.....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

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

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

Notes for guidance in completing this form

[1]In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section. A suitable modification should also be made when the suspension order concerned is an order which has been renewed under the proviso to section 15(4) of the Act.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

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

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

[6]See section 191(1) of the Act as to the signing and sealing of orders.

FORM 12

Form of closing order under section 18(1) *in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section* 28 *of the Town and Country Planning (Scotland) Act* 1947.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

CLOSING ORDER

Whereas the [1].....the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the building [2]..... comprises only [3][a house which is] [houses which are] unfit for human habitation and incapable at a reasonable expense of being rendered so fit;

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

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

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

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 18(1) of the Act, hereby prohibit the use of the house[4]..... ....., being a house comprised in the said building, for human habitation **as from the expiration of**[5].....**days from the date on which this order becomes operative.**

[6]Given under the seal of the[1] .....on.....19...

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

Power to make a closing order

Under section 18(1) of the Act, if a building is subject to a building preservation order or is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947, the local authority must make a closing order on the house or houses in the building where otherwise they would be required to make a demolition order on the building. The provisions of section 15 of the Act, which is set out in the[7] Appendix to these notes, are applied to a closing order made under section 18(1) of the Act.

(repeat notes 2 *to* 17 *of Form* 4)

Notes for guidance in completing this form

[1]Insert the name of the local authority.
[2]Insert such description of the building as may be sufficient for identification.
[3]Delete whichever is not applicable.
[4]Insert such description of the house as may be sufficient for identification.
[5]The period must not be less than 28 days.
[6]See section 191(1) of the Act as to the signing and sealing of orders.
[7]Quote in an Appendix the whole of section 15.

FORM 13

Form of order under section 18(2) *substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation order has taken effect, or which becomes included in a list compiled or approved under section* 28 *of the Town and Country Planning (Scotland) Act* 1947.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966
CLOSING ORDER

Whereas the [1].....the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by Part II of the Act, on.....19.....made a demolition order in respect of the building [2]..... which order [3][became] [would become] operative on.....19.....;

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

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

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 18(2) of the Act, hereby order as follows:—

(1) The said demolition order is hereby determined;

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

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

on.....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION
(To be incorporated in the order and any copies thereof)

1. In accordance with the provisions of section 18(2) of the Act, where a building preservation order takes effect in relation to a building to which a demolition order applies, or the building becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947, the local authority are required to determine the demolition order and make closing orders prohibiting the use for human habitation of the house or houses comprised in the building. The provisions of section 15 of the Act relating to the making of closing orders are applied to the making of a closing order under section 18. Section 15 is as set out in the [7] Appendix to these notes.

(*repeat notes* 2-17 *of Form* 4)

Notes for guidance in completing this form

[1]Insert the name of the local authority.
[2]Insert such description of the building as may be sufficient for identification.
[3]Delete whichever is not applicable.
[4]Insert such description of the house as may be sufficient for identification.
[5]The period must not be less than 28 days.
[6]See section 191(1) of the Act as to the signing and sealing of orders.
[7]Quote in an Appendix the whole of section 15.

FORM 14

Form of order under section 18(3) *as read with section* 15(3) *determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section* 28 *of the Town and Country Planning (Scotland) Act* 1947.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

DETERMINATION OF CLOSING ORDER

Whereas on.....19....., in exercise of the powers conferred upon them by section 18 of the Housing (Scotland) Act 1966, the[1].....,
the local authority under the said Act (hereinafter referred to as "the local authority"), made a closing order in respect of the house[2].....
.....by which order the local authority prohibited the use of the said house for human habitation;

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

Now, therefore, in exercise of the powers conferred upon them by section 18(3), as read with section 15(3) of the said Act, the local authority hereby determine the said closing order.

[3]Given under the seal of the [1].....
on.....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 such description of the house as may be sufficient for identification.

[3]See section 191(1) of the Act as to the signing and sealing of orders.

FORM 15

Form of a notice of refusal of local authority to determine a closing order made under section 18 in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

REFUSAL TO DETERMINE A CLOSING ORDER

To [1].....

Take notice that the [2].....
the local authority under the Housing (Scotland) Act 1966,

(1) having considered [3][an] [your] application to them to determine the closing order made by them on.....19....., in exercise of the powers conferred upon them by section 18 of the said Act, in respect of the house [4].....; and

(2) not being satisfied that the said house has been rendered fit for human habitation, refuse to determine the said closing order.

Dated .....19.....

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

NOTES FOR YOUR INFORMATION

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

Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of service of notice of the refusal of the local authority.**

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

[1]Insert the name and address of the person on whom the notice is to be served in terms of section 15(7) of the Act.

[2]Insert the name of the local authority.

[3]Delete whichever is not applicable.

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

FORM 16

Form of demolition order under section 19 *on determination of closing orders.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966
DEMOLITION ORDER

Whereas [1].....**,** the local authority under the Housing (Scotland) Act 1966 (hereinafter 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 the houses comprised in the building [2].....**,** none of which orders has been determined or is subject to a suspension order;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 19 of the Act hereby order as follows:—

(1) The said closing orders are hereby determined;

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

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

[4]Given under the seal of the [1]..... on.....19.....

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

NOTES FOR YOUR INFORMATION

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

1. Section 19(1)(*a*) of the Act provides as follows:—

(*here quote the whole of section* 19(1) *with the exception of* (*b*))

2. Subsections (2), (3), (7) and (8) of section 15 of the Act, which apply in relation to a demolition order made in replacement of closing orders in terms of section 19 are as set out in the[5] Appendix to these notes.

Date of operation

3. If no appeal is brought (see notes 5 and 6 below) the demolition order becomes operative on the expiration of the period of **21 days from the date of service of the order.**

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

Appeal

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

6. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of service of the order,** and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending.

Implementation

7. Under section 22 of the Act when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

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

9. Section 24(3) of the Act provides that where a local authority serve a notice under section 24(1) that they intend to cleanse from vermin a building to which a demolition order applies, the local authority shall not be entitled to take action to demolish the building until the expiration of **3 months from the date on which the owner became entitled by virtue of section 24(2) to proceed with the demolition.**

Vacation of building

10. Where a demolition order has become operative, the local authority are required by section 181(1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order, and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building **before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.** Section 181(4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payments for good maintenance

11. It is provided by section 25(1) of the Act that if a house has been vacated in pursuance of a demolition order, any person may, **within 3 months after the service of the order,** make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 25(1), that person will be entitled to receive a payment from them in accordance with the provisions of section 49 of the Act. 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 26 of the Act.

Outstanding liabilities

12. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

If houses made fit

13. Under section 15(3) of the Act, if any person interested applies to the local authority and satisfies them that the houses in the building have been made fit, the local authority shall determine (cancel) the demolition order. Such an application may be made at any time. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act **within 21 days after service of notice of rejection of the application.**

Notes for guidance in completing this form

[1]Insert the name of the local authority.

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

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

[4]See section 191(1) of the Act as to the signing and sealing of orders.

[5]Quote in an Appendix subsections (2), (3), (7) and (8) of section 15 of the Act.

FORM 17

[1]*Form of notice under section 20 to persons having control, owners, superiors and holders of heritable securities, of determination to purchase a house or building.*

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to purchase the [2]house/building specified in this notice;**
2. **that the [2]house/building has been classed as unfit for human habitation;**
3. **that classification of a [2]house/building as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal to the Sheriff against the Council's proposals before [3].....19.....;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 6 of *Notes for Your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To [4].....

Whereas the [5]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied in terms of section 15 of the said Act, that the [2][house [6]... ..... is unfit for human habitation and incapable at a reasonable expense of being rendered so fit] [building [6]..... comprises only [2][a house which is] [houses which are] unfit for human habitation and incapable at a reasonable expense of being rendered so fit];

And Whereas it appears to the local authority that, having regard to the existing condition of the [2][house] [houses] and to the needs of the district with regard to the provision of further housing accommodation, the [2][house] [houses] must be continued in use as housing accommodation;

Take notice that the local authority have determined to purchase the said [2][house] [building] under section 20(1) of the Act, in lieu of making a [2][closing order] [demolition order] in respect thereof.

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

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

1. Section 15 of the Act which empowers a local authority to order the demolition or closing of unfit houses is as set out in the[7] Appendix to these notes.

2. Section 20 of the Act which empowers a local authority to purchase a house or building in lieu of making a demolition or closing order is as follows:—

(quote here the whole of section 20)

3. Section 25(1) of the Act provides that, if a house has, on or after 17th July 1957, been purchased compulsorily under section 14(1) or section 20 of the Act, any person may, **within 3 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 25 that person will be entitled to receive a payment from them in accordance with the provisions of section 49 of the Act. 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 26 of the Act.

4. Section 26 of the Act gives to any person aggrieved by a notice of determination to purchase a house or building served under section 20(2) a right to appeal to the Sheriff **within 21 days after the service of the notice.** No proceedings can be taken by the local authority while an appeal is pending. No appeal to the Sheriff lies at the instance of a person who is in occupation of premises to which the notice relates under a lease or agreement the unexpired term of which does not exceed 6 months.

5. If no appeal is brought under section 26 of the Act, a notice of determination to purchase becomes operative on the expiration of the period of **21 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 27 of the Act.).

6. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

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

Form 18—Where an application has been made to the local authority under section 16 of the Act.

Form 19—On the determination of closing orders under section 19 of the Act.

[2]Delete in so far as not applicable.

[3]See paragraph 4 of "Notes for Your Information" above.

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

[5]Insert name of the local authority.

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

[7]Quote in an Appendix the whole of section 15.

FORM 18

[1]*Form of notice under section* 20 *to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house where an application has been made to the local authority under section* 16.

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to purchase the house specified in the notice;**
2. **that your house has been classed as unfit for human habitation;**
3. **that classification of a house as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal to the Sheriff against the Council's proposals before [3].....19.....;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 6 of *Notes for your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... **or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To[4] .....

Whereas the [5].....,, the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), on.....19....., served a notice under section 11(1) of the Act requiring the execution of works for the purpose of rendering the house [6].....fit for human habitation;

And Whereas on.....19....., [7].....being [2][the person on whom such a notice was served] [an owner of the house] applied to the local authority under section 16 of the said Act to substitute for the notice so served an order under section 15 of the said Act;

And Whereas the local authority are satisfied it would be reasonable to serve an order under the said section 15 having regard to the estimated cost of the aforesaid works, to the financial circumstances of the person at whose expense the works would have been carried out and the other circumstances of the case;

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

Take notice that the local authority have determined to purchase the house under section 20 in lieu of making a demolition order or closing order in respect thereof.

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

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

1. Section 16 of the Act, under which the local authority may substitute a demolition order or closing order under section 15 for an order under section 11(1) requiring the execution of works, is as follows:—

(quote here the whole of section 16)

(repeat notes 2-6 *of Form* 17)

Notes for guidance in completing this form

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

Form 17—Where the local authority would otherwise be required by section 15 of the Act to make a closing order or demolition order under that section.

Form 19—On the determination of closing orders under section 19 of the Act.

[2]Delete in so far as not applicable.

[3]See paragraph 4 of "Notes for your Information" above.

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

[5]Insert the name of the local authority.

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

[7]Insert the name of the person who made application to the local authority under section 16 of the Act.

FORM 19

[1]*Form of notice under section* 20 *to persons having control, owners, superiors, and holders of heritable securities, of determination to purchase a house on the determination of closing orders under section* 19.

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to purchase the house specified in the notice;**
2. **that your house has been classed as unfit for human habitation;**
3. **that classification of a house as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal to the Sheriff against the Council's proposals before [3].....19.....;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 6 of *Notes for your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... **or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To [4].....

Whereas the [5]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 the houses comprised in the building[6]..... ....., none of which orders has been determined or is the subject of a suspension order;

And Whereas the house [7]..... forms part of the said building;

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

Take notice that the local authority in exercise of the powers conferred upon them by section 19(1) of the Act, hereby determine the said closing orders, and have determined to purchase the said building under section 20 of the Act in lieu of making a demolition order in respect thereof.

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

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

1. Section 19(1) of the Act, 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* 19(1))
(*repeat notes* 2-6 *of Form* 17)

Notes for guidance in completing this form

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

Form 17—Where the local authority would otherwise be required by section 15 of the Act to make a closing order or demolition order under that section.

Form 18—Where an application has been made to the local authority under section 16 of the Act.

[2]Delete in so far as not applicable.

[3]See paragraph 4 of "Notes for Your Information" above.

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

[5]Insert name of the local authority.

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

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

FORM 20

Form of notice under section 25(2) *that no payment falls to be made under section* 25(1)

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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) Act 1966, in exercise of the power conferred upon them by section 25(2) of the said Act,

(1) having considered your representation that the said house has been well maintained within the meaning of section 25(1) of the said Act 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 (1)

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

(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 25(1) of the Act may, in accordance with the provisions of section 26(1), 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.

FORM 21

Form of charging order under section 28

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]**.....**

.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

CHARGING ORDER

The [1].....**,** the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 28 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].....19.....
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].....on.....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 designation of the owner of the house.

[3]Insert in words the amount of the annuity as provided for in section 28(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 191(1) of the Act as to the signing and sealing of orders.

FORM 22

Form of charging order under section 30

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 30 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 [3].....19.....**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].....on.....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 in words the amount of the annuity as provided for in section 28(3) of the Act, as applied by section 30.

[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 191(1) of the Act as to the signing and sealing of orders.

FORM 23

Form of clearance order under section 36 *and Schedule* 1

THE HOUSING (SCOTLAND) ACT 1966

[6]THE.....CLEARANCE ORDER 19.....

Whereas the [1].....the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 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 34 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 section 34(3) 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 resolutions hereinafter referred to;

And Whereas the local authority at a meeting held on.....,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 section 35 of the Act, the local authority have determined by a resolution passed at a meeting held on..... .....,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 36 of the Act, hereby make the folllowing 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 column (6) 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 for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

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

on.....19.....

.....

(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	Description and situation of houses	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 houses are to be vacated[5]
(1)	(2)	(3)	(4)	(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	Description and situation of houses and 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 houses are to be vacated[5]
(1)	(2)	(3)	(4)	(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 Schedule 1 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.

Schedule 2 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 30 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 191(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 53(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 53(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 45).

FORM 24

Form of advertisement under section 36 and paragraph 3 of Schedule 1 of the making of a clearance order.

THE HOUSING (SCOTLAND) ACT 1966

THE [1].....CLEARANCE ORDER 19.....

Notice is hereby given, that the [2].....**,** the local authority under the Housing (Scotland) Act 1966, 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.....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, Scottish Development Department, 43 Jeffrey Street, 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 25

Form of notice under section 36 and paragraph 3 of Schedule 1 to owners, superiors, holders of heritable securities, lessees and occupiers, of the making of a clearance order.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

THE[1] ..... CLEARANCE ORDER 19....

To[2] .....

Take notice that the [3]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 column (6) 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, **before** [5]..... **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 column (7) 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 48 of the Act, liable to pay to the owner compensation ascertained in accordance with the provisions of that section.]

Dated..... **19....**

.....

(Signature of Clerk to the local authority)

SCHEDULE

Numbers on map deposited at offices of the local authority (1)	Description and situation of house or other 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 house or premises are to be vacated (6)	[8]Part of schedule to clearance order in which the house or premises are specified (7)

9

NOTES FOR YOUR INFORMATION
(To be incorporated in the notice and any copies thereof)

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 54 of the Act provides (*quote so far as appropriate*).

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 **30 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 Schedule 2 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 3 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 3 months from the date on which it is vacated.**

Section 181 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 24, as applied by section 36 of the Act provides (*state effect of the section*).

Under Section 18 of the Housing (Financial Provisions, &c.)(Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 3 paragraphs and also column (7) 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 26

Form of advertisement and notice under section 36 *and paragraph* 1 *of Schedule* 2 *of confirmation of a clearance order.*

WARNING [To be included only when Form 26 is issued as a notice.]
If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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 1966, (hereinafter referred to as "the Act"), on ....., 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 **30 days from the date of the publication of this notice,** but if, in accordance with the provisions of Schedule 2 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..... 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.)

NOTE FOR YOUR INFORMATION

(To be incorporated only when Form 26 *is issued as a notice and in any copies thereof)*

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

[1]Insert the title of the order.

[2]Delete if 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 Schedule 2 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 4 of Schedule 2 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 27

Form of notice under section 24 or section 36 of intention to cleanse from vermin a building to be demolished under a demolition order or a clearance order.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that the [4]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section [3][24] [36] of the Act intend to cleanse the above-mentioned building from vermin before its demolition.

Dated..... 19....

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

NOTES FOR YOUR INFORMATION

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

Section [3][24(2)] [36(5)] of the Act provides that a local authority who have served a notice that they intend to cleanse from vermin a building to which a [3][demolition order] [clearance order] applies may, at any time after the order has become operative in relation to the building and it has been vacated, enter the building and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and that the demolition of the building shall not be begun or continued by any owner after service of such a notice on him until the local authority have served on him a further notice authorising him to proceed with the demolition;

Provided that an owner upon whom such a notice has been served may, at any time after the building has been vacated, serve notice in writing on the local authority requiring them to carry out the work **within 14 days from receipt of the notice served by him,** and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

[3][Section 24(3) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a demolition order applies, they shall not be entitled to take action, under section 22(1) of the Act, to enter and demolish the building and sell the materials thereof until **3 months after the date on which the owner becomes entitled, by virtue of section 24(2) of the Act, to proceed with the demolition.]**

[3][Section 36(5) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a clearance order applies, they shall not be entitled to take action, under section 36(3) of the Act, to enter and demolish the building and sell the materials thereof until **3 months after the date on which the owner becomes entitled, by virtue of section 24(2) of the Act, to proceed with the demolition.]**

Notes for guidance in completing this form

[1]Insert the name and address of the person to whom the notice is addressed.
[2]Insert description of the building to which the notice relates.
[3]Delete whichever is not applicable.
[4]Insert the name of the local authority.

FORM 28

Form of notice under section 24 or section 36 to proceed with demolition after a building has been cleansed from vermin.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that—

(1) the [3]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), have completed the cleansing from vermin of the above-mentioned building to which a [4][demolition] [clearance] order applies, the order having become operative on ..... 19...., and in relation to which a notice of intention to cleanse from vermin was served upon you by the local authority on ..... 19...., and

(2) in exercise of the powers conferred upon them by section 24(2) [5][as applied by section 36(5)] of the Act the local authority hereby authorise and require you to proceed with the demolition of the said building in accordance with the said [4][demolition] [clearance] order.

Dated..... 19....

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

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and copies thereof)

[4][Section 24(3) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a demolition order applies, they shall not be entitled to take action, under section 22(1) of the Act, to enter and demolish the building and sell the materials thereof until **3 months after the date on which the owner becomes entitled, by virtue of section 24(2) of the Act, to proceed with the demolition.**]

[4][Section 36(5) of the Act provides that where a local authority have served a notice that they intend to cleanse from vermin a building to which a clearance order applies, they shall not be entitled to take action, under section 36(3) of the Act to enter and demolish the building and sell the materials thereof until **3 months after the date on which the owner becomes entitled, by virtue of section 24(2) of the Act, to proceed with the demolition.**]

Notes for guidance in completing this form

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

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

[3]Insert the name of the local authority.

[4]Delete whichever is not applicable.

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

FORM 29

[1]*Form of compulsory purchase order under section 38 and paragraphs 1 to 3 of Schedule 3 in respect of land comprised in a clearance area and land surrounded by or adjoining the area.*

THE HOUSING (SCOTLAND) ACT 1966

[7]THE.....COMPULSORY PURCHASE ORDER 19....

Whereas the [2].....the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 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 34 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 34, 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 purposes of carrying into effect the resolutions hereinafter referred to ;

And Whereas the local authority at a meeting held on ...., 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 exercise of their powers under section 35 of the Act, the local authority have by a resolution passed at a meeting held on ....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 their powers under section 37 of the Act, have by a resolution passed at a meeting on ....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 reasinably 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 38 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. [5][(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); and

(*b*) 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 Schedule 3 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 for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

[8]Given under the seal of the [2]..... on.....19....

.....
(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)

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 31 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 33 is the appropriate form of advertisement; Form 35 is the appropriate form of notice to owners, etc; and Form 39 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 191(1) of the Act as to the signing and sealing of orders.

Notes for local authority

In terms of section 38(3) 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 6 months after the date of the clearance resolution or within such longer period as the Secretary of State may allow.**

Where the demolition of any building in a clearance area is postponed under section 40(1) of the Act, section 38(3) 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 40(2) of the Act.

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 31).

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 53(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 53(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 45).

FORM 30

[1]*Form of compulsory purchase order under section* 38 *and paragraphs* 1 *to* 3 *of Schedule* 3 *in respect of land comprised in a clearance area and land surrounded by or adjoining the area and providing under section* 176 *for expedited completion.*

THE HOUSING (SCOTLAND) ACT 1966

[9]THE.....COMPULSORY PURCHASE ORDER 19....

Whereas the [2].....the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 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 34 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 34 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 .....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 exercise of their powers under section 35 of the Act, the local authority have by a resolution passed at a meeting held on .....19...., determined to proceed to secure the clearance of [5][the area] [part of the area] by purchasing the land hereinafter described comprised therein and themselves undertaking, or otherwises securing, the demolition of the buildings on the said land ;

[5][And Whereas the local authority, in exercise of their powers under section 37 of the Act, have by a resolution passed at a meeting on .....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 38 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. [5][(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); and

(*b*) 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 Schedule 3 to the Act, 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 176 of the Act, for the inclusion in the order as confirmed by him of a direction that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) providing for expedited completion of purchase shall apply to this order as respects [3][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 paragraph 1(3)(*b*) of the said Schedule 6 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 2 months for the purposes of the operation of the proviso to paragraph 3(2) of the said Schedule 6.**]

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

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

[10]Given under the seal of the [2].....on.....19....

.....
(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 32 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 176 of the Act.

In cases to which this form of compulsory purchase order applies, Form 34 is the appropriate form of advertisement; Form 36 is the appropriate form of notice to owners, etc; and Form 40 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 General Register of Sasines.

[8]Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3(2) of Schedule 6.

[9]Insert a suitable short title.

[10]See section 191(1) of the Act as to the signing and sealing of orders.

Notes for local authority

The notes to Form 29 apply with the addition at the end thereof of the following:—
In accordance with section 176 of the Act, a local authority may, in the circumstances therein provided for, include in a compulsory purchase order under section 38(2) of the Act an application for a direction that the provisions of Schedule 6 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 31

[1]*Form of compulsory purchase order under section* 38 *and paragraphs* 1 *to* 3 *of Schedule* 3 *in respect of land surrounded by or adjoining a clearance area.*

THE HOUSING (SCOTLAND) ACT 1966

[8]THE.....COMPULSORY PURCHASE ORDER 19....

Whereas the [2].....the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), in accordance with the provisions of section 34 of the Act, passed at a meeting held on ..... 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 ..... 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..... ..... 19....];

And Whereas the local authority, in exercise of their powers under section 37 of the Act have, by a resolution passed at a meeting on .....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 38 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); and

(*b*) 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 Schedule 3 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 for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

[9]Given under the seal of the [2]..... on ..... 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]In cases to which this form of compulsory purchase order applies, Form 33, suitably amended, should be the form of advertisement used; Form 37 is the appropriate form of notice to owners, etc; and Form 39, 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 191(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 37 of the Act.)

In accordance with the provisions of section 38(3) 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 12 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 40(1) of the Act, section 38(3) of the Act does not apply to the purchase of any land surrounded by or adjoining the area. (Section 40(2) of the Act.)

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 53(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 53(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 32

[1]*Form of compulsory purchase order under section* 38 *and paragraphs* 1 *to* 3 *of Schedule* 3 *in respect of land surrounded by or adjoining a clearance area and providing under section* 176 *for expedited completion.*

THE HOUSING (SCOTLAND) ACT 1966

[10]THE.....COMPULSORY PURCHASE ORDER 19....

Whereas the [2].....the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), in accordance with the provisions of section 34 of the Act, passed at a meeting held on ..... 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 ..... 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..... ..... 19....];

And Whereas the local authority, in exercise of their powers under section 37 of the Act have, by a resolution passed at a meeting on .....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 38 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); and

(*b*) 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 Schedule 3 to the Act, 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 176 of the Act, for the inclusion in the order as confirmed by him of a direction that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) 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 paragraph 1(3)(*b*) of the said Schedule 6 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 2 months for the purposes of the operation of the proviso to paragraph 3(2) of the said Schedule 6.**]

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

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

[11]Given under the seal of the [2].....
on ..... 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)	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 34, suitably amended, should be the form of advertisement used; Form 38 is the appropriate form of notice to owners, etc; and Form 40, 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 General Register of Sasines.

[9]Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3(2) of Schedule 6.

[10]Insert a suitable short title.

[11]See section 191(1) of the Act as to the signing and sealing of orders.

Notes for local authority

The notes to Form 31 apply with the addition at the end of the following:—
In accordance with section 176 of the Act, a local authority may, in the circumstances therein provided for, include in a compulsory purchase order under section 38(2) of the Act an application for a direction that the provisions of Schedule 6 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 33

[1]*Form of advertisement under section* 38 *and paragraph* 4 *of Schedule* 3 *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) ACT 1966

[2]THE.....CLEARANCE AREA COMPULSORY PURCHASE ORDER 19....

Notice is hereby gven that the [3].....,, the local authority under the Housing (Scotland) Act 1966, have, in exercise of the powers conferred upon them by that Act, on ..... 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 .... 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..... 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 29 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 31 or 41.

[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, Scottish Development Department, 43 Jeffrey Street, 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 34

[1]*Form of advertisement under section* 38 *and paragraph* 4 *of Schedule* 3 *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* 176 *for expedited completion.*

THE HOUSING (SCOTLAND) ACT 1966

[2]THE.....CLEARANCE AREA COMPULSORY PURCHASE ORDER 19....

Notice is hereby given that the [3].....,, the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act") have, in exercise of the powers conferred upon them by the Act, on ..... 19...., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purposes of Part III of the 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 ..... 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 176 of the Act, that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) 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 Schedule 6 is set out below, but reference should be made to Schedule 6 itself for its precise operation.

(i) The Lands Clauses Acts and the Land Compensation (Scotland) Act 1963, 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 General 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..... 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 30 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 32 or 42.

[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.

Notes for local authority

The local authority should forward to the Secretary of State, by addressing it to the Secretary, Scottish Development Department, 43 Jeffrey Street, 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 35

[1]*Form of notice under section 38 and paragraph 4 of Schedule 3 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.*

WARNING

This notice, briefly, is to inform you:—

1. **that the .....Council propose to clear the..... .....Clearance Area by demolition:**
2. **[2]that your house has been classed as unfit for human habitation:**
3. **[2]that classification of a house as unfit affects the amount of compensation that the Council can pay for it:**
4. **that you have the right to appeal against the Council's proposals [2][including the classification of your house] before [6].....19....**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 5 of *Notes for your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address] ..... **.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

[3]THE.....CLEARANCE AREA COMPULSORY PURCHASE ORDER 19....

To [4].....

Take notice that the [5]....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), have in exercise of the powers conferred upon them by the Act on .....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—

2 { 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, **before** [6]..... **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.)]

Dated..... 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)	Ocupiers (except tenants for a month or 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)

NOTES FOR YOUR INFORMATION

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

1. 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 an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 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.

2. Section 54 of the Act provides (*quote so far as applicable*).

3. 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 **30 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 Schedule 2 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

4. Section 42 of the Act provides that (*here quote the whole of section* 42).

5. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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

6. [11]Part I of the schedule to the compulsory purchase order specifies the houses within the clearance area which are unfit for human habitation. Part II of the schedule specifies the other 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.

7. In the case of a house specified in Part I of the schedule 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. The compensation to an owner-occupier, however, cannot be less than the gross annual value.

8. In the case of the land, including the buildings thereon, specified in Parts II and III of the schedule to the compulsory purchase 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 Schedule 4 to the Act.

9. Subject to these two modifications, the compensation will be assessed in accordance with the Land Compensation (Scotland) Act 1963.]

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 29 applies.

[2]Delete in so far as not applicable.

[3]Insert the title of the order.

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

[5]Insert the name of the local authority.

[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 notice sent to a lessee or occupier.

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

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

FORM 36

[1]*Form of notice under section 38 and paragraph 4 of Schedule 3 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 176 for expedited completion.*

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to clear the..... .....Clearance Area by demolition;**
2. **[2]that your house has been classed as unfit for human habitation;**
3. **[2]that classification of a house as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal against the Council's proposals [2][including the classification of your house] before [6].....19....**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 5 of *Notes for your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address] ....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

[3]THE.....CLEARANCE AREA COMPULSORY PURCHASE ORDER 19....

To [4].....

Take notice that the [5]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), have, in exercise of the powers conferred upon them by the Act, on ..... 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

[2] { 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, **before** [6].....**19....**

A copy of any objections 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 176 of the Act, that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) providing for expedited completion of purchase shall apply to the order as respects [2][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 Schedule 6 is set out below, but reference should be made to Schedule 6 itself for its precise operation.

(i) The Lands Clauses Acts and the Land Compensation (Scotland) Act 1963, 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 General 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 [5]..... 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 [5].....

[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.)]

Dated ..... 19.....

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

SCHEDULE

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

NOTES FOR YOUR INFORMATION
(To be incorporated in the notice and any copies thereof)

1. 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 an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 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.

2. Section 54 of the Act provides (*quote so far as applicable*).

3. 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 **30 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 Schedule 2 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.

4. Section 42 of the Act provides that (*here quote the whole of section* 42).

5. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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

6. [12]Part I of the schedule to the compulsory purchase order specifies the houses within the clearance area which are unfit for human habitation. Part II of the schedule specifies the other 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.

7. In the case of a house specified in Part I of the schedule 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. The compensation to an owner-occupier, however, cannot be less than the gross annual value.

8. In the case of the land, including the buildings thereon, specified in Parts II and III of the schedule to the compulsory purchase 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 Schedule 4 to the Act.

9. Subject to these two modifications, the compensation will be assessed in accordance with the Land Compensation (Scotland) Act 1963.]

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 30 applies.

[2]Delete in so far as not applicable.

[3]Insert the title of the order.

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

[5]Insert the name of the local authority.

[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 37

[1]*Form of notice under section* 38 *and paragraph* 4 *of Schedule* 3 *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.*

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to clear the..... Clearance Area by demolition;**
2. **[2]that your house has been classed as unfit for human habitation;**
3. **[2]that classification of a house as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal against the Council's proposals [2][including the classification of your house] before [6]..... 19.....;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 3 of** *Notes for your Information* **below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... **or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

[3]THE ..... COMPULSORY PURCHASE ORDER 19.....

To [4].....

Take notice that the [5]....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), have, in exercise of the powers conferred upon them by the Act, on ..... 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 37 of the Act, have determined to purchase as being [2][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

[2] 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, **before** [6].....**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.....

Dated.....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 YOUR INFORMATION

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

1. 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 an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 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.

2. 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 **30 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 Schedule 2 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.

3. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 31 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 41 applies.

[2]Delete in so far as not applicable.

[3]Insert the title of the order.

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

[5]Insert the name of the local authority.

[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 38

[1]*Form of notice under section* 38 *and paragraph* 4 *of Schedule* 3 *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* 176 *for expedited completion.*

WARNING

This notice, briefly, is to inform you:—

1. **that the.....Council propose to clear the..... Clearance Area by demolition;**
2. **[2]that your house has been classed as unfit for human habitation;**
3. **[2]that classification of a house as unfit affects the amount of compensation that the Council can pay for it;**
4. **that you have the right to appeal against the Council's proposals [2][including the classification of your house] before [6]..... 19...;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 3 of *Notes for your Information* below.**

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]**.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

[3]THE.....COMPULSORY PURCHASE ORDER 19...

To [4].....

Take notice that the [5]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), have, in exercise of the powers conferred upon them by the Act, on.....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 37 of the Act, have determined to purchase as being [2][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

[2] { 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, before [6].....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 176 of the Act that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) providing for expedited completion of purchase shall apply to the order as respects [2][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 Schedule 6 is set out below, but reference should be made to Schedule 6 itself for its precise operation.

(i) The Lands Clauses Acts and the Land Compensation (Scotland) Act 1963, 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 General Register of Sasines. In the case of short tenancies, and long tenancies about to expire, notice would not be deemed to have been served, and actual notices to treat would require to be served.

(ii) The said [5]..... 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 [5].....

Dated ..... 19.....

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

SCHEDULE

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

NOTES FOR YOUR INFORMATION
(To be incorporated in the notice and any copies thereof)

1. 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 an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 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.

2. 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 30 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 Schedule 2 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.

3. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 32 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 42 applies.

[2]Delete the words which are not applicable.

[3]Insert the title of the order.

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

[5]Insert the name of the local authority.

[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 39

[1]*Form of advertisement and notice under section* 38 *and paragraph* 1 *of Schedule* 2 *of confirmation of a compulsory purchase order in respect of land comprised in a clearance area and land surrounded by or adjoining the area.*

WARNING [To be included only when Form 39 is issued as a notice.]
If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

[2]THE ..... 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 1966, (hereinafter referred to as "the Act"), has confirmed [3][with modifications] the above-mentioned compulsory purchase order submitted to him by the [4]..... (hereinafter referred to as "the local authority") 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 ..... 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 **30 days from the date of publication of this notice,** but if, in accordance with the provisions of Schedule 2 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 ..... 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.*)

NOTE FOR YOUR INFORMATION

(*To be incorporated only when Form* 39 *is issued as a notice and in any copies thereof*)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 29 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 31 or 41.

[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 Schedule 2 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 4 of Schedule 2 to the Act requires the local authority, as 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 40

[1]*Form of advertisement and notice under section* 38 *and paragraph* 1 *of Schedule* 2 *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* 176 *for expedited completion.*

WARNING [To be included only when Form 40 is issued as a notice.]
If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices [quote address].....
or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

[2]THE ..... 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 1966, (hereinafter referred to as "the Act"), has confirmed [3][with modifications] the above-mentioned compulsory purchase order submitted to him by the [4] ..... (hereinafter referred to as "the local authority") 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 ..... 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 176 of the Act that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176), 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 Schedule 6 applies, or in respect of any interest in any such land, may send to the local authority 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 paragraph 3(4) of the said Schedule 6. The general effect of this provision is set out below but reference should be made to Schedule 6 itself for its precise operation.

(i) The local authority 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 General Register of Sasines.**

(ii) On the recording of a Notice of Title in the General Register of Sasines the said land shall vest in the local authority.

(iii) The local authority 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 **30 days from the date of publication of this notice,** but if, in accordance with the provisions of Schedule 2 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 ..... 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.*)

NOTE FOR YOUR INFORMATION

(*To be incorporated only when Form 40 is issued as a notice and in any copies thereof.*)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or receive you should consult a Solicitor about your rights under this section.

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 30 applies. It should be suitably amended to meet the case of a compulsory purchase order made in either of the Forms 32 or 42.

[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]**2 months will apply unless a shorter period is prescribed in the order (see paragraph 7 of the order contained in Form 30 and Note 8 of that Form).**

[7]Delete the words which are not applicable.

Note for local authority

Paragraph 1 of Schedule 2 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 4 of Schedule 2 to the Act requires the local authority, as 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 41

[1]*Form of compulsory purchase order under section 43 and paragraphs 1 to 3 of Schedule 3 in respect of cleared land which owners have failed to redevelop.*

THE HOUSING (SCOTLAND) ACT 1966

[8]THE ..... COMPULSORY PURCHASE ORDER 19 ...

Whereas the [2]....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 36 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 ..... 19 ...;

And Whereas, in accordance with the provisions of section 36 of the Act, as read along with Schedule 2 thereto, the said clearance order became operative on .... 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 43 of the Act, have by a resolution passed at a meeting of the authority on ..... 19 ..., being a date after the expiration of 18 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 be section 43 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); and

(*b*) 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 Schedule 3 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 for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

[9]Given under the seal of the [2] ..... on ..... 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 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 33 suitably amended, should be the form of advertisement used; Form 37, suitably amended, should be the form of notice to owners, etc. used; and Form 39, 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]Insert a suitable short title.

[9]See section 191(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 53(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 53(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 45.)

FORM 42

[1]*Form of compulsory purchase order under section 43 and paragraphs 1 to 3 of Schedule 3 in respect of cleared land which owners have failed to redevelop and providing under section 176 for expedited completion.*

THE HOUSING (SCOTLAND) ACT 1966

[11]THE.....COMPULSORY PURCHASE ORDER 19.....

Whereas the [2].....,, the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 36 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.....19.....;

And Whereas, in accordance with the provisions of section 36 of the Act, as read along with Schedule 2 thereto, the said clearance order became operative on..... .....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 43 of the Act, have by a resolution passed at a meeting of the authority on.....19....., being a date after the expiration of 18 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 43 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); and

(*b*) 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 Schedule 3 to the Act 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 176 of the Act for the inclusion in the order as confirmed by him of a direction that the provisions of Schedule 6 to the Town and Country Planning (Scotland) Act 1945 (as amended by the Town and Country Planning (Scotland) Act 1947, and set out in Schedule 11 thereto and as read with the said section 176) 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 paragraph 1(3)(*b*) of the said Schedule 6 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 2 months for the purposes of the operation of the proviso to paragraph 3(2) of the said Schedule 6.]

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

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

[12]Given under the seal of the [2].....on.....19...

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

SCHEDULE

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

Notes for guidance in completing this form

[1]In cases to which this form of compulsory purchase order applies, Form 34, suitably amended, should be the form of advertisement used; Form 38, suitably amended, should be the form of notice to owners, etc. used; and Form 40, 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 General Register of Sasines.

[10]Insert this paragraph where it is desired to take advantage of the proviso to paragraph 3(2) of Schedule 6.

[11]Insert a suitable short title.

[12]See section 191(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 53(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 53(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 45.)

In accordance with section 176(1) of the Act a local authority may in the circumstances therein provided for include in a compulsory purchase order under section 43(2) of the Act an application for a direction that the provisions of Schedule 6 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 43

Form of order under section 51 extinguishing a public right of way or closing or diverting a street.

THE HOUSING (SCOTLAND) ACT 1966

Whereas the [1]....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 51 of the Act, by a resolution passed at a meeting of the local authority on..... 19....., determined to order [2][the extinction of the public right of way [3].....over the land situated at [3]..... and shown coloured red on the map aftermentioned, the line of which public right of way is shown by dotted lines hatched blue between the points A and B on the map marked [4].....signed and sealed with reference to this order and deposited at the offices of the local authority;] [the closing] [the diversion] [of[3]..... .....street the line of which street is shown by dotted lines hatched blue between the points A and B on the map marked [4]..... signed and sealed with reference to this order and deposited at the office of the local authority;]

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][extinguished] [closed] [diverted along the line shown on the said map by dotted lines hatched brown between the points C and D thereon] **as from** [5].....**19**.....

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

[7]Given under the seal of the [1].....on.....19.....

.....
(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 51(3) 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 191(1) of the Act as to the signing and sealing of orders.

FORM 44

Form of notice under section 51 of the making of an order extinguishing a public right of way or closing or diverting a street.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

Notice is hereby given that the [1].....the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 51 of the said Act, on..... 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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, **before the expiration of 2 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].....

.....

Section 51(2) provides that if any objection to the order is made to the Secretary of State **before the expiration of the aforesaid period of 2 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.....**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, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1.

FORM 45

Form of notice under section 53 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.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that, in exercise of the powers conferred upon them by section 53 of the Housing (Scotland) Act 1966, the [3]....., the local authority under the said Act, hereby require you **within 2 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.....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

Section 53 of the Act 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 the 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 £5.

By section 208 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 46

Form of notice under section 56 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.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Whereas it appears to [3].....,, the local authority under the Housing (Scotland) Act 1966, (hereinafter 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 56(6) of the Act;

Take notice—

(1) that the question of demolishing the building will be considered by the local authority **at** [4].....**on** [5]..... **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 56 of the Act, the local authority require you **within 2 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.....**19**.....

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

NOTES FOR YOUR INFORMATION

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

Sections 56 and 57 of the Act provide:—

(Here quote the whole of these sections.

By section 208 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 47

Form of licence under section 92 for temporary use of house by persons in excess of the permitted number.

THE HOUSING (SCOTLAND) ACT 1966

The [1]......, the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 92 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 licence will not in any circumstances continue in force beyond.....
.....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.....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 12 months.**

Note for local authority

Section 92(4) 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 7 days after the issue of the licence or the service of the notice on the occupier,** as the case may be.

FORM 48

Form of notice under section 92 of revocation of licence for temporary use of house by persons in excess of permitted number.

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that the [3].....the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 92(3) of the said Act, hereby give notice that the licence granted to you by the said local authority dated.....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 [4].....19...

Dated.....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

Section 92(4) 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 7 days after the issue of the licence or the service of the notice on the occupier, as the case may be.

FORM 49

Form of statement of permitted number of persons under section 94.

THE HOUSING (SCOTLAND) ACT 1966

Date.....19.....

To [1].....

With regard to the house at.....which you desire to take on let, I hereby state for your information is accordance with the provisions of section 94(1) of the above-mentioned Act that the number of persons permitted to sleep in the said house, as defined in Schedule 5 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 50

Form of acknowledgement under section 94 to be obtained by landlord.

THE HOUSING (SCOTLAND) ACT 1966

Date.....19.....

To [1].....

I acknowledge having received from you in accordance with the provisions of section 94(1) of the above-mentioned Act a written statement, dated..... 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 51

Form of notice under section 181 *to occupier to remove from house after demolition order or clearance order has become operative.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... **.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

.....

Take notice that—

(1) on.....19....., the [3]..... the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section [4][15] [36] of that Act, made an order (hereinafter referred to as "the [4][demolition] [clearance] order") to the effect that:—

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

(*b*) the said building be demolished **within 3 months after the expiration of the said period, or,** if the building is not vacated before the expiration of the said period, **within 3 months after the date on which it is vacated;**

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

(3) in exercise of the powers conferred upon them by section 181 of the Act the local authority hereby require you to remove from the said house **on or before**[6].....

.....**19**.....

Dated.....19.....

.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

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

Subsections (1), (2) and (4) of section 181 of the Act 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* 181)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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]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 52

Form of notice under section 181 *to occupier to remove from house after closing order has become operative.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that—

(1) on.....19..... the [3]..... ....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 15 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**.....**19**.....;

(3) in exercise of the powers conferred upon them be section 181 of the said Act, the local authority hereby require you to remove from the said house **on or before** [5]..... .....**19**.....

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

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

Subsections (1), (2) and (4) of section 181 of the Act, 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* 181.)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

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 53

Form of notice under section 181 *to occupier to vacate an obstructive building in respect of which a demolition resolution has become operative.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

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

Take notice that—

(1) the [3]....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 56 of that Act, on.....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 2 months from the date on which the demolition resolution becomes operative;**

(2) the demolition resolution **became operative on**.....**19**.....; and

(3) in exercise of the powers conferred upon them by section 181 of the said Act, the local authority hereby require you to vacate [4][the said part of] the said building **before** [6].....**19**.....

Dated.....19.....

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

NOTES FOR YOUR INFORMATION

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

Subsections (1), (2) and (4) of section 181 of the Act 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* 181.)

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 54

[1]*Form of notice under section* 183 *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) ACT 1966

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

In accordance with the provisions of section 183 of the Housing (Scotland) Act 1966, I [5]....., hereby give notice that I, being a person duly authorised in writing by the [6]..... intend, on[7].....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 V of the said Act, the number of persons permitted to use the house for sleeping].

Dated.....19.....

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

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]**24 hours' notice** must be given.

[8]Entry must be at reasonable times.

FORM 55

[1]*Form of notice under section* 192 *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.*

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To [2].....

.....

Take notice that, in exercise of the powers conferred upon them by section 192 of the Housing (Scotland) Act 1966, the [3].....

the local authority under the said Act, hereby require you, **within 2 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.....19.....

.....

(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

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

Section 192 of the Act provides that a local authority may, for the purpose of enabling them to serve any order made by them under section 15 or section 18 of the Act or any notice which they are by the Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise. Section 192 further provides that any person who, having been so required by a local authority to give such information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5.

Notes for guidance in completing this form

[1]When form 45 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 56

Form of declaration of unfitness order under paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963

THE HOUSING (SCOTLAND) ACT 1966
LAND COMPENSATION (SCOTLAND) ACT 1963

[1]THE.....(DECLARATION OF UNFITNESS) ORDER 19.....

Whereas the [2].....(hereinafter called "the local authority") are a local authority for the purposes of the provisions of Part III of the Housing (Scotland) Act 1966, relating to clearance areas;

And Whereas the land comprising the house specified in the schedule hereto [(and coloured.....on the map annexed hereto)] is in the district of the local authority;

And Whereas [the land is within an area designated as the site of a new town and] it is proposed that the land should be acquired compulsorily under [3]..... in pursuance of [4].....;]

And Whereas the said house is, in the opinion of the local authority, unfit for human habitation and not capable at reasonable expense of being rendered so fit;

Now, therefore, the local authority, in exercise of the powers conferred on them by paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963, hereby declare the said house to be unfit for human habitation and not capable at reasonable expense of being rendered so fit.

This order may be cited as the [1]..... (Declaration of Unfitness) Order 19.....

Dated [5].....19.....

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

SCHEDULE

Description and situation of house	Owner or reputed owner

Notes for guidance in completing this form

[1]Insert suitable short title.

[2]Insert name of local authority.

[3]Specify relevant powers.

[4]Insert the title of any compulsory purchase order made or a reference to any notice served under section 17 of the Town and Country Planning (Scotland) Act 1947, or section 38 of the Town and Country Planning (Scotland) Act 1959, whichever is appropriate.

[5]See section 347 of the Local Government (Scotland) Act 1947, as to the signing of orders.

FORM 57

Form of notice under paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963 to owners, superiors and holders of heritable securities of the making of a declaration of unfitness order

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....

.....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966
LAND COMPENSATION (SCOTLAND) ACT 1963

[1]THE .....(DECLARATION OF UNFITNESS) ORDER 19.....

To [2].....

Take Notice that—

(I) the [3].....,, in exercise of the powers conferred on them by paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland Act 1963, made on.....19....., and are about to submit to the Secretary of State for confirmation the above-mentioned order (hereinafter referred to as "the unfitness order") declaring to be unfit for human habitation and not capable at reasonable expense of being rendered so fit the house specified in the first column of the schedule hereto, [and shown coloured..... on the map annexed to the unfitness order] being a house comprised in land which is the subject of a compulsory acquisition, being an acquisition [4].....
.....;

(II) the principal grounds upon which the local authority are of opinion that the said house is unfit for human habitation and not capable at reasonable expense of being rendered so fit are set out in the second column of the schedule hereto;

(III) any objection to the unfitness order must be made in writing stating the grounds on which it is made and must be lodged with the Secretary of State by being addressed to the Secretary, Scottish Development Department, 43 Jeffrey Street, Edinburgh, 1, on or before [5].....19.....

Dated.....19.....

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

SCHEDULE

Description and situation of house	Principal grounds upon which the local authority are of opinion that the house is unfit

NOTES FOR YOUR INFORMATION
(To be incorporated in the notice and any copies thereof)

If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections are withdrawn, the Secretary of State may, if he thinks fit, confirm the order, but in any other case he is required before confirming the order to consider any objection not withdrawn and, if either the person by whom the objection was made or the local authority so desire, he must afford that person and the authority an opportunity of appearing before and being heard by a person appointed by him for the purpose.

If the unfitness order is confirmed, the compensation (exclusive of any compensation for disturbance or for severance or for injurious affection) payable for a house to which the order applies, if it is purchased compulsorily in any of the ways mentioned in paragraph 1(1) of Schedule 2 to the Land Compensation (Scotland) Act 1963 and either—

(*a*) the compulsory purchase order was confirmed concurrently with or after the confirmation of the unfitness order, or

(*b*) where the acquisition is in pursuance of a notice to treat deemed to have been served as mentioned in paragraph 1(2)(*b*) of the said Schedule 2, the unfitness order was made before the date on which the notice to treat is deemed to have been served

will be the lesser of—

(i) the market value of the house as it stands,

(ii) the value of the site cleared of the house and available for development.

If the Secretary of State is satisfied that a house to which this order relates, notwithstanding its unfitness, has been well maintained, he may direct that the acquiring authority shall make a payment in respect of the house in accordance with section 49 of the Housing (Scotland) Act 1966.

The total amount payable in respect of the interest of the owner-occupier of a private dwelling excluding any compensation attributable to disturbance or to severance or injurious affection will not, in any event, be less than the gross annual value of the dwelling for rating purposes.

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 outstanding liabilities on certain agreements secured on or related to unfit houses may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

[1]Insert title of order.

[2]Insert name and address of person on whom the notice is to be served.

[3]Insert name of local authority making the order.

[4]Insert a reference to the appropriate provisions mentioned in paragraph 1(1) of Schedule 2 to the Land Compensation (Scotland) Act 1963.

[5]Insert a date not less than 28 days after the date of service of the notice.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations prescribe the forms in which orders, notices, advertisements, statements and other documents should be made under the provisions of the Housing (Scotland) Act 1966. They consolidate the regulations of 1960 and 1962 specified in regulation 1(3) with minor and drafting amendments.

In particular they take account of the consolidation in the Housing (Scotland) Act 1966 of the non-financial provisions of the Housing (Scotland) Acts 1950 to 1965 and of certain other enactments relating to housing in Scotland. In addition, warnings have been provided at the head of certain forms to try to ensure that recipients understand their purpose; a note has been included in appropriate forms, drawing the attention of recipients to the statutory provisions for discharging or modifying outstanding liabilities on unfit houses; and time limits and warnings have been emphasised by printing them in bold type.