STATUTORY INSTRUMENTS

1974 No. 1982 (S. 181)

HOUSING, SCOTLAND

The Housing (Forms) (Scotland) Regulations 1974

Made - - -	*26th November* 1974
Laid before Parliament	*20th December* 1974
Coming into Operation	*24th December* 1974

In exercise of the powers conferred upon me by section 197(1) of the Housing (Scotland) Act 1966(**a**) as read with, extended or applied by—

(*a*) sections 15, 18, 19, 20, 25, 30, 56, 92, 94, 181, 183 and 192 of the said Act of 1966,

(*b*) sections 24, 25 and 66 of and paragraph 3 of Schedule 2 to the Housing (Scotland) Act 1969(**b**),

(*c*) sections 2, 9(9), 18(3), 19(6), 20(3) and (4), 26(3), 33, 35(1) and (2) and 49(3) of and paragraph 7 of Schedule 2 to the Housing (Scotland) Act 1974(**c**), and

(*d*) paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963(**d**),

and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Housing (Forms) (Scotland) Regulations 1974 and shall come into operation on 24th December 1974.

Interpretation

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

(**a**) 1966 c. 49.
(**b**) 1969 c. 34.
(**c**) 1974 c. 45.
(**d**) 1963 c. 51.
(**e**) 1889 c. 63.

Revocation

3. The Housing (Forms) (Scotland) Regulations 1969(**a**) and the Housing (Forms) (Scotland) Regulations 1973(**b**) are hereby revoked except in so far as the forms so prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

4. The forms set out in the Schedule hereto or forms as near thereto as circumstances permit shall be the forms to be used for the purposes of the Housing (Scotland) Act 1966, the Housing (Scotland) Act 1969, the Housing (Scotland) Act 1974 and Schedule 2 to the Land Compensation (Scotland) Act 1963 in the cases to which those forms are applicable.

5.—(1) An order made by a local authority under section 33 of the Housing (Scotland) Act 1974 (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.
26th November 1974.

(**a**) S.I. 1969/1420 (1969 III, p. 4507). (**b**) S.I. 1973/757 (1973 I, p. 2409).

SCHEDULE

List of Forms

Housing (Scotland) Act 1966

Form	*Purpose*	*Reference to section of the Act*
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4	Notice of refusal of local authority to determine a closing order or demolition order	15(3)
5	Suspension order	15(4)(i)
6	Notice 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)
7	Notice of expiry of a suspension order	15(4)
8	Notice of renewal of a suspension order	15(4)
9	Order determining a suspension order	15(5)
10	Closing order in respect of a house comprised in a building for which a building preservation notice is in force or which is included in any list compiled or approved under section 52 of the Town and Country Planning (Scotland) Act 1972	18(1)
11	Order substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation notice has taken effect or which becomes included in a list compiled or approved under section 52 of the Town and Country Planning (Scotland) Act 1972	18(2)
12	Order determining a closing order in respect of a house subject to a building preservation notice or which has been included in a list compiled or approved under section 52 of the Town and Country Planning (Scotland) Act 1972	18(3) and 15(3)
13	Notice of refusal of local authority to determine a closing order made in respect of a house subject to a building preservation notice or which has been included in a list compiled or approved under section 52 of the Town and Country Planning (Scotland) Act 1972	18(3)
14	Demolition order on determination of closing orders	19
15	Notice to persons having control, owners and holders of heritable securities of determination to purchase a house or building	20
16	Notice to persons having control, owners and holders of heritable securities, of determination to purchase a house on the determination of closing orders	20 and 19
17	Notice that no well-maintained payment falls to be made	25(2) and 25(1)
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Form	*Purpose*	*Reference to section of the Act*
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	Forms to be used for Improvement and Repairs Grants	
32	Application for Improvement Grant or Repairs Grant	2(2)
33	Notice of Payment of Improvement Grant or Repairs Grant ..	9(9), 11(10)
34	Notice of Cessor or Partial Cessor of Conditions of Improvement Grant or Repairs Grant	9(9), 10(1), 11(10) and paragraph 7 of Schedule 2
35	Charging Order	9 and paragraph 8 of Schedule 2
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37	Draft resolution	15
38	Advertisement of the passing of a draft resolution	19(5)(a)
39	Notice to owners, lessees and occupiers of the passing of a draft resolution	19(5)(b)
40	Final resolution	20(1)(a)
41	Advertisement of the passing of a final resolution	20(3)(b)
42	Notice to owners, lessees and occupiers of the passing of a final resolution .. .. (See also Forms 71 and 72 which relate to the rescinding of a draft resolution.)	20(3)(c)
43	Compulsory purchase order	26(3)
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48	Advertisement of the passing of a draft resolution	19(5)(a)
49	Notice to owners, lessees and occupiers of the passing of a draft resolution	19(5)(b)
50	Final resolution	20(1)(a)

Form	*Purpose*	*Reference to section of the Act*
51	Advertisement of the passing of a final resolution	20(3)(b)
52	Notice to owners, lessees and occupiers of the passing of a final resolution (See also Forms 71 and 72 which relate to the rescinding of a draft resolution.)	20(3)(c)
53	Compulsory purchase order	26(3)
54	Advertisement of a compulsory purchase order	26(3)
55	Notice to owners, lessees and occupiers of a compulsory purchase order	26(3)
56	Advertisement and notice of confirmation of a compulsory purchase order	26(3)
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58	Advertisement of the passing of a draft resolution	19(5)(a)
59	Notice to owners, lessees and occupiers of the passing of a draft resolution	19(5)(b)
60	Final resolution	20(1)(a)
61	Advertisement of the passing of a final resolution	20(3)(b)
62	Notice to owners, lessees and occupiers of the passing of a final resolution (See also Forms 71 and 72 which relate to the rescinding of a draft resolution.)	20(3)(c)
63	Compulsory purchase order	26(3)
64	Advertisement of a compulsory purchase order	26(3)
65	Notice to owners, lessees and occupiers of a compulsory purchase order	26(3)
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	Forms to be used for compulsory purchase orders where only land adjoining a Housing Action Area is being acquired	
67	Compulsory purchase order	26(3)
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70	Advertisement and notice of confirmation of a compulsory purchase order	26(3)
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71	Advertisement of the rescinding of a draft resolution	20(1)(b)
72	Notice to owners, lessees and occupiers of the rescinding of a draft resolution	20(1)(b)
73	Order extinguishing a public right of way or closing or diverting a street	33
74	Notice of the making of an order extinguishing a public right of way or closing or diverting a street	33
75	Order controlling the occupation of houses in a housing action area	35(1)
76	Notice to persons having control, owners and occupiers, of the making of an order controlling the occupation of houses in a housing action area	35(2)
	Land Compensation (Scotland) Act 1963	
77	Declaration of failure to meet the tolerable standard order	Schedule 2
78	Notice to owners, superiors and holders of heritable securities of the making of a declaration of failure to meet the tolerable standard order	Schedule 2

FORM 1

Form of demolition order

WARNING

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

2. Details of any compensation which may be paid to you as a result of this order and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.

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 does not meet, or houses which do not meet, the tolerable standard and that the house or, as the case may be, the houses ought to be demolished;

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 6 weeks after the expiration of the said period,** or, if the building is not vacated before the expiration of the said period, **within 6 weeks after the date on which it is vacated.**

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

[5] .....

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 [6]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 brought up to the tolerable standard is accepted by the local authority and they suspend the demolition order, and the house is or the houses are brought up to the tolerable standard, application may be made under section 15(3) for determination (cancellation) of the demolition order —see note 19 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 brought up to the tolerable standard 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 brought up to the tolerable standard, 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 the 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.

Vacation of building

17. 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

(*a*) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of that building or house or any other building or house to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(*b*) in the case of a continuing offence to a further fine of £5 for every day, or part of a day, on which the occupation continues after conviction.

Outstanding liabilities

18. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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 brought up to the tolerable standard

19. 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 brought up to the tolerable standard 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]Insert name and designation of authorised officer.

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

FORM 2

[1]*Form of closing order*

WARNING

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

2. Details of any compensation which may be paid to you as a result of this order and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.

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]..... does not meet the tolerable standard and that it ought to be demolished;

Now, therefore, the local authority in exercise of the powers conferred upon them be 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.....

[6] .....

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 [7]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 authority accept the undertaking they make a suspension order, which has the effect of suspending the closing order.

4. If an undertaking that the house will be brought up to the tolerable standard is accepted by the local authority and they suspend the closing order, and the house is brought up to the tolerable standard, 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 brought up to the tolerable standard 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 brought up to the tolerable standard

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 brought up to the tolerable standard 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.**

Penalties

15. 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

(i) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of those premises or any other premises to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(ii) in the case of a continuing offence, to a further fine of £5 for every day or part of a day on which he so uses those premises, or permits them to be so used, after conviction.

Outstanding liabilities

16. Under section 18 of the Housing (Financial Provisions, &c) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses, which do not meet the tolerable standard 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]Insert name and designation of authorised officer.

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

FORM 3

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

WARNING

If you are in doubt about the effect of this order 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 brought up to the tolerable standard;

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

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

[6].....

NOTE FOR YOUR INFORMATION

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

If a payment has been made to you under section 18 of the Housing (Scotland) Act 1969 it may fall to be repaid under section 23 of the Act once the order has been determined.

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.

[6]Insert name and designation of authorised officer.

FORM 4

[1]*Form of notice 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 brought up to the tolerable standard, refuse to determine the said order.

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

[6].....

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 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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.

[6]Insert name and designation of authorised officer.

FORM 5

[1]*Form of suspension order*

WARNING

If you are in doubt about the effect of this order 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.....

[8].....

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 brought up to the tolerable standard.

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

[8]Insert name and designation of authorised officer.

FORM 6

[1]*Form of notice 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.....

[6].....

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.

[6]Insert name and designation of authorised officer.

FORM 7

[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.....

[6] .....

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 8 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.**

[6]Insert name and designation of authorised officer.

FORM 8

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.....

[5] .....

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.

[5]Insert name and designation of authorised officer.

FORM 9

[1]*Form of order determining a suspension order*

WARNING

If you are in doubt about the effect of this order 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.....

[7].....

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 undertakng was accepted.

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

[7]Insert name and designation of authorised officer.

FORM 10

Form of closing order in respect of a house comprised in a building for which a building preservation notice is in force or which is a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972.

WARNING

If you are in doubt about the effect of this order 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 does not] [houses which do not] meet the tolerable standard and the [3][house] [houses] ought to be demolished;

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

[3][And Whereas a building preservation notice under section 56 of the Town and Country Planning (Scotland) Act 1972 is in force in relation to the said building;]

[3][And Whereas the said building is a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972;]

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.....

[7].....

NOTES FOR YOUR INFORMATION

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

Power to make a closing order

1. Under section 18(1) of the Act, if a building is subject to a building preservation notice or is a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972, 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 [8]Appendix to these notes, are applied to a closing order made under section 18(1) of the Act.

(repeat notes 2 to 16 of Form 2)

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]Insert name and designation of authorised officer.
[8]Quote in an Appendix the whole of section 15.

FORM 11

Form of order substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation notice has been served or which becomes a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972.

Warning
If you are in doubt about the effect of this order 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 notice under section 56 of the Town and Country Planning (Scotland) Act 1972 has been served in relation to the said building;]

[3][And Whereas the said building has become a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972;]

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.....

[7].....

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 notice is served in relation to a building to which a demolition order applies, or the building becomes a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972, 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 [8]Appendix to these notes.

(repeat notes 2 to 16 of Form 2)

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]Insert name and designation of authorised officer.
[8]Quote in an Appendix the whole of section 15.

FORM 12

Form of order determining a closing order in respect of a house subject to a building preservation notice or which is a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972.

WARNING

If you are in doubt about the effect of this order 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 brought up to the tolerable standard;

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....

[4].....

NOTE FOR YOUR INFORMATION

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

If a payment has been made to you under section 18 of the Housing (Scotland) Act 1969 (see note 2 on the closing order) it may fall to be repaid under section 23 of the Act once the order has been determined.

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.

[4]Insert name and designation of authorised officer.

FORM 13

Form of a notice of refusal of local authority to determine a closing order in respect of a house subject to a building preservation notice or which is a listed building within the meaning of section 52 of the Town and Country Planning (Scotland) Act 1972.

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 brought up to the tolerable standard, refuse to determine the said closing order.

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

[5].....

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 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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.

[5]Insert name and designation of authorised officer.

FORM 14

Form of demolition order on determination of closing orders.

WARNING

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

2. Details of any compensation which may be paid to you as a result of this order and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.

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 as read with section 15 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 6 weeks after the expiration of the said period,** or, if the said building is not vacated before the expiration of the said period, **within 6 weeks after the date on which it is vacated.**

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

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

[5].....

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 [6]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.

Vacation of building

9. 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

(*a*) to a fine not exceeding £400, and in the case of a second or subsequent conviction in respect of that building or house or any other building or house to a fine not exceeding £400 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and

(*b*) in the case of a continuing offence to a further fine of £5 for every day, or part of a day, on which the occupation continues after conviction.

Outstanding liabilities

10. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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 brought up to the tolerable standard

11. 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 brought up to the tolerable standard 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]Insert name and designation of authorised officer.
[6]Quote in an Appendix subsections (2), (3), (7) and (8) of section 15 of the Act.

FORM 15

[1]*Form of notice to persons having control, owners 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 not meeting the tolerable standard;**
3. **that classification of a [2]house/building as not meeting the tolerable standard 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.**
6. **Details of any compensation which may be paid to you as a result of this determination and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.**

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].....does not meet the tolerable standard and ought to be demolished] [building [6].....] comprises only [2][a house which does not] [houses which do not] meet the tolerable standard and ought to be demolished;

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.....

[7].....

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 houses which do not meet the tolerable standard is as set out in the [8]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 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 21 of the Housing (Scotland) Act 1969. 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 1966 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 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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]A separate form of notice of determination to purchase (Form 16) is prescribed 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]Insert name and designation of authorised officer.

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

FORM 16

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

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 not meeting the tolerable standard;**
3. **that classification of a house as not meeting the tolerable standard 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 [2].....19.....;**
5. **that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 6 of *Notes for Your Information* below.**
6. **Details of any compensation which may be paid to you as a result of this determination and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.**

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 [3].....

Whereas 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 Part II of the Act, have made closing orders in respect of all the houses comprised in the building [5].....*,* none of which orders has been determined or is the subject of a suspension order;

And Whereas the house [6].....
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.....

[7].....

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* 15)

Notes for guidance in completing this form

[1]A separate form of notice of determination to purchase (Form 15) is prescribed where the local authority would otherwise be empowered by section 15 of the Act to make a closing order or demolition order under that section.

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

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

[4]Insert name of the local authority.

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

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

[7]Insert name and designation of authorised officer.

FORM 17

Form of notice that no well maintained payment falls to be made

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.....

[4].....

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.

[4]Insert name and designation of authorised officer.

FORM 18

Form of charging order

THE HOUSING (SCOTLAND) ACT 1966

CHARGING ORDER

The [1]....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred on them by section 30(1) 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 30 years from the date of this order.

SCHEDULE

Description of subjects[4] (1)	Name and designation of owner (2)	Name of occupier (3)	Parish (4)	County (5)

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

[6].....

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert in words the amount of the annuity. This is to be calculated by reference to (*a*) the expenses incurred by the local authority in relation to the house or building and (*b*) a sum determined by the local authority under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969 as amended.

[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 Housing (Scotland) Act 1966 as to the signing and sealing of orders.

[6]Insert name and designation of authorised officer.

FORM 19

Form of notice 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.....

[6].....

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.**

[6]Insert name and designation of authorised officer.

FORM 20

Form of licence 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.....

[7].....

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.**

[7]Insert name and designation of authorised officer.

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 21

Form of notice 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.....

[5].....

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.**

[5]Insert name and designation of authorised officer.

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 22

Form of statement of permitted number of persons.

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 in 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 23

Form of acknowledgement 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 24

Form of notice to occupier to remove from house after demolition 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 demolition order") to the effect that:—

(*a*) the building in which the said house is comprised be vacated **within** [4]..... **days from the date on which the order became operative;**

(*b*) the said building be demolished **within 6 weeks after the expiration of the said period, or,** if the building is not vacated before the expiration of the said period, **within 6 weeks after the date on which it is vacated;**

(2) the demolition 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** [5].....**19**.....

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

[6].....

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, as amended by the Housing (Scotland) Act, 1974, which provide *inter alia* for the recovery of possession of buildings subject to a demolition 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 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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 that was specified in the order by which the house was to be vacated, or 28 days from the service of this notice, whichever day may be the later.**
[6]Insert name and designation of authorised officer.

FORM 25

Form of notice 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 by 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.....

[6].....

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, as amended by the Housing (Scotland) Act, 1974, 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 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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.**

[6]Insert name and designation of authorised officer.

FORM 26

Form of notice 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 purposes 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.....

[7].....

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 as amended by the Housing (Scotland) Act 1974, 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.**
[7]Insert name and designation of authorised officer.

FORM 27

[1]*Form of notice 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 (after 15 May 1975 the relevant authority will be section 192 of the Local Government (Scotland) Act 1973).

[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 28

Form of notice 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 [1].....

.....

Take notice that, in exercise of the powers conferred upon them by section 192 of the Housing (Scotland) Act 1966, the [2].....,
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 [3].....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.....

[4].....

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 or the Housing (Scotland) Acts 1969 and 1974 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]Insert the name and residence or the place of business of the person to whom the notice is addressed.

[2]Insert the name of the local authority.

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

[4]Insert name and designation of authorised officer.

FORM 29

Form of notice 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 1969

To [1].....the person having control of the house[2] .....
Take notice that:—

(1) the [3].....the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the above-mentioned house is in a state of serious disrepair; and

(2) in exercise of the powers conferred upon them by section 24(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, bring the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house, namely [5].....

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

[6].....

NOTES FOR YOUR INFORMATION

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

1. The person having control of a house is defined in section 208(2) of the Housing (Scotland) Act 1966 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.

2. Section 24(4) of the Housing (Scotland) Act 1969 provides that where a local authority are of the opinion that a house in their district is in need of repair although not in a state of serious disrepair and that it is likely to deteriorate rapidly, or to cause material damage to another house, if nothing is done to repair it, they may deem it to be in a state of serious disrepair for the purposes of section 24.

3. Any person aggrieved by this notice may, in accordance with the provisions of section 27 of the Act, appeal to the Sheriff against the notice, and may also appeal to the Sheriff 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 25(2) of the Act with respect to any such expenses, or against a charging order with respect to any such expenses made by the local authority in accordance with the provisions of Schedule 2 to the Act. 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 under section 25(2) or a charging 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).

4. Subsections (2) and (3) of section 24 and subsections (1), (2) and (3) of section 25 provide as follows:—

(*Here quote subsections* (2) *and* (3) *of section* 24 *and subsections* (1), (2) *and* (3) *of section* 25.)

5. 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.)

6. Section 26 of the Act, which relates to the recovery by lessees of a proportion of expenses incurred in repairing a house, provides as follows:—

(*Here quote the whole of section* 26.)

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.

[6]Insert name and designation of authorised officer.

FORM 30

Form of order declaring expenses incurred by a local authority in executing works on a house in a state of serious disrepair to be payable by weekly, monthly, half-yearly or annual instalments.

WARNING

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

THE HOUSING (SCOTLAND) ACT 1969

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 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 24(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 bring the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house;

And whereas the said notice has not been complied with, the local authority, in exercise of the powers conferred upon them by section 24(2) of the Act, have done the works 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 bringing the above-mentioned house up to the said standard of repair but which could not reasonably have been ascertained to be required 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 25(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.....

[11].....

NOTES FOR YOUR INFORMATION

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

1. By section 25(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.

2. Any person aggrieved by this order may in accordance with the provisions of section 27 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 24(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 bringing the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house but which could not reasonably have been ascertained to be required 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 the rate fixed under section 121(2) of the Local Government (Scotland) Act 1973.

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

[10]See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

[11]Insert name and designation of authorised officer.

FORM 31

Form of charging order.

THE HOUSING (SCOTLAND) ACT 1969

CHARGING ORDER

The [1].....the local authority under the Housing (Scotland) Act 1969, in exercise of the powers conferred on them by paragraph 1 of Schedule 2 to 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 30 years from the date of this order.

SCHEDULE

Description of subjects[4] (1)	Name and designation of owner (2)	Name of occupier (3)	Parish (4)	County (5)

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

[6].....

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert in words the amount of the annuity. This is to be calculated by reference to (*a*) the expenses incurred by the local authority in relation to the house or building and (*b*) a sum determined by the local authority under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969 as amended.

[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 Housing (Scotland) Act 1966 as to the signing and sealing of orders.

[6]Insert name and designation of authorised officer.

FORM 32

Form of application to local authority for improvement grant or repairs grant.

READ THE NOTES ATTACHED BEFORE COMPLETING THIS FORM

This form should be completed and sent to the Council in whose area the house is situated. A separate application must be made for each separate building to be improved. (One building may of course contain a number of separate houses.)

THE IMPROVEMENT WORK SHOULD NOT BE STARTED BEFORE THE COUNCIL HAVE GIVEN APPROVAL IN WRITING TO THE APPLICATION FOR GRANT. IF YOU START WORK BEFORE THE APPLICATION IS APPROVED THE COUNCIL MAY NOT BE ABLE TO GIVE GRANT. YOU SHOULD, THEREFORE, ENSURE THAT ANY PERSON ACTING FOR YOU IN THESE MATTERS DOES NOT START WORK BEFORE YOU HAVE THE APPROVAL OF THE COUNCIL IN WRITING.

A CONSENT GIVEN FOR PLANNING OR BUILDING REGULATIONS PURPOSES WHICH MAY ALSO BE REQUIRED IS NOT SUFFICIENT.

THE HOUSING (SCOTLAND) ACT 1974

APPLICATION FOR [IMPROVEMENT GRANT] [REPAIRS GRANT]

I/We hereby make application to the Council for [improvement] [repairs] grant in respect of the works proposed to be carried out on the under-mentioned property in accordance with the particulars given below and with the plans of the house (or buildings) before and after improvement and specifications which accompany this application.

*(I/We desire payment by instalments as the work proceeds).

Date..... Signature of [Applicant] [Agent].....

Address .....

* *Delete if not applicable.*

1. Address of property to be [improved or converted] [repaired]. .....
.....

2. (*a*) Full name and address of applicant. .....
.....
.....

(*b*) Name and address of agent (if applicable). .....
.....
.....

3. Was the house built or provided by conversion after 15 June 1964 (*see Note* 1)? .....

4. (*See Note* 2).

(*a*) State whether you are the owner or the lessee of the house. .....
.....

(*b*) If the lessee, when does the lease end? .....

(*c*) Has the occupier, if other than the applicant, agreed to the work being done? .....

5. (*See Note* 2).

(*a*) Is the house security for a loan? .....

(*b*) If so, give name and address of lender. .....
.....
.....
.....

(*c*) Has the lender given any necessary consent to the making of this application? .....

6. (*See Note* 3).
If the application for improvement grant relates to a building which at the date of the application already consists of or includes a house, please state:

(*a*) Whether on completion of the works the house is to be occupied by the owner? .....

(*b*) The rateable value of the house at the date of this application. .....

7. If on completion of the works the house is to be occupied by the owner, or a member of his family, state whether the house will be his only or his main residence. (*See Note* 4.) .....
.....

8. (*See Note* 5.)

(*a*) Has grant or assistance ever been given in respect of the property under any of the enactments mentioned in section 5(5) of the Housing (Scotland) Act 1974? .....

(*b*) If so, say when. .....

(*c*) Is an application for assistance under any of these enactments pending? .....

9. Give a short description of the existing accommodation. .....

10. Is the property situated in a Housing Action Area? (*See Note* 11.) .....

If it **is,**

(*a*) are the improvement works for which grant is sought necessary to bring the house up to the standard specified for the area: .....

(*b*) will the house satisfy the standard specified for the area when the proposed improvement and repair works are completed? .....

11. The standard amenities existing or to be provided for the first time for the exclusive use of the occupants are listed at (*a*) to (*g*) below. If reasonably practicable the fixed bath must be in a bathroom. (*See Notes* 6 *to* 10.)

Standard Amenities	Enter a tick in appropriate columns Amenity already available.	Amenity to be provided for the first time.
(*a*) a fixed bath or shower.	.....	.....
(*b*) a hot and cold water supply at a fixed bath or shower.	.....	.....
(*c*) a wash-hand basin.	.....	.....
(*d*) a hot and cold water supply at a wash-hand basin.	.....	.....
(*e*) a sink.	.....	.....
(*f*) a hot and cold water supply at a sink.	.....	.....
(*g*) a water closet.	.....	.....

12. Do you claim that it is not practicable at reasonable expense to provide the house with all the standard amenities? (If so say why). (*See Note* 6.) .....

13. (*See Notes* 7—9). Please give details of estimated cost together with brief details of the proposed work. Complete (*a*) or (*b*) or (*c*).

(*a*) Where application relates to Improvement Works including provision of standard amenities where appropriate:—

(i) Works to provide standard amenities. .....

(ii) Other improvement works. .....

(iii) Other works of repair or replacement for which applicant wishes to apply for grant. .....

(iv) Professional fees. .....

(*b*) Where application relates only to the provision of standard amenities:—

(i) Works to provide standard amenities. .....

(ii) Other works of repair or replacement for which applicant wishes to apply for grant. .....

(iii) Professional fees. .....

(*c*) Application for Repairs Grant:— Repair work needed to bring the house up to the standard specified for the area (this grant can only be offered on its own if the house is in a housing action area). (*See Note* 11.)

14. Name and address of person who prepared the plans and specifications. .....

.....

.....

15. When is it intended the works should

(*a*) Start? .....

(*b*) Finish? .....

16. Is the property a listed building within the meaning of Part IV of the Town and Country Planning (Scotland) Act, 1972, or is it subject to a building preservation notice under section 56 of that Act. .....

NOTES

Further details of the grants available may be obtained at the offices of the local authority.

Depending on the nature of the work to be done, planning permission may have to be obtained from the local planning authority. It may also be necessary to obtain warrant from the buildings authority. Advice should be sought at the offices of the local authority. Approval for building regulation purposes or approval for planning purposes are not the same as grant approval.

Any grant-aided works must be carried out to the satisfaction of the Council. Inspection by officials of the Council will therefore normally be necessary.

If the local authority do not approve the application or if they fix as the amount of grant an amount less than that which may be fixed under the Statute they must notify the applicant in writing of the grounds on which they have decided to do so.

THE FOLLOWING NOTES ARE INTENDED TO ASSIST YOU IN COMPLETING THE FORM

1. Houses built or provided by conversion after 15 June 1964 will not qualify for grant except by direction of the Secretary of State.

2. The applicant must be the owner of the house or the lessee under a lease with not less than five years to run. If the applicant is not the occupier of the house, the occupier's consent to the proposed improvements should be obtained before making the application. (In general a landlord may not carry out improvements without the consent of the tenant but see Note 11 (*e*) below.) If the house is security for a loan, the building society or other lender should be notified of the application for grant. A copy of any necessary letter of consent from lender or tenant should be attached to this application.

3. Houses with a rateable value above a prescribed limit, and which on completion of the works are to be occupied by the owner, may be excluded from grant. Further particulars may be obtained from the local authority.

4. It is a condition of grant that the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965. Broadly the effect of this provision is that second or holiday homes are not eligible for improvement or repairs grants and a breach of the conditions of grant occurs if a house becomes used as such while the conditions of grant apply.

5. Section 5(5) of the Housing (Scotland) Act 1974 provides that, where grant or assistance has been given in respect of a house under

Part II of the Housing (Financial Provisions) (Scotland) Act 1968 (*i.e.* an improvement or standard grant),
Part I of the Housing (Scotland) Act 1974 (*i.e.* an improvement or repairs grant),
Section 1 of the Hill Farming Act 1946,
Section 77 of the Agriculture (Scotland) Act 1948,
Section 100(1)(*b*) of the Housing (Scotland) Act 1950,
Section 22(2) of the Crofters (Scotland) Act 1955,
Section 44 of the Housing (Financial Provisions) (Scotland) Act 1968,

any improvement grant made under the 1974 Act within 10 years of the payment of any such grant or assistance (or the final instalment of it) must be reduced by the unrepaid amount, if any, of the previous grant or assistance.

6. To qualify for a grant the house after improvement must normally be provided with all the standard amenities listed in Question 11 for the exclusive use of the occupants. If the Council consider in the circumstances of any application that all of the amenities cannot or should not reasonably be provided, they may still pay a grant provided that at least the amenities referred to at (*e*), (*f*) and (*g*) are provided but in such cases applicants must give their reasons for not providing all of the amenities.

7. (*a*) The improvement works can include alteration and enlargement and such repairs and replacements as are needed, in the opinion of the local authority, for the purpose of enabling the house to attain a good state of repair.

(*b*) The proportion of the cost of repairs and replacements in the approved expenes determined by the local authority in approving an application for improvement grant cannot exceed 50% of the approved expense.

8. If the Council are satisfied that after the works specified in the application are carried out the house will meet the tolerable standard and will be available for use for at least 10 years they *must* give grant for the provision for the first time of the standard amenities as listed in Question 11 of this form. If they are not so satisfied they *may* give a grant if they see fit (but see Note 6 above). The Council will not normally give a grant where they consider that the house will be available for use for less than 7 years.

9. If after the application is approved, the Council are satisfied that owing to circumstances beyond the control of the applicant the expense of the works will exceed the estimate contained in the application, they may on production of a further estimate substitute a higher amount as the amount of the approved expense.

10. If the house is to be let it may be affected by the provisions of Part VI of the Rent (Scotland) Act 1971.

HOUSING ACTION AREAS

11. The owner, lessee and/or occupier will already have been informed by the Council if the house is situated in an area for which the Council have made a final resolution declaring it to be a housing action area for improvement, or for demolition and improvement. The following conditions apply in such a housing action area:—

(*a*) The Council are empowered to secure that all houses in the area (other than any to be demolished in a housing action area for demolition and improvement) are brought up to the standard which they have specified for the area. The specified standard is that houses must meet the tolerable standard and must be in a good state of repair having regard to their age, character and locality. (The state of internal decorative repair is disregarded for this purpose.) If the Council are satisfied that the houses in the area have a future life of at least 10 years they may also specify that all the houses must be provided with all of the standard amenities.

(*b*) The Council must give grant for improvement works which in their opinion are required to bring a house up to the standard specified.

(*c*) Grant will be payable on approved improvement work at the rate of 75% of the approved expense (or up to 90% if the Council considers that the applicant cannot without undue hardship finance his share of the cost).

(*d*) Grant can be paid on the cost of repairs which are not associated with improvements but which are, in the opinion of the local authority, needed to enable the house to meet the standard specified for the area. In considering whether to approve an application for a repairs grant the Council have to decide whether an applicant could pay the whole cost of the repairs without undue hardship. Any person applying for this grant may therefore be asked to provide details of income and other assets and commitments.

(*e*) The owner of a house can require a tenant to vacate it if it is required for integration with other property in terms of the resolution, or to allow access to or temporarily to vacate the house for such time as is needed to carry out necessary improvements or repairs. If the tenant refuses to allow access or to vacate the house the owner can apply to the Sheriff for an order requiring him to do so.

FORM 33

Form of Notice of Payment of Improvement Grant or Repairs Grant.

THE HOUSING (SCOTLAND) ACT 1974

NOTICE OF PAYMENT OF [1][IMPROVEMENT GRANT] [REPAIRS GRANT]

[1][Whereas the [2].....
the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act") have, in accordance with the provisions of the Act, paid to [3].....
an improvement grant of [4]£.....in respect of improvement works relating to the house described in the Schedule hereto;

Now therefore notice is hereby given, in accordance with the provisions of section 9(9) of the Act, that:—]

[1][Whereas the [2].....
the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act") have, in accordance with the provisions of the Act, paid to [3].....
a repairs grant of [4]£.....in respect of the works of repair to the house described in the Schedule hereto;

Now therefore notice is hereby given, in accordance with the provisions of section 9(9) as read with section 11(10) of the Act, that:—]

1. For a period of five years commencing on [5].....19....., the following conditions shall be observed with respect to the said house:—

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

(*b*) the house shall not be occupied by the owner or a member of his family except as his only or main residence within the meaning of section 29 of the Finance Act 1965;

(*c*) all steps as are practicable shall be taken to secure the maintenance of the house in a good state of repair;

[1][(*d*) the house at all times at which it is not occupied by the applicant or by a member of his family will be let or kept available for letting.]

2. [1][(*a*)] In the event of a breach of any of the conditions specified [1][at (*a*) (*b*) and (*c*) in paragraph 1] above at a time when they are required as aforesaid to be observed with respect to the said house, there shall, on being demanded by the local authority, forthwith become payable to them by the owner for the time being of the said house the whole amount of any sums paid by the local authority by way of [1][improvement grant] [repairs grant] in respect of the expenses incurred for the purpose of executing the said [1][improvement works] [works of repair], together, in the case of each such sum, with interest thereon (as defined in paragraph 9 of Schedule 2 to the Act) for the period from the date of payment of the [1][final instalment of the] grant by the authority to the date of repayment of the grant to the authority.

[1][(*b*) In the event of a breach of the condition specified at (*d*) in paragraph 1 above at a time when it is required as aforesaid to be observed with respect to the said house, the local authority may if they consider it reasonable for them to do so decide not to recover the sums paid by them by way of [1][improvement] [repairs] grant or, where they do not so consider, recover from the owner for the time being of the said house the whole amount of any sums paid by them by way of [1][improvement] [repairs] grant or the appropriate amount (as defined

in paragraph 9 of Schedule 2 to the Act) of the grant which may be outstanding together with interest (as so defined) for the period from the date of payment of the [1][final instalment of the] grant by the authority to the date of repayment of the whole amount or appropriate amount of the grant to the authority as the case may be.

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

[6].....

SCHEDULE

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

Notes for guidance in completing this form

[1]Delete in so far as not applicable.

[2]Insert the name of the local authority.

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

[4]Insert in words the appropriate amount.

[5]Insert the date from which the period begins in accordance with section 9(1) of the Act.

[6]Insert name and designation of authorised officer.

[7]Describe the house sufficiently to identify it for the purpose of recording in the General Register of Sasines, eg.,
"All and Whole .....
[in the County of.....] [in the Burgh of.....and the County of .....] being [part of the] subjects described in (Disposition, etc) by.....
..... in favour of.....
dated..... and recorded in the Division of the General Register of Sasines applicable to the County of.....
..... on..... 19....."

A separate notice should be used for each resultant house.

FORM 34

Form of Notice of Cessor or Partial Cessor of Conditions of Improvement Grant or Repairs Grant

THE HOUSING (SCOTLAND) ACT 1974

NOTICE OF [1][PARTIAL] CESSOR OF CONDITIONS OF [1][IMPROVEMENT GRANT] [REPAIRS GRANT]

Whereas by Notice of Payment of [1][Improvement Grant] [Repairs Grant] amounting to [2]£.....paid to[3]..... dated.....19..... and recorded in the Division of the General Register of Sasines applicable to the County of.....on .....19....., it is provided that there shall with respect to the house described in the schedule hereto be observed certain conditions specified in the said Notice;

And Whereas, in accordance with the provisions of [1][section 10 of] [paragraph [3] [5] of Schedule 2 to] the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") [1][as read with section 11(10) of the Act] observance of [1][all the conditions in] [condition (*d*) in paragraph 1 of] the said Notice of Payment has ceased to be requisite with respect to the said house;

Now therefore the [4]....., as the local authority under the Act, hereby give notice, in accordance with the provisions of paragraph 7 of Schedule 2 to the Act, that, as from [5]..... .....19..... [1][all the conditions in] [condition (*d*) in paragraph 1 of] the said Notice of Payment of [1][Improvement Grant] [Repairs Grant] no longer [1][apply] [applies] to the said house.

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

[6].....

SCHEDULE

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

Notes for guidance in completing this form

[1]Delete in so far as not applicable.

[2]Insert in words the amount of the sum as in the notice of payment of grant.

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

[4]Insert the name of the local authority.

[5]Insert the appropriate date of cessation of the conditions in accordance with paragraph 3 or 5 of Schedule 2 to the Act.

[6]Insert name and designation of authorised officer.

[7]Repeat the description contained in the schedule in the relevant recorded notice of payment of improvement or repairs grant. A separate notice should be used for each house.

FORM 35

Form of charging order under paragraph 8 *of Schedule* 2 *as read with section* 11(10) *in respect of improvement grant or repairs grant.*

THE HOUSING (SCOTLAND) ACT 1974

CHARGING ORDER

The [1].....,, the local authority under the Housing (Scotland) Act 1974 in exercise of the powers conferred upon them by paragraph 8 of Schedule 2 to that Act, [2][as read with section 11(10) thereof] 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 [3].....payable on [4]..... .....19..... and in every year for the term of 30 years from the date of this order.

[6].....

SCHEDULE

Description of Subjects[5]	Name and designation of owner	Name of Occupier	Parish	County

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Delete in so far as not applicable.

[3]Insert in words the amount of the annuity. This is to be calculated by reference to (*a*) the sum payable as provided in paragraphs 1 or 3 of Schedule 2 to the Act and (*b*) a sum determined by the local authority under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969.

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

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

[6]Authenticate in the manner appropriate to the authority making the Order giving date and place of making.

FORM 36

Form of discharge of charging order made under paragraph 8 of Schedule 2 as read with section 11(10) in respect of improvement grant or repairs grant.

THE HOUSING (SCOTLAND) ACT 1974

DISCHARGE OF CHARGING ORDER

The [1].....,, the local authority under the Housing (Scotland) Act 1974 in consideration of the sum of £..... paid to them by [2]..... hereby discharge the charging order for an annuity of [3]..... made by them on.....19..... and recorded in the Division of the General Register of Sasines applicable to the County of..... on.....19.....

[4].....

Notes for guidance in completing this form

[1]Insert the name of the local authority.

[2]Insert the name and designation of the person making payment.

[3]Insert in words the amount of the sum payable as in the charging order.

[4]Authenticate in the manner appropriate to the authority making the Order giving date and place of making.

FORM 37

[1]*Form of draft resolution in respect of a housing action area for DEMOLITION.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR DEMOLITION DRAFT RESOLUTION 19.....

WHEREAS the [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that—

(*a*) the houses, or the greater part of the houses, in the area of their district described in the Schedule to this Draft Resolution do not meet the tolerable standard, and

(*b*) the most effective way of dealing with the area is by securing the demolition of all the buildings in the area;

AND WHEREAS at least part of each building in the area consists of a house which does not meet the tolerable standard;

[4][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:—.....;]

[4][AND WHEREAS the Secretary of State has not issued a direction in the terms of section 18(1) of the Act;]

AND WHEREAS [5][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part II of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their demolition;]

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 15 of the Act[6] [and in accordance with the terms of the said direction] hereby make the following DRAFT RESOLUTION:—

(1) It is proposed that the area of land shown edged yellow and coloured brown on the map signed and sealed and marked as relative hereto shall be known as the [2]..... Housing Action Area for Demolition.

(2) It is proposed to secure the demolition of all the buildings listed in the Schedule to this Draft Resolution.

(3) This Draft Resolution may be cited as the [2]..... .....Housing Action Area for Demolition Draft Resolution 19.....

[7].....

SCHEDULE

Part I

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

A. *Houses below the tolerable standard.*

B. *Houses which meet the tolerable standard.*

C. *Other parts of buildings.*

Part II

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a draft resolution in respect of a housing action area for DEMOLITION, *i.e.* in which ALL the buildings in the area are to be demolished.

Form 47 should be used for a draft resolution in respect of a housing action area for IMPROVEMENT and Form 57 for a draft resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable and where appropriate also delete the words at [6].

[5]Delete the words which are not applicable.

[6]See Note [4].

[7]The copies of the Draft Resolution to be submitted to the Secretary of State and provided for inspection as required by section 19 of the Act, should be certified as a true copy of the Draft Resolution contained in the minutes of the Council giving relevant date of meeting.

FORM 38

[1]*Form of advertisement of the making of a draft resolution declaring an area to be a housing action area for DEMOLITION.*

THE HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR

DEMOLITION

The [3]..... propose to demolish all the buildings in the area[4].....

A copy of the draft resolution and accompanying map detailing these proposals can be seen, free of charge, at [5]..... between the hours of [6]..... and.....

Representations on these proposals should be made in writing to the local authority at [7]..... on or before [8].....

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

[9].....

Notes for guidance in completing this form

[1]This form should be used for advertisement of the making of the draft resolution for a housing action area for DEMOLITION that is in which it is proposed to secure the demolition of **all of the buildings** in the area.

[2]Insert the name of the housing action area.

[3]Insert the name of the local authority.

[4]Insert a brief description of the area.

[5]Insert the address of the place of deposit of the draft resolution and map.

[6]Insert the times when the draft resolution and map can be inspected which should be such as to afford reasonable opportunities for inspection.

[7]Insert the address to which representations should be sent.

[8]Insert a date not less than two months from the date of service of the notice required under section 19(5)(*b*) of the Act.

[9]Insert name and designation of authorised officer.

FORM 39

[1]*Form of notice to owners, lessees and occupiers of the making of a draft resolution declaring an area to be a housing action area for DEMOLITION.*

READ THIS NOTICE CAREFULLY
IT MEANS THAT HOUSES MAY HAVE TO BE

DEMOLISHED

MORE INFORMATION MAY BE OBTAINED FROM
[2].....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

DEMOLITION

To [4].....

1. On [5]..... the [6].....passed a draft resolution proposing that all the buildings in the [3]..... ..... Housing Action Area for Demolition should be demolished.

2. Your [7][house] [shop] [property] at..... ..... is in this area and therefore, in the opinion of the Council, it should be demolished.

3. The Council's proposals for the area as a whole are shown in the [8]enclosed Schedule. The draft resolution and map can be seen free of charge at [2]..... ..... between the hours of [9]..... and.....when Council staff will be glad to discuss them with you.

4. You have a right to make representations to the Council within two months of the date of this notice about these proposals. The Council are obliged to have regard to any representations before any final decision is made regarding the area. Representations should be made in writing to [2]..... .....

5. If these proposals are finally proceeded with and if, in the opinion of the Council, the objectives set out in the resolution will not be achieved by the voluntary action of the owners of the properties in the area the Council may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making a final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[10][**6.** You should note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given above. The tolerable standard is described in the notes attached.]

7. If you do not fully understand this notice, you should ask for guidance from Council officials at [2].....
or consult a Solicitor.

8. The Council have an obligation to notify you of their final decisions regarding the area.

Dated.....19..

[11].....

NOTES FOR YOUR INFORMATION

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

THE TOLERABLE STANDARD

A house meets the tolerable standard only if it—

(*a*) is structurally stable;

(*b*) is substantially free from rising or penetrating damp;

(*c*) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(*d*) has an adequate piped supply of wholesome water available within the house;

(*e*) has a sink provided with a satisfactory supply of both hot and cold water within the house;

(*f*) has a water closet available for the exclusive use of the occupants of the house and suitably located within the house;

(*g*) has an effective system for the drainage and disposal of foul and surface water;

(*h*) has satisfactory facilities for the cooking of food within the house;

(*i*) has satisfactory access to all external doors and out-buildings.

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a draft resolution in respect of a housing action area for DEMOLITION, that is in which it is proposed to secure the demolition of ALL the buildings in the area.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete words not applicable.

[8]A copy of the schedule to the draft resolution should be enclosed.

[9]Insert times which should be such as to afford reasonable opportunities for inspection.

[10]Delete where the notice does not refer to a house.

[11]Insert name and designation of authorised officer.

FORM 40

[1]*Form of final Resolution in respect of a Housing Action Area for DEMOLITION.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR DEMOLITION RESOLUTION 19.....

WHEREAS the [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that—

(*a*) the houses, or the greater part of the houses, in the area of their district described in the Schedule to this Resolution do not meet the tolerable standard, and

(*b*) the most effective way of dealing with the area is by securing the demolition of all the buildings in the area;

AND WHEREAS at least part of each building in the area consists of a house which does not meet the tolerable standard;

[4][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:— .....;]

[4][AND WHEREAS the Secretary of State has not issued a direction in the terms of section 18(1) of the Act;]

AND WHEREAS [5][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part II of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their demolition;]

AND WHEREAS the local authority—

(*a*) made on .....19..... the ..... Housing Action Area for Demolition Draft Resolution 19.....,

(*b*) submitted it to the Secretary of State on ..... and have not been directed to rescind it,

(*c*) published and served Notice of the Draft Resolution in accordance with the terms of section 19 of the Act, and

(*d*) have had regard to all representations made to them, within two months of such publication and service;

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 20 of the Act [6][and in accordance with the terms of the said direction] hereby make the following RESOLUTION:—

(1) The area of land shown edged yellow and coloured brown on the map signed and sealed and marked as relative hereto shall be known as the [2]..... Housing Action Area for Demolition

(2) The buildings listed in the Schedule to this Resolution will be demolished.

(3) This Resolution may be cited as the [2]..... Housing Action Area for Demolition Resolution 19.....

[7].....

SCHEDULE

Part I

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)
A *Houses below the tolerable standard.*			
B *Houses which meet the tolerable standard.*			
C *Other parts of buildings.*			

Part II

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a final resolution in respect of a housing action area in which ALL the buildings in the area are to be demolished.

Form 50 should be used for a final resolution in respect of a housing action area for IMPROVEMENT and Form 60 for a final resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable and where appropriate also delete the words at [6].

[5]Delete the words which are not applicable.

[6]See Note [4].

[7]The copies of the Resolution to be submitted to the Secretary of State and provided for inspection as required by section 20 of the Act should be certified as a true copy of the Resolution contained in the minutes of the Council giving the relevant date of meeting.

FORM 41

[1]*Form of advertisement of the making of a final resolution declaring an area to be a housing action area for DEMOLITION.*

THE HOUSING (SCOTLAND) ACT, 1974

[2]THE .....

HOUSING ACTION AREA FOR

DEMOLITION

1. On [3]..... the [4]..... passed a draft resolution proposing that all the houses in the area [5]..... ..... should be demolished.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [6][without modification] [with certain modifications].

3. The effect of this resolution is that the Council will now take steps to secure the demolition of all the buildings in the area.

4. A copy of the final resolution and accompanying map detailing these proposals can be seen, free of charge at [7]..... between the hours of [8]..... and.....

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

[9].....

Notes for guidance in completing this form

[1]This form, should be used for advertisement of the making of a final resolution in respect of a housing action area for DEMOLITION, that is in which it is proposed to secure the demolition of all the buildings in the area.

[2]Insert title of housing action area.

[3]Insert date of making of draft resolution.

[4]Insert name of the local authority.

[5]Insert a brief description of the area.

[6]Delete the words not applicable.

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

[8]Insert the times when the final resolution can be seen which should be such as to afford reasonable opportunities for inspection.

[9]Insert name and designation of authorised officer.

FORM 42

[1]*Form of notice to owners, lessees and occupiers of the making of a final resolution declaring an area to be a housing action area for DEMOLITION*

READ THIS NOTICE CAREFULLY

IT MEANS THAT HOUSES WILL HAVE TO BE

DEMOLISHED

MORE INFORMATION MAY BE OBTAINED FROM

[2].....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

DEMOLITION

To [4].....

1. On [5]..... you were notified that the [6]..... ..... had passed a draft resolution proposing that all the buildings in the [3]..... Housing Action Area for Demolition should be demolished.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [7][without modification] [with modifications as follows:— .....].

3. This means that the Council have decided that your property at..... ..... [7][should be demolished] [is no longer affected by the Council's proposals].

4. The Council's final proposals for the area as a whole are shown in the [8]enclosed Schedule. The Resolution and map can be seen free of charge at [2]..... between the hours of [9]..... and..... when Council staff will be glad to discuss them with you.

5. If in the opinion of the Council the objectives set out in the Resolution will not be achieved by the voluntary action of the owners of the properties in the area, they may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making the final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[10][**6.** You should note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given above.]

7. If you do not fully understand this Notice, you should ask for guidance from Council officials at [2].....
or consult a Solicitor.

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

[11].....

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a final resolution in respect of a housing action area for DEMOLITION that is in which it is proposed to secure the demolition of ALL the buildings in the area.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of notice of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete the words not applicable.

[8]A copy of the Schedule to the final resolution should be enclosed.

[9]Insert times which should be such as to afford reasonable opportunities for inspection.

[10]Delete where the notice does not refer to a house.

[11]Insert name and designation of authorised officer.

FORM 43

Form of compulsory purchase order for a housing action area for DEMOLITION and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR DEMOLITION COMPULSORY PURCHASE ORDER 19.....

[2]..... (hereinafter referred to as "the local authority") having passed a resolution under section 15 of the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") on [3]..... ..... defining the above-mentioned Housing Action Area for Demolition, hereby make the following compulsory purchase order in exercise of the powers conferred on them by section 26(3) of the Act:—

1.—(1) This order may be cited as the [1]..... Housing Action Area for Demolition 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.

2. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily:—

*[(*a*)] for the purpose of securing the demolition of all the buildings thereon, the land within the housing action area described in *[Part I of] the Schedule hereto and shown edged yellow and coloured red on the map signed and sealed with reference to this order and marked "Map referred to in the [1]..... Housing Action Area for Demolition Compulsory Purchase Order 19....." *[; and

(*b*) as being reasonably necessary for the purpose of securing *[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the said housing action area] the land *[surrounded by] [and] [adjoining] the housing action area described in Part II of the said Schedule shown coloured blue on the said map].

Copies of the said map are deposited in the offices of the local authority at [4]..... and of the Scottish Development Department at [5].....

3. The houses listed under head A of *[Part I of] the Schedule hereto are the houses within the housing action area which do not meet the tolerable standard and accordingly the compensation in respect of the purchase thereof will be limited to the compensation payable under section 29 of the Act.

*[**4.** In relation to the foregoing purchase 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] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised [6]*[subject to

the modification that reference in the said section(s) to the company shall be construed as references to the local authority and that references to the works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon] .]

[7].....

[8]SCHEDULE

*[Part I]

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

A Houses below the tolerable standard.

B Houses meeting the tolerable standard.

C Other parts of buildings.

*[Part II—(Surrounded/Adjoining Land)

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making of the resolution.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert address.

[6]The terms of this modification may be varied as appropriate.

[7]Authenticate in the manner appropriate to the authority making the order giving date and place of making.

[8]List under each heading the particulars in respect of each property appropriate thereto.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 44

Form of advertisement of the making of a compulsory purchase order for a housing action area for DEMOLITION and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE..... HOUSING ACTION AREA FOR DEMOLITION COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that [2]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [3].....19..... made the above-mentioned compulsory purchase order which affects the land described in the Schedule hereto for the purpose of securing the demolition of all the buildings thereon *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area with the land therein].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... and may be seen there without payment of fee between the hours of [5]..... ..... and .....on business days.

Any objections to the order must be made in writing, stating the grounds of objection to the Secretary, Scottish Development Department, [6]..... ..... by [7].....19..... and a copy thereof should be sent to [2]..... at [6]..... .....

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

[8].....

[9]SCHEDULE

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making the order.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert address.

[7]Insert date **not less than 21 days from the first publication of the advertisement.**

[8]Insert name and designation of authorised officer.

[9]Insert description of all the land comprised in the order showing separately any land outside the housing action area. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for local authority

The local authority should forward to the Secretary, Scottish Development Department, 83 Princes Street, Edinburgh EH2 2HH, copies of the newspapers containing the advertisement immediately after the publication of the second advertisement.

FORM 45

Form of Notice to owners, lessees and occupiers of the making of a compulsory purchase order for a housing action area for DEMOLITION and land surrounded by or adjoining the area.

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE..... HOUSING ACTION AREA FOR DEMOLITION COMPULSORY PURCHASE ORDER 19.....

To [2].....

Take notice that [3]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [4].....19..... made the above-mentioned order authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the demolition of all the buildings thereon *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area with the land therein.]

The order includes property in which you are believed to have an interest as *[owner] [lessee] [occupier].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [5]..... and may be seen there without payment of fee between the hours of [6]..... and ..... on business days.

*[The schedule to this notice shows at *[Part I] head A the houses which do not meet the tolerable standard. The amount of compensation payable in respect of those houses is restricted. Objection may be made to this order on the grounds that such a classification is incorrect.]

Any objections to the order must be made in writing, stating the grounds of objection, to the Secretary, Scottish Development Department,[7]..... ..... by [8].....19..... and a copy thereof should be sent to [3]..... at [7].....

The Secretary of State has power to disregard objections relating exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland, but other objections, if not withdrawn, may result in the Secretary of State causing a public local inquiry into the order to be held.

Information on the rights to compensation payable if the order is confirmed by the Secretary of State and on any time limit which may exist on the making of an application for such compensation may be obtained from [7].....

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

[9].....

[10]SCHEDULE

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

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

[3]Insert the name of the local authority.

[4]Insert the date of making the order.

[5]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[6]Insert the times.

[7]Insert address.

[8]Insert date **not less than 21 days from the first publication of the advertisement.**

[9]Insert name and designation of authorised officer.

[10]Insert a copy of the Schedule to the order or give a brief description of all the land affected by the order together with an excerpt from the Schedule thereto which must include reference to the appropriate part(s) and sub-heading(s).

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 46

Form of advertisement and notice of confirmation of a compulsory purchase order for a housing action area for DEMOLITION and land surrounded by or adjoining the area.

[1]**WARNING: 1. IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE ON YOUR PROPERTY, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.**

2. INFORMATION ON THE RIGHTS TO COMPENSATION PAYABLE AND ON ANY TIME LIMITS MAY BE OBTAINED FROM THE LOCAL AUTHORITY.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[2]THE ..... HOUSING ACTION AREA FOR DEMOLITION COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by Section 26(3) of the Housing (Scotland) Act 1974 has confirmed *[with modifications] the above-mentioned order submitted to him by [3]..... authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the demolition of all the buildings thereon *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area with the land therein.]

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... and may be seen there without payment of fee between the hours of [5]..... and ..... on business days.

The order as confirmed becomes operative on the [6]..... day of .....19..... but a person aggrieved by the order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by Section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session [7]**within 6 weeks from that date,** question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

[7][.....]

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

[8].....

[9]SCHEDULE

[1]*NOTE FOR YOUR INFORMATION*

Under Section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended, outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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. If you are in doubt about your rights under this provision consult a Solicitor.

Notes for guidance in completing this form

[1]To be included only when this form is issued as a notice and in any copies thereof.

[2]Complete the short title.

[3]Insert the name of the local authority.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert date on which notice of confirmation is first published.

[7]Where the authority propose to acquire by means of a general vesting declaration the advertisement and notice shall include the information required by virtue of paragraph 2(1) of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

[8]Insert name and designation of authorised officer.

[9]Insert description of all the land comprised in the order, as confirmed, in terms such as will enable the reader to appreciate what is included. Show separately land outside the housing action area.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for Local Authority

Paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 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 one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with section 26(3) of the Housing (Scotland) Act 1974.

FORM 47

[1]*Form of Draft Resolution in respect of a Housing Action area for IMPROVEMENT.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR IMPROVEMENT DRAFT RESOLUTION 19.....

WHEREAS the [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as the "local authority" and "the Act") are satisfied that—

[4][(*a*) the houses, or the greater part of the houses, in the area of their district described in the Schedule to this Draft Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and]

[4][(*a*) certain of the houses in the area of their district described in the Schedule to this Draft Resolution lack one or more of the standard amenities or do not meet the tolerable standard and the Secretary of State has directed in terms of section 18(2) of the Act that the requirements of section 16(1)(*a*) of the Act can be waived, and]

(*b*) the most effective way of dealing with the said area is by securing the carrying out of such works on the houses in the area which do not meet the standard specified by the local authority for the area under Article (3) of this Draft Resolution that on the completion of the works all the houses in the area will meet that standard;

AND WHEREAS at least part of each building in the area consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard;

[5][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:— .....;]

[5][AND WHEREAS the Secretary of State has not issued a direction in terms of section 18(1) of the Act;]

[6][AND WHEREAS the local authority are satisfied that the houses in the area have a future life of not less than ten years;]

AND WHEREAS [4][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part III of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their alteration];

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 16 of the Act [7][and in accordance with the terms of the said direction] hereby make the following DRAFT RESOLUTION:—

(1) It is proposed that the area of land shown edged red and coloured orange on the map signed and sealed and marked as relative hereto shall be known as the [2]..... Housing Action Area for Improvement.

(2) It is proposed that the area shall be dealt with by securing that all the houses in the area meet the standard specified under Article (3) below.

(3) It is proposed that in terms of section 16(3) of the Act the specified standard should be that all the houses in the area

(*a*) shall meet the tolerable standard; and

(*b*) shall be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses [6][; and

(*c*) shall be provided with all of the standard amenities].

(4) The manner in which it is proposed that each of the buildings in the area shall be dealt with is set out in the Schedule to this Draft Resolution.

(5) This Draft Resolution may be cited as the [2]..... ..... Housing Action Area for Improvement Draft Resolution 19.....

[8].....

SCHEDULE

Part I

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

A *Houses below the tolerable standard*

(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).

(ii) Which are required to be integrated with other part(s) of existing building(s).

B *Houses meeting the tolerable standard but below the specified standard*

(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).

(ii) Which are required to be integrated with other part(s) of existing building(s).

C *Houses meeting the specified standard*

(i) Which are required to be integrated with other part(s) of existing building(s).

(ii) Which are not affected.

D *Other parts of buildings*

(i) Which are required to be integrated with other part(s) of existing building(s).

(ii) Which are not affected.

Part II

Houses which require to be integrated with other houses or parts of buildings (See A(ii) and B(ii) of Part I above). (1)	Houses or parts of buildings one or more of which are to be integrated with the houses in column 1 (See C(i) and D(i) of Part I above). (2)

Part III

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a draft resolution in respect of a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet that standard.

Form 37 should be used for a draft resolution in respect of a housing action area for DEMOLITION and Form 57 for a draft resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable.

[5]Delete the words which are not applicable and where appropriate also delete the words at [7].

[6]Delete both clauses where not applicable.

[7]See Note [5].

[8]The copies of the Draft Resolution to be submitted to the Secretary of State and provided for inspection as required by section 19 of the Act should be certified as a true copy of the Draft Resolution contained in the minutes of the Council giving the relevant date of meeting.

FORM 48

[1]*Form of advertisement of the making of a draft resolution declaring an area to be a housing action area for IMPROVEMENT.*

THE HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR

IMPROVEMENT

The [3]..... propose to declare the area [4]..... to be a housing action area for improvement, that is, it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet that standard.

A copy of the draft resolution and accompanying map detailing these proposals can be seen, free of charge, at [5]..... between the hours of [6]..... and.....

Representations on these proposals should be made in writing to the local authority at [7]..... on of before [8].....

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

[9].....

Notes for guidance in completing this form

[1]This form should be used for advertisement of the making of a draft resolution for a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses then in the area will meet that standard.

[2]Insert the name of the housing action area.

[3]Insert the name of the local authority.

[4]Insert a brief description of the area.

[5]Insert the address of the place of deposit of the draft resolution and map.

[6]Insert the times when the draft resolution and map can be inspected which should be such as to afford reasonable opportunities for inspection.

[7]Insert the address to which representations should be sent.

[8]Insert a date not less than two months from the date of service of the notice required under section 19(5)(*b*) of the Act.

[9]Insert name and designation of authorised officer.

FORM 49

[1]*Form of notice to owners, lessees and occupiers of the making of a draft resolution declaring an area to be a housing action area for IMPROVEMENT.*

READ THIS NOTICE CAREFULLY
IT MEANS THAT HOUSES MAY HAVE TO BE

IMPROVED

MORE INFORMATION MAY BE OBTAINED FROM

[2] .....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

IMPROVEMENT

To [4].....

1. On [5]..... the [6]..... passed a draft resolution proposing that all the houses in the [3]..... Housing Action Area for Improvement should meet a specified standard. The standard which has been specified is that each house must meet the tolerable standard; be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses [7][; and have all of the standard amenities]. The tolerable standard [7][is] [and the standard amenities are] described in the notes attached.

[8][**2.** Your house at .....
.....
is in this area and, in the opinion of the Council,

[9][meets the specified standard and no action is needed on it.]

[9][does not meet the standard and must be brought up to that standard.]

[9][does not meet the standard and cannot be brought up to that standard and must therefore be integrated with [7][the house at .....
(owned by .....)]
[one or both of the houses at .....
(owned by .....) and
at .....)
(owned by .....)]
[the [10].....

(owned by .....)]]
[9][[meets] [does not meet] the standard [7][but] [and] it and the house at.....
.....
(owned by ..... either
jointly or separately will have to be integrated with the house at .....
.....
(owned by .....) because
that house cannot by itself be brought up to the standard.]

[8][2. Your [10].....
must, in the opinion of the Council, be integrated with the house at .....
.....
(owned by .....)
so that that house can be brought up to the standard.]

3. The Council's proposals for the area as a whole are shown in the [11]enclosed Schedule. The draft resolution and map can be seen free of charge at [2].....
.....
between the hours of [12]..... and..... when
Council staff will be glad to discuss them with you.

4. You have a right to make representations to the Council within two months of the date of this notice about these proposals. The Council are obliged to have regard to any representations before any final decision is made regarding the area. Representations should be made in writing to [2].....
.....

5. If these proposals are finally proceeded with there will be various consequences which you should know about. The Council will be obliged to give improvement grants at higher than normal rates to bring houses up to the standard. They will also have a discretion to give grants for repair works unassociated with improvements and may give loans for the balance of the cost of necessary works. Further information and guidance on this can be obtained from the local authority at [2].....

6. Also, if in the opinion of the Council the objectives set out in the resolution will not be achieved by the voluntary action of the owners of the properties in the area, they may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making the final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[13][7. You should note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given below.]

8. If you do not fully understand this notice, you should ask for guidance from Council officials at [2].....
or consult a Solicitor.

9. The Council have an obligation to notify you of their final decisions regarding the area.

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

[14].....

NOTES FOR YOUR INFORMATION

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

THE TOLERABLE STANDARD

A house meets the tolerable standard only if it—

(*a*) is structurally stable;

(*b*) is substantially free from rising or penetrating damp;

(*c*) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;

(*d*) has an adequate piped supply of wholesome water available within the house;

(*e*) has a sink provided with a satisfactory supply of both hot and cold water within the house;

(*f*) has a water closet available for the exclusive use of the occupants of the house and suitably located within the house;

(*g*) has an effective system for the drainage and disposal of foul and surface water;

(*h*) has satisfactory facilities for the cooking of food within the house;

(*i*) has satisfactory access to all external doors and out-buildings.

[7][THE STANDARD AMENITIES

A house has all the standard amenities if it has—

(*a*) a fixed bath or shower;

(*b*) a hot and cold water supply at a fixed bath or shower;

(*c*) a wash-hand basin;

(*d*) a hot and cold water supply at a wash-hand basin;

(*e*) a sink;

(*f*) a hot and cold water supply at a sink;

(*g*) a water closet].

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a draft resolution in respect of a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet the standard.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete words not applicable.

[8]Use one or other of these paragraphs according to whether the property is a house or is part of a building other than a house.

[9]Use the form of words appropriate to the category into which the house falls.

[10]Insert a description of the part(s) of building(s) to be integrated.

[11]A copy of the Schedule to the draft resolution should be enclosed.

[12]Insert times which should be such as to afford reasonable opportunities for inspection.

[13]Delete where the notice does not refer to a house.

[14]Insert name and designation of authorised officer.

FORM 50

[1]*Form of Final Resolution in respect of a Housing Action Area for IMPROVEMENT.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR IMPROVEMENT RESOLUTION 19.....

WHEREAS THE [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as the "local authority" and "the Act") are satisfied that—

[4][(*a*) the houses, or the greater part of the houses, in the area of their district described in the schedule to this Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and]

[4][(*a*) certain of the houses in the area of their district described in the Schedule to this Resolution lack one or more of the standard amenities or do not meet the tolerable standard and the Secretary of State as directed in terms of section 18(2) of the Act that the requirements of section 16(1)(*a*) of the Act can be waived, and]

(*b*) the most effective way of dealing with the said area is by securing the carrying out of such works on the houses in the area which do not meet the standard specified by the local authority for the area under Article 2 of this Resolution that on the completion of the works all the houses in the area will meet that standard;

AND WHEREAS at least part of each building in the area consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard;

[5][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:—.....;]

[5][AND WHEREAS the Secretary of State has not issued a direction in terms of section 18(1) of the Act;]

[6][AND WHEREAS the local authority are satisfied that the houses in the area have a future life of not less than ten years;]

AND WHEREAS [4][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part III of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their alteration.]

AND WHEREAS the local authority—

(*a*) made on .....19..... the..... Housing Action Area for Improvement Draft Resolution 19.....,

(*b*) submitted it to the Secretary of State on ..... and have not been directed to rescind it,

(*c*) published and served Notice of the Draft Resolution in accordance with the terms of section 19 of the Act, and

(*d*) have had regard to all representations made to them within two months of such publication and service;

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 20 of the Act [7][and in accordance with the terms of the said direction] hereby make the following RESOLUTION:—

(1) The area of land shown edged red and coloured orange on the map signed and sealed and marked as relative hereto shall be known as the [2]..... Housing Action Area for Improvement.

(2) The area shall be dealt with by securing that all the houses in the area

(*a*) shall meet the tolerable standard; and

(*b*) shall be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses [6][; and

(*c*) shall be provided with all of the standard amenities].

(3) The manner in which the buildings in the area shall be dealt with is set out in the Schedule to this Resolution.

(4) This Resolution may be cited as the [2]..... ..... Housing Action Area for Improvement Resolution 19.....

[8].....

SCHEDULE

Part I

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)
A *Houses below the tolerable standard*			
(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).			
(ii) Which are required to be integrated with other part(s) of existing building(s).			
B *Houses meeting the tolerable standard but below the specified standard*			
(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).			
(ii) Which are required to be integrated with other part(s) of existing building(s).			
C *Houses meeting the specified standard*			
(i) Which are required to be integrated with other part(s) of existing building(s).			
(ii) Which are not affected.			

D *Other parts of buildings*

(i) Which are required to be integrated with other part(s) of existing building(s).

(ii) Which are not affected.

Part II

Houses which require to be integrated with other houses or parts of buildings (see A(ii) and B(ii) of Part I above).	Houses or parts of buildings one or more of which are to be integrated with the houses in Column 1 (see C(i) and D(i) of Part I above).
(1)	(2)

Part III

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a final resolution in respect of a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet that standard.

Form 40 should be used for a final resolution in respect of a housing action area for DEMOLITION and Form 60 for a final resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable.

[5]Delete the words which are not applicable and where appropriate also delete the words at [7].

[6]Delete both clauses where not applicable.

[7]See Note [5].

[8]The copies of the Resolution to be submitted to the Secretary of State and provided for inspection as required by section 20 of the Act should be certified as a true copy of the Resolution contained in the minutes of the Council giving the relevant date of meeting.

FORM 51

[1]*Form of advertisement of the making of a final resolution declaring an area to be a housing action area for IMPROVEMENT.*

THE HOUSING (SCOTLAND) ACT, 1974

[2]THE ..... HOUSING ACTION AREA FOR

IMPROVEMENT

1. On [3]..... the [4]..... passed a draft resolution proposing that all the houses in the area [5]..... ..... should meet a specified standard.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [6][without modification] [with certain modifications].

3. The effect of this resolution is that the Council will now take steps to secure the carrying out of such work on the houses in the area which do not meet the standard specified for the area that on completion of the works all the houses then in the area will meet that standard.

4. A copy of the final resolution and accompanying map detailing these proposals can be seen, free of charge at [7]..... between the hours of [8]..... and.....

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

[9].....

Notes for guidance in completing this form

[1]This form should be used for advertisement of the making of a final resolution in respect of a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet that standard

[2]Insert title of housing action area.

[3]Insert date of making of Draft Resolution.

[4]Insert name of the local authority.

[5]Insert a brief description of the area.

[6]Delete the words not applicable.

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

[8]Insert the times when the final resolution can be seen which should be such as to afford reasonable opportunities for inspection.

[9]Insert name and designation of authorised officer.

FORM 52

[1]*Form of notice to owners, lessees and occupiers of the making of a final resolution declaring an area to be a housing action area for IMPROVEMENT.*

READ THIS NOTICE CAREFULLY
IT MEANS THAT HOUSES WILL HAVE TO BE

IMPROVED

MORE INFORMATION MAY BE OBTAINED FROM

[2].....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

IMPROVEMENT

To [4].....

1. On [5]..... you were notified that the [6]..... had passed a draft resolution proposing that all the houses in the [3]..... ..... Housing Action Area for Improvement should meet a specified standard.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [7][without modification] [with modifications as follows:— .....]

[8][**3.** This means that the Council have decided that your house at.....

[9][is no longer affected by the Council's proposals]

[9][meets the specified standard and no action is needed on it]

[9][does not meet the standard and must be brought up to that standard]

[9][does not meet the standard and cannot be brought up to that standard and must therefore be integrated with [7][the house at..... (owned by .....)]
[one or both of the houses at .....
(owned by.....) and
at.....
(owned by .....)]
[the [10].....
(owned by .....)]]

[9][[meets] [does not meet] the standard [but] [and] it and the house at.....
.....
(owned by .....) either
jointly or separately will have to be integrated with the house at.....
.....
(owned by .....) because
that house cannot by itself be brought up to the standard]

[8][3. This means that the Council have decided that the [10].....
[9][is no longer affected by the Council's proposals]
[9][must be integrated with the house at.....
.....
(owned by .....)
so that that house can be brought up to the standard.]

4. The Council's final proposals for the area as a whole are shown in the [11]enclosed Schedule. The resolution and map can be seen free of charge at [2] .....
between the hours of [12]..... and..... when
Council staff will be glad to discuss them with you.

5. The Council are obliged to give improvement grants at higher than normal rates to bring houses up to the standard. They also have a discretion to give grants for repair works unassociated with improvements and may give loans for the balance of the cost of necessary works. Further information and guidance on this can be obtained from the local authority at [2].....
.....

6. If in the opinion of the Council the objectives set out in the resolution will not be achieved by the voluntary action of the owners of the properties in the area, they may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making the final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[13][7. You will note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given above.]

8. If you do not fully understand this notice, you should ask for guidance from Council officials at [2].....
or consult a Solicitor.

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

[14].....

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a final resolution in respect of a housing action area for IMPROVEMENT, that is in which it is proposed to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area that on the completion of the works all the houses in the area will meet that standard.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of notice of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete the words not applicable.

[8]Use one or other of these paragraphs according to whether the property is a house or is part of a building other than a house.

[9]Use the form of words appropriate to the category into which the house or part of building falls.

[10]Insert a description of the part(s) of building(s).

[11]A copy of the Schedule to the final resolution should be enclosed.

[12]Insert times which should be such as to afford reasonable opportunities for inspection.

[13]Delete where the notice does not refer to a house.

[14]Insert name and designation of authorised officer.

FORM 53

Form of compulsory purchase order for a housing action area for IMPROVEMENT and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

[2]..... (hereinafter referred to as "the local authority") having passed a resolution under section 16 of the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") on [3]..... defining the above-mentioned Housing Action Area for Improvement, hereby make the following compulsory purchase order in exercise of the powers conferred on them by section 26(3) of the Act:—

1.—(1) This order may be cited as the [1]..... Housing Action Area for Improvement 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.

2. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily:—

*[(*a*)] for the purpose of securing the carrying out of works needed to ensure that all the houses in the area will meet the standard specified for the area, the land within the housing action area described in *[Part I of] the Schedule hereto and shown edged red and coloured green on the map signed and sealed with reference to this order and marked "Map referred to in the [1]..... Housing Action Area for Improvement Compulsory Purchase Order 19....." *[;and

(*b*) as being reasonably necessary for the purpose of securing *[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the said housing action area] the land *[surrounded by] [and] [adjoining] the housing action area described in Part II of the said Schedule shown coloured blue on the said map].

Copies of the said map are deposited in the offices of the local authority at [4]..... and of the Scottish Development Department at [5].....

3. The houses listed under head A of *[Part I of] the Schedule hereto are the houses within the housing action area which do not meet the tolerable standard and accordingly the compensation in respect of the purchase thereof will be limited to the compensation payable under section 29 of the Act.

***[4.** In relation to the foregoing purchase 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] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised [6]*[subject to the modification that references in the said section(s) to the company shall be construed as references to the local authority and that references to the works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon].]

[7].....

[8]SCHEDULE

*[Part I]

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

A. *Houses below the tolerable standard.*

B. *Houses meeting the tolerable standard but below the specified standard.*

C. *Houses meeting the specified standard.*

D. *Other parts of buildings.*

*[Part II—(Surrounded/Adjoining Land)

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making of the resolution.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert address.

[6]The terms of this modification may be varied as appropriate.

[7]Authenticate in the manner appropriate to the authority making the order giving date and place of making.

[8]List under each heading the particulars in respect of each property appropriate thereto.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 54

Form of advertisement of the making of a compulsory purchase order for a housing action area for IMPROVEMENT and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that [2]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [3].....19..... made the above-mentioned compulsory purchase order which affects the land described in the Schedule hereto, for the purpose of securing the carrying out of necessary works on the buildings within the housing action area *[and incorporating additional land [surrounded by] [and] [adjoining] the housing action area with the land therein].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... and may be seen there without payment of fee between the hours of [5]..... ..... and ..... on business days.

Any objections to the order must be made in writing, stating the grounds of objection to the Secretary, Scottish Development Department, [6]..... ..... by [7].....19..... and a copy thereof should be sent to [2]..... at [6]..... .....

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

[8].....

[9]SCHEDULE

*[Note: *A full description of the land affected is contained in the compulsory purchase order and relative map.*]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making the order.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert address.

[7]Insert date **not less than 21 days from the first publication of the advertisement.**

[8]Insert name and designation of authorised officer.

[9]Insert description of all the land comprised in the order showing separately any land outside the housing action area. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for local authority

The local authority should forward to the Secretary, Scottish Development Department, 83 Princes Street, Edinburgh EH2 2HH copies of the newspapers containing the advertisement immediately after the publication of the second advertisement.

FORM 55

Form of Notice to owners, lessees and occupiers of the making of a compulsory purchase order for a housing action area for IMPROVEMENT and land surrounded by or adjoining the area.

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

To [2].....

Take notice that [3]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [4].....19..... made the above-mentioned order authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the carrying out of the works needed to ensure that all the houses in the area will meet the standard specified for the area *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area with the land therein.]

The order includes property in which you are believed to have an interest as *[owner] [lessee] [occupier].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [5]..... and may be seen there without payment of fee between the hours of [6]..... ..... and ..... on business days.

*[The Schedule to this notice shows at *[Part I] head A the houses which do not meet the tolerable standard. The amount of compensation payable in respect of those houses is restricted. Objection may be made to this order on the grounds that such a classification is incorrect.]

Any objections to the order must be made in writing, stating the grounds of objection, to the Secretary, Scottish Development Department, [7]..... ..... by [8].....19..... and a copy thereof should be sent to [3]..... at [7]..... .....

The Secretary of State has power to disregard objections relating exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland, but other objections, if not withdrawn, may result in the Secretary of State causing a public local inquiry into the order to be held.

Information on the rights to compensation payable if the order is confirmed by the Secretary of State and on any time limit which may exist on the making of an application for such compensation may be obtained from [7].....
.....

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

[9].....

[10]SCHEDULE

*[Note: *A full description of the land affected is contained in the compulsory purchase order and relative map.*]

Notes for guidance in completing this form

[1]Complete the short title.

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

[3]Insert the name of the local authority.

[4]Insert the date of making the order.

[5]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[6]Insert the times.

[7]Insert address.

[8]Insert date **not less than 21 days from the first publication of the advertisement.**

[9]Insert name and designation of authorised officer.

[10]Insert a copy of the Schedule to the order or give a brief description of all the land affected by the order together with an excerpt from the Schedule thereto which must include reference to the appropriate part(s) and sub-heading(s).

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 56

Form of adverisement and notice of confirmation of a compulsory purchase order for a housing action area for IMPROVEMENT and land surrounded by or adjoining the area.

[1]**WARNING: 1. IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE ON YOUR PROPERTY, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.**

2. INFORMATION ON THE RIGHTS TO COMPENSATION PAYABLE AND ON ANY TIME LIMITS MAY BE OBTAINED FROM THE LOCAL AUTHORITY.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[2]THE ..... HOUSING ACTION AREA FOR IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by section 26(3) of the Housing (Scotland) Act 1974, has confirmed *[with modifications] the above-mentioned order submitted to him by [3]..... authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the carrying out of the works needed to ensure that all the houses in the area will meet the standard specified for the area *[and, as being reasonably necessary, incorporating additional land *[surrounded by] [and] [adjoining] the housing action area with the land therein.]

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... ..... and may be seen there without payment of fee between the hours of [5]..... and ..... on business days.

The order as confirmed becomes operative on the [6]..... day of .....19..... but a person aggrieved by the order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session **within 6 weeks from that date,** question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

[7][.....]

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

[8].....

[9]SCHEDULE

[1]NOTE FOR YOUR INFORMATION

Under Section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended, outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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. If you are in doubt about your rights under this provision consult a Solicitor.

Notes for guidance in completing this form

[1]To be included only when this form is issued as a notice and in any copies thereof.

[2]Complete the short title.

[3]Insert the name of the local authority.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert date on which notice of confirmation is first published.

[7]Where the authority propose to acquire by means of a general vesting declaration the advertisement and notice shall include the information required by virtue of paragraph 2(1) of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

[8]Insert name and designation of authorised officer.

[9]Insert description of all the land, houses and other buildings comprised in the order, as confirmed, in terms such as will enable the reader to appreciate what is included. Show separately land outwith the housing action area.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for Local Authority

Paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 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 one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with section 26(3) of the Housing (Scotland) Act 1974.

FORM 57

[1]*Form of Draft Resolution in respect of a Housing Action Area for DEMOLITION and IMPROVEMENT.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT DRAFT RESOLUTION 19.....

WHEREAS the [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as the "local authority" and "the Act") are satisfied that—

[4][(*a*) the houses, or the greater part of the houses, in the area described in the Schedule to this Draft Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and]

[4][(*a*) certain of the houses in the area of their district described in the Schedule to this Draft Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and the Secretary of State has directed in terms of section 18(2) of the Act that the requirements of section 17(1)(*a*) can be waived, and]

(*b*) the most effective way of dealing with the said area is by securing the demolition of some of the buildings in the area and by securing the carrying out of such works on those houses in the area which do not meet the standard specified by the local authority for the area under Article (3) of this Draft Resolution (other than the houses in those buildings to be demolished) that on the completion of the works all the houses then in the area will meet that standard;

AND WHEREAS the greater part of the houses in each of the buildings to be demolished are below the tolerable standard and at least part of each other building in the area consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard;

[5][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:— .....;]

[5][AND WHEREAS the Secretary of State has not issued a direction in terms of section 18(1) of the Act;]

[6][AND WHEREAS the local authority are satisfied that the houses in the area (other than the houses in those buildings to be demolished) have a future life of not less than ten years;]

AND WHEREAS [4][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part IV of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their [demolition] [or] [alteration];

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 17 of the Act [7][and in accordance with the terms of the said direction] hereby make the following DRAFT RESOLUTION:—

(1) It is proposed that the area of land shown edged green and coloured purple on the map signed and sealed and marked as relative hereto shall be known as the [2]..... Housing Action Area for Demolition and Improvement.

(2) It is proposed that the area shall be dealt with by securing that all the houses in the area meet the standard specified under Article (3) below.

(3) It is proposed that in terms of section 16(3) of the Act the specified standard should be that all the houses in the area

(*a*) shall meet the tolerable standard; and

(*b*) shall be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses [6][; and

(*c*) shall be provided with all of the standard amenities].

(4) It is proposed that the buildings listed in Part I of the Schedule to this Draft Resolution shall be demolished.

(5) It is proposed that the remaining buildings shall be dealt with as set out in Parts II and III of the said Schedule.

(6) This Draft Resolution may be cited as the [2]..... ..... Housing Action Area for Demolition and Improvement Draft Resolution 19.....

[8].....

SCHEDULE

Part I

PROPERTY TO BE DEMOLISHED

Number on map (1)	Address of property (2)	Owners (3)	Lessees or occupiers (4)

A. *Houses below the tolerable standard.*

B. *Houses which meet the tolerable standard.*

C. *Other parts of buildings.*

Part II

PROPERTY WHICH DOES NOT REQUIRE TO BE DEMOLISHED

Number on map (1)	Address of property (2)	Owners (3)	Lessees or occupiers (4)

A. *Houses below the tolerable standard*

(i) Which are to be brought up to the specified standard without being integrated with other parts of existing buildings.

(ii) Which are required to be integrated with other part(s) of building(s).

B. *Houses meeting the tolerable standard but below the specified standard*

(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).

(ii) Which are required to be integrated with other part(s) of building(s).

C. *Houses meeting the specified standard*

(i) Which are required to be integrated with other part(s) of building(s).

(ii) Which are not affected.

D. *Other parts of buildings*

(i) Which are required to be integrated with other part(s) of building(s).

(ii) Which are not affected.

Part III

Houses which require to be integrated with other houses or parts of buildings (see A(ii) and B(ii) of Part II above).	Houses or parts of buildings one or more of which are to be integrated with the houses in column 1 (see C(i) and D(i) of Part II above).
(1)	(2)

Part IV

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a draft resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of **some of the buildings** in the area and to secure the carrying out of such works on those houses in the area which do not meet the standard specified for the area **(other than the houses in those buildings to be demolished)** that on the completion of the works all the houses then in the area will meet that standard.

Form 37 should be used for a draft resolution in respect of a housing action area for DEMOLITION and Form 47 for a draft resolution in respect of a housing action area for IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable.

[5]Delete the words which are not applicable and where appropriate also delete the words at [7].

[6]Delete both clauses where not applicable.

[7]See Note [5].

[8]The copies of the Draft Resolution to be submitted to the Secretary of State and provided for inspection as required by section 19 of the Act should be certified as a true copy of the Draft Resolution contained in the minutes of the Council giving the relevant date of meeting.

FORM 58

[1]*Form of advertisement of the making of a draft resolution declaring an area to be a housing action area for DEMOLITION AND IMPROVEMENT.*

THE HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR

DEMOLITION AND IMPROVEMENT

The [3]..... propose to declare the area [4].....
.....
to be a housing action area for demolition and improvement, that is, it is proposed to secure the demolition of some of the buildings in the area and to secure the carrying out of such works on those houses in the area which do not meet the standard specified for the area (other than the houses in those buildings to be demolished) that on the completion of the works all the houses then in the area will meet that standard.

A copy of the draft resolution and accompanying map detailing these proposals can be seen, free of charge, at [5].....
between the hours of [6]..... and.....

Representations on these proposals should be made in writing to the local authority at [7]..... or on before [8].....

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

[9].....

Notes for guidance in completing this form

[1]This form should be used for advertisement of the making of a draft resolution for a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of **some of the buildings** in the area and to secure the carrying out of such works on those houses in the area which do not meet the standard specified for the area **(other than the houses in those buildings to be demolished)** that on the completion of the works all the houses then in the area will meet that standard.

[2]Insert the name of the housing action area.

[3]Insert the name of the local authority.

[4]Insert a brief description of the area.

[5]Insert the address of the place of deposit of the draft resolution and map.

[6]Insert the times when the draft resolution and map can be inspected which should be such as to afford reasonable opportunities for inspection.

[7]Insert the address to which representations should be sent.

[8]Insert a date not less than two months from the date of service of the notice required under section 19(5)(*b*) of the Act.

[9]Insert name and designation of authorised officer.

FORM 59

[1]*Form of notice to owners, lessees and occupiers of the making of a draft resolution declaring an area to be a housing action area for DEMOLITION AND IMPROVEMENT.*

READ THIS NOTICE CAREFULLY
IT MEANS THAT HOUSES MAY HAVE TO BE

DEMOLISHED OR IMPROVED

MORE INFORMATION MAY BE OBTAINED FROM

[2].....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

DEMOLITION AND IMPROVEMENT

To[4] .....

1. On [5]..... the [6]..... passed a Draft Resolution proposing that some of the buildings in the [3]..... Housing Action Area for Demolition and Improvement should be demolished and that the houses in those buildings which were not to be demolished should meet a specified standard. The standard which has been specified is that each house must meet the tolerable standard; be in a good state of repair (disregarding the state of internal decorative repair) having regard to the age, character and locality of the houses [7][; and have all of the standard amenities]. The tolerable standard [7][is] [and the standard amenities are] described in the notes attached.

[8][**2.** Your house at .....
.....
is in this area and, in the opinion of the Council,

[9][should be demolished]

[9][meets the specified standard and no action is needed on it.]

[9][does not meet the standard and must be brought up to that standard.]

[9][does not meet the standard and cannot be brought up to that standard and must therefore be integrated with [7][the house at.....
(owned by.....)]
[one or both of the houses at .....
(owned by .....) and
at .....)
(owned by .....)]
[the [10].....
(owned by .....)]]
[9][[7][meets] [does not meet] the standard [7][but] [and] it and the house at.....
.....
(owned by .....) either
jointly or separately will have to be integrated with the house at .....
.....
(owned by .....) because
that house cannot by itself be brought up to the standard].

[8][**2.** Your [10].....
.....
must, in the opinion of the Council, be integrated with the house at.....
.....
(owned by .....)
so that that house can be brought up to the standard.]

3. The Council's proposals for the area as a whole are shown in the [11]enclosed Schedule. The draft resolution and map can be seen free of charge at [2].....
.....
between the hours of [12]..... and .....
when Council staff will be glad to discuss them with you.

4. You have a right to make representations to the Council within two months of the date of this notice about these proposals. The Council are obliged to have regard to any representations before any final decision is made regarding the area. Representations should be made in writing to [2].....
.....

5. If these proposals are finally proceeded with there will be various consequences which you should know about. The Council will be obliged to give improvement grants at higher than normal rates to bring houses up to the standard. They will also have a discretion to give grants for repair works unassociated with improvements and may give loans for the balance of the cost of necessary works. Further information and guidance on this can be obtained from the local authority at [2].....

6. Also, if in the opinion of the Council the objectives set out in the Resolution will not be achieved by the voluntary action of the owners of the properties in the area, they may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making the final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[13][**7.** You should note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given below.]

8. If you do not fully understand this notice, you should ask for guidance from Council officials at [2].....
or consult a Solicitor.

9. The Council have an obligation to notify you of their final decisions regarding the area.

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

[14].....

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

THE TOLERABLE STANDARD

A house meets the tolerable standard only if it—

(*a*) is structurally stable;
(*b*) is substantially free from rising or penetrating damp;
(*c*) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
(*d*) has an adequate piped supply of wholesome water available within the house;
(*e*) has a sink provided with a satisfactory supply of both hot and cold water within the house;
(*f*) has a water closet available for the exclusive use of the occupants of the house and suitably located within the house;
(*g*) has an effective system for the drainage and disposal of foul and surface water;
(*h*) has satisfactory facilities for the cooking of food within the house;
(*i*) has satisfactory access to all external doors and out-buildings.

[7][THE STANDARD AMENITIES

A house has all the standard amenities if it has—

(*a*) a fixed bath or shower;
(*b*) a hot and cold water supply at a fixed bath or shower;
(*c*) a wash-hand basin;
(*d*) a hot and cold water supply at a wash-hand basin;
(*e*) a sink;
(*f*) a hot and cold water supply at a sink;
(*g*) a water closet.]

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a draft resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of some of the buildings in the area and to secure the carrying out of such works on the houses in the area which do not meet the standard specified for the area (other than the houses in those buildings to be demolished) that on the completion of the works all the houses in the area will meet that standard.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete words not applicable.

[8]Use one or other of these paragraphs according to whether the property is a house or is part of a building other than a house.

[9]Use the form of words appropriate to the category into which the house falls.

[10]Insert a description of the part(s) of building(s) to be integrated.

[11]A copy of the Schedule to the draft resolution should be enclosed.

[12]Insert times which should be such as to afford reasonable opportunities for inspection.

[13]Delete where the notice does not refer to a house.

[14]Insert name and designation of authorised officer.

FORM 60

[1]*Form of Final Resolution in respect of a Housing Action Area for DEMOLITION AND IMPROVEMENT.*

HOUSING (SCOTLAND) ACT 1974

THE [2]..... HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT RESOLUTION 19.....

WHEREAS the [3]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as the "local authority" and "the Act") are satisfied that—

[4][(*a*) the houses, or the greater part of the houses, in the area of their district described in the Schedule to this Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and]

[4][(*a*) certain of the houses in the area of their district described in the Schedule to this Resolution lack one or more of the standard amenities or do not meet the tolerable standard, and the Secretary of State has directed in terms of section 18(2) of the Act that the requirements of section 17(1)(*a*) can be waived, and]

(*b*) the most effective way of dealing with the said area is by securing the demolition of some of the buildings in the area and by securing the carrying out of such works on those houses in the area which do not meet the standard specified by the local authority for the area under Article (2) of this Resolution (other than the houses in those buildings to be demolished) that on the completion of the works all the houses then in the area will meet that standard;

AND WHEREAS the greater part of the houses in the buildings to be demolished are below the tolerable standard and at least part of each other building in the area consists of a house which lacks one or more of the standard amenities or does not meet the tolerable standard;

[5][AND WHEREAS the Secretary of State has issued a direction in terms of section 18(1) of the Act in the following terms:—.....;]

[5][AND WHEREAS the Secretary of State has not issued a direction in terms of section 18(1) of the Act;]

[6][AND WHEREAS the local authority are satisfied that the houses in the area (other than the houses in the buildings to be demolished) have a future life of not less than ten years;]

AND WHEREAS [4][none of the buildings in the area is listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [the buildings detailed in Part IV of the Schedule hereto are listed as being of special historic or architectural interest under section 52 of the Town and Country Planning (Scotland) Act 1972] [but consent has been granted under section 53 of that Act for their [demolition] [or] [alteration].

AND WHEREAS the local authority—

(*a*) made on .....19..... the..... Housing Action Area for Demolition and Improvement Draft Resolution 19.....,

(*b*) submitted it to the Secretary of State on..... and have not been directed to rescind it,

(*c*) published and served Notice of the Draft Resolution in accordance with the terms of section 19 of the Act, and

(*d*) have had regard to all representations made to them within two months of such publication and service.

NOW THEREFORE the local authority in exercise of the powers conferred on them by section 20 of the Act [7][and in accordance with the terms of the said direction] hereby make the following RESOLUTION:—

(1) The area of land shown edged green and coloured purple on the map signed and sealed and marked as relative hereto shall be known as the [2] ..... Housing Action Area for Demolition and Improvement.

(2) The area shall be dealt with by securing that all the houses in the area—

(*a*) shall meet the tolerable standard; and

(*b*) shall be in a good state of repair (disregarding the state of the internal decorative repair) having regard to the age, character and locality of the houses [6][; and

(*c*) shall be provided with all of the standard amenities].

(3) The buildings listed in Part I of the Schedule to this Resolution shall be demolished.

(4) The remaining buildings shall be dealt with as set out in Parts II and III of the said Schedule.

(5) This Resolution may be cited as the [2]..... ..... Housing Action Area for Demolition and Improvement Resolution 19.....

[8].....

SCHEDULE

Part I

PROPERTY TO BE DEMOLISHED

Number on map (1)	Address of property (2)	Owners (3)	Lessees or occupiers (4)

A *Houses below the tolerable standard.*

B *Houses which meet the tolerable standard.*

C *Other parts of buildings.*

Part II

PROPERTY WHICH DOES NOT REQUIRE TO BE DEMOLISHED

Number on map (1)	Address of property (2)	Owners (3)	Lessees or occupiers (4)

A *Houses below the tolerable standard*

(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).

(ii) Which are not required to be integrated with other part(s) of existing building(s).

B *Houses meeting the tolerable standard but below the specified standard*

(i) Which are to be brought up to the specified standard without being integrated with other part(s) of existing building(s).

(ii) Which are required to be integrated with other part(s) of existing building(s).

C *Houses meeting the specified standard*

(i) Which are required to be integrated with other part(s) of existing building(s).

(ii) Which are not affected.

D *Other parts of buildings*

(i) Which are required to be integrated with other part(s) of existing building(s).

(ii) Which are not affected.

Part III

Houses which require to be integrated with other houses or parts of buildings (See A(ii) and B(ii) of Part II above).	Houses or parts of buildings one or more of which are to be integrated with the houses in column 1 (See C(i) and D(i) of Part II above).
(1)	(2)

Part IV

Buildings listed as being of special historic or architectural interest.

Notes for guidance in completing this form

[1]This form should be used for a final resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of **some of the buildings** in the area and to secure the carrying out of such works on those houses in the area which do not meet the standard specified for the area **(other than the houses in those buildings to be demolished)** that on the completion of the works all the houses then in the area will meet that standard.

Form 40 should be used for a final resolution in respect of a housing action area for DEMOLITION and Form 50 for a final resolution in respect of a housing action area for IMPROVEMENT.

[2]Insert name of housing action area.

[3]Insert the name of the local authority.

[4]Delete the words which are not applicable.

[5]Delete the words which are not applicable and where appropriate also delete the words at [7].

[6]Delete both clauses where not applicable.

[7]See Note [5].

[8]The Copies of the Resolution to be submitted to the Secretary of State and provided for inspection as required by section 20 of the Act should be certified as a true copy of the Resolution contained in the minutes of the Council giving the relevant date of meeting.

FORM 61

[1]*Form of advertisement of the making of a final resolution declaring an area to be a housing action area for DEMOLITION AND IMPROVEMENT.*

THE HOUSING (SCOTLAND) ACT 1974.

[2]THE ..... HOUSING ACTION AREA FOR

DEMOLITION AND IMPROVEMENT

1. On [3]..... the [4]..... passed a draft resolution proposing that some of the houses in the area [5]..... should be demolished and that the houses in those buildings which were not to be demolished should meet a specified standard.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [6][without modification] [with certain modifications].

3. The effect of this resolution is that the Council will now take steps to secure the demolition of some of the buildings in the area and the carrying out of such works on the houses in the area which do not meet the standard specified for the area, other than the houses in those buildings to be demolished, that on completion of the works all the houses then in the area will meet that standard.

4. A copy of the final resolution and accompanying map detailing these proposals can be seen, free of charge at [7]..... ..... between the hours of [8]..... and.....

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

[9].....

Notes for guidance in completing this form

[1]This form should be used for advertisement of the making of a final resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of some of the buildings in the area and the carrying out of such works on the houses in the area which do not meet the standard specified for the area (other than the houses in those buildings to be demolished) that on the completion of the works all the houses then in the area will meet that standard.

[2]Insert title of housing action area.

[3]Insert date of making of draft resolution.

[4]Insert name of the local authority.

[5]Insert a brief description of the area.

[6]Delete the words not applicable.

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

[8]Insert the times when the final resolution can be seen which should be such as to afford reasonable opportunities for inspection.

[9]Insert name and designation of authorised officer.

FORM 62

[1]*Form of notice to owners, lessees and occupiers of the making of a final resolution declaring an area to be a housing action area for DEMOLITION AND IMPROVEMENT.*

READ THIS NOTICE CAREFULLY
IT MEANS THAT HOUSES WILL HAVE TO BE

DEMOLISHED OR IMPROVED

MORE INFORMATION MAY BE OBTAINED FROM

[2].....

.....

HOUSING (SCOTLAND) ACT 1974

THE [3]..... HOUSING ACTION AREA FOR

DEMOLITION AND IMPROVEMENT

To [4].....

1. On [5]..... you were notified that the [6]..... had passed a draft resolution proposing that some of the buildings in the [3]..... Housing Action Area for Demolition and Improvement should be demolished and that the houses in those buildings which were not to be demolished should meet a specified standard.

2. The Council have now had regard to all the representations made to them regarding their proposals and have made a final resolution confirming the draft resolution [7][without modification] [with modifications as follows:— .....].

[8][**3.** This means that the Council have decided that your house at.....

[9][should be demolished]

[9][is no longer affected by the Council's proposals]

[9][meets the specified standard and no action is needed on it.]

[9][does not meet the standard and must be brought up to that standard.]

[9][does not meet the standard and cannot be brought up to that standard and must therefore be integrated with [7][the house at.....
(owned by.....)]
[one or both of the houses at.....
(owned by.....) and
at.....
(owned by.....)]
[the [10].....
(owned by.....)]]

[9][[meets] [does not meet] the standard [but] [and] it and the house at.....
.....
(owned by.....) either
jointly or separately will have to be integrated with the house at.....
.....
(owned by.....) because
that house cannot by itself be brought up to the standard]

[8][**3.** This means that the Council have decided that the [10].....
[9][should be demolished]
[9][is no longer affected by the Council's proposals]
[9][must be integrated with the house at.....
.....
(owned by.....)
so that that house can be brought up to the standard.]

4. The Council's final proposals for the area as a whole are shown in the [11]enclosed Schedule. The resolution and map can be seen free of charge at [2].....
..... between the hours of [12]..... and
..... when Council staff will be glad to discuss them with you.

[13][**5.** The Council are obliged to give improvement grants at higher than normal rates to bring houses up to the standard. They also have a discretion to give grants for repair works unassociated with improvements and may give loans for the balance of the cost of necessary works. Further information and guidance on this can be obtained from the local authority at [2].....
.....]

6. If in the opinion of the Council the objectives set out in the resolution will not be achieved by the voluntary action of the owners of the properties in the area, they may take steps to acquire those properties, if necessary compulsorily. Should compulsory purchase proceedings be taken the Council will be obliged to serve notice of their intentions and there will be an opportunity to object, with the Secretary of State making the final decision on the compulsory purchase order, if necessary after holding a public local inquiry.

[14][**7.** You will note that in the Council's opinion your house [7][does] [does not] meet the tolerable standard. This can affect the amount of money which the Council can pay for your house should they have to acquire it. Further information on this can be obtained from Council officials at the address given above.]

8. If you do not fully understand this notice, you should ask for guidance from Council officials at [2].....
of consult a solicitor.

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

[15].....

Notes for guidance in completing this form

[1]This form should be used for notice of the making of a final resolution in respect of a housing action area for DEMOLITION AND IMPROVEMENT, that is in which it is proposed to secure the demolition of some of the buildings in the area and the carrying out of such works on the houses in the area which do not meet the standard specified for the area other than the houses in those buildings which are to be demolished, that on the completion of the works all the houses then in the area will meet that standard.

[2]Insert address.

[3]Insert title of housing action area.

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

[5]Insert date of notice of making of draft resolution.

[6]Insert name of the local authority.

[7]Delete the words not applicable.

[8]Use one or other of these paragraphs according to whether the property is a house or is part of a building other than a house.

[9]Use the form of words appropriate to the category into which the house or part of building falls.

[10]Insert a description of the part(s) of building(s) to be integrated.

[11]A copy of the schedule to the final resolution should be enclosed.

[12]Insert times which should be such as to afford reasonable opportunities for inspection.

[13]Delete this paragraph and re-number subsequent paragraphs where this notice refers only to property to be demolished.

[14]Delete where the notice does not refer to a house.

[15]Insert name and designation of authorised officer.

FORM 63

Form of compulsory purchase order for a housing action area for DEMOLITION and IMPROVEMENT and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE .....HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

[2]..... (hereinafter referred to as "the local authority") having passed a resolution under section 17 of the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") on [3]..... defining the above-mentioned Housing Action Area for Demolition and Improvement, hereby make the following compulsory purchase order in exercise of the powers conferred on them by section 26(3) of the Act:—

1.—(1) This order may be cited as the [1]..... Housing Action Area for Demolition and Improvement 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.

2. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily:—

*[(*a*)] for the purpose of securing the demolition of all the buildings thereon the land within the housing action area described in Part I of the Schedule hereto and for the purpose of securing the carrying out of the works needed to ensure that all the houses in the area, other than the houses in the buildings to be demolished, will meet the standard specified for the area, the land within the housing action area described in Part II of the said Schedule, all shown edged green and coloured yellow on the map signed and sealed with reference to this order and marked "Map referred to in the [1]..... ..... Housing Action Area for Demolition and Improvement Compulsory Purchase Order 19....." *[;and

(*b*) as being reasonably necessary for the purpose of securing *[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the said housing action area] the land *[surrounded by] [and] [adjoining] the housing action area described in Part III of the said Schedule shown coloured blue on the said map].

Copies of the said map are deposited in the offices of the local authority at [4]..... and of the Scottish Development Department at [5].....

3. The houses listed under head A of Part I and under head A of Part II of the Schedule hereto are the houses within the housing action area which do not meet the tolerable standard and accordingly the compensation in respect of the purchase thereof will be limited to the compensation payable under section 29 of the Act.

*[**4.** In relation to the foregoing purchase 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] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised [6]*[subject to the modification that references in the said section(s) to the company shall be construed as references to the local authority and that references to the works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon].]

[7].....

[8]SCHEDULE

Part I—(Demolition)

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)
A. *Houses below the tolerable standard*			
B. *Houses meeting the tolerable standard*			
C. *Other parts of buildings*			

Part II—(Improvement Works)

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)
A. *Houses below the tolerable standard*			
B. *Houses meeting the tolerable standard but below the specified standard*			
C. *Houses meeting the specified standard*			
D. *Other parts of buildings*			

*[Part III—(Surrounded/Adjoining Land)

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making of the resolution.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert address.

[6]The terms of this modification may be varied as appropriate.

[7]Authenticate in the manner appropriate to the authority making the order giving date and place of making.

[8]List under each heading the particulars in respect of each property appropriate thereto.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 64

Form of advertisement of the making of a compulsory purchase order for a housing action area for DEMOLITION and IMPROVEMENT and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1974
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that [2]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [3].....19..... made the above-mentioned compulsory purchase order for the purpose of securing within the housing action area the demolition of all the buildings described in Part I of the Schedule hereto, *[and] the carrying out of necessary works on the buildings described in Part II of the said Schedule *[and incorporating with the land in the housing action area the additional land *[surrounded by] [and] [adjoining] the housing action area described in Part III of the said Schedule].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... and may be seen there without payment of fee between the hours of [5]..... ..... and ..... on business days.

Any objections to the Order must be made in writing, stating the grounds of objection to the Secretary, Scottish Development Department,[6]..... ..... by [7].....19..... and a copy thereof should be sent to [2]..... at [6]..... .....

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

[8].....

[9]SCHEDULE

Part I —(Demolition)

Part II —(Improvement Works)

*[Part III—(Surrounded/Adjoining Land)]

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making the order.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert address.

[7]Insert date **not less than 21 days from the first publication of the advertisement.**

[8]Insert name and designation of authorised officer.

[9]Insert description of all the land comprised in the order showing separately any land outside the housing action area. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for local authority

The localt authority should forward to the Secretary, Scottish Development Department 83 Princes Sreet, Edinburgh EH2 2HH, copies of the newspapers containing the advertisement immediately after the publication of the second advertisement.

FORM 65

Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order for a housing action area for DEMOLITION and IMPROVEMENT and land surrounded by or adjoining the area.

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE..... HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

To [2].....

Take notice that [3]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [4].....19..... made the above-mentioned order authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the demolition of all the buildings on the land within the housing action area described in Part I of the said Schedule *[and] securing the carrying out of the works needed to ensure that all the houses within the housing action area described in Part II of the said Schedule will meet the standard specified for the area *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area described in Part III of the said Schedule.]

The order includes property in which you are believed to have an interest as *[owner] [lessee] [occupier].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [5]..... and may be seen there without payment of fee between the hours of [6]..... ..... and..... on business days.

*[The Schedule to this notice shows at Part I head A and Part II head A the houses which do not meet the tolerable standard. The amount of compensation payable in respect of those houses is restricted. Objection may be made to this order on the grounds that such a classification is incorrect.]

Any objections to the order must be made in writing, stating the grounds of objection, to the Secretary, Scottish Development Department, [7]..... ..... by [8].....19..... and a copy thereof should be sent to [3]..... at [7]..... .....

The Secretary of State has power to disregard objections relating exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland, but other objections, if not withdrawn, may result in the Secretary of State causing a public local inquiry into the order to be held.

Information on the rights to compensation payable if the order is confirmed by the Secretary of State and on any time limit which may exist on the making of an application for such compensation may be obtained from [7].....
.....

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

[9].....

[10]SCHEDULE

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

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

[3]Insert the name of the local authority.

[4]Insert the date of making the order.

[5]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[6]Insert the times.

[7]Insert address.

[8]Insert date **not less than 21 days from the first publication of the advertisement.**

[9]Insert name and designation of authorised officer.

[10]Insert a copy of the Schedule to the order or give a brief description of all the land affected by the order together with an excerpt from the Schedule thereto which must include reference to the appropriate part(s) and sub-heading(s).

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 66

Form of advertisement and notice of confirmation of a compulsory purchase order for a housing action area for DEMOLITION and IMPROVEMENT and land surrounded by or adjoining the area.

[1]**WARNING: 1. IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE ON YOUR PROPERTY, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.**

2. INFORMATION ON THE RIGHTS TO COMPENSATION PAYABLE AND ON ANY TIME LIMITS MAY BE OBTAINED FROM THE LOCAL AUTHORITY.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[2]The ..... HOUSING ACTION AREA FOR DEMOLITION AND IMPROVEMENT COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by section 26(3) of the Housing (Scotland) Act 1974, has confirmed *[with modifications] the above-mentioned order submitted to him by [3]..... authorising them to purchase compulsorily the land described in the Schedule hereto for the purpose of securing the demolition of all the buildings on the land within the housing action area described in Part I of the said Schedule *[and] securing the carrying out of the works needed to ensure that all the houses within the housing action area described in Part II of the said Schedule will meet the standard specified for the area *[and incorporating additional land *[surrounded by] [and] [adjoining] the housing action area described in Part III of the said Schedule.]

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the area have been deposited at [4]..... and may be seen there without payment of fee between the hours of [5]..... ..... and..... on business days.

The order as confirmed becomes operative on the [6]..... day of .....19..... but a person aggrieved by the order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session **within 6 weeks from that date,** question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted, or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

[7][.....]

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

[8].....

[9]SCHEDULE

Part I (Demolition)

Part II (Improvement Works)

*[Part III (Surrounded/Adjoining Land)]

[1]*NOTE FOR YOUR INFORMATION*

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended, outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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. If you are in doubt about your rights under this provision consult a Solicitor.

Notes for guidance in completing this form

[1]To be included only when this form is issued as a notice and in any copies thereof.

[2]Complete the short title.

[3]Insert the name of the local authority.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert the times.

[6]Insert date on which notice of confirmation is first published.

[7]Where the authority propose to acquire by means of a general vesting declaration the advertisement and notice shall include the information required by virtue of paragraph 2(1) of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

[8]Insert the name and designation of the authorised officer.

[9]Insert description of all the land, houses and other buildings comprised in the order, as confirmed, in terms such as will enable the reader to appreciate what is included. Show separately land outside the housing area.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for Local Authority

Paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 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 one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with Section 26(3) of the Housing (Scotland) Act 1974.

FORM 67

Form of compulsory purchase order for land surrounded by or adjoining a housing action area only.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR *[DEMOLITION] [IMPROVEMENT] [DEMOLITION AND IMPROVEMENT] COMPULSORY PURCHASE ORDER 19.....

[2]..... (hereinafter referred to as "the local authority") having passed a resolution under section *[15] [16] [17] of the Housing (Scotland) Act 1974 (hereinafter referred to as "the Act") on [3]..... defining the above-mentioned Housing Action Area for *[Demolition] [Improvement] [Demolition and Improvement], and having determined to acquire land within the area hereby make the following compulsory purchase order in exercise of the powers conferred on them by section 26(3) of the Act:—

1.—(1) This order may be cited as the [1]..... Housing Action Area for *[Demolition] [Improvement] [Demolition and Improvement] 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.

2. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily as being reasonably necessary for the purpose of securing *[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the said housing action area] the land *[surrounded by] [and] [adjoining] the housing action area described in the Schedule hereto and shown coloured blue on the map signed and sealed with reference to this order and marked "Map referred to in the [1]..... ..... Housing Action Area for *[Demolition] [Improvement] [Demolition and Improvement] Compulsory Purchase Order 19.....

Copies of the said map are deposited in the offices of the local authority at [4]..... and of the Scottish Development Department at [5].....

*[**3.** In relation to the foregoing purchase 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] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised [6]*[subject to the modification that references in the said section[s] to the company shall be construed as references to the local authority and that references to the works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon].]

[7].....

SCHEDULE

Number on map (1)	Address of property (2)	Owners (3)	Lessees and occupiers (4)

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert the name of the local authority.

[3]Insert the date of making of the resolution.

[4]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[5]Insert address.

[6]The terms of this modification may be varied as appropriate.

[7]Authenticate in the manner appropriate to the authority making the order giving date and place of making.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

FORM 68

Form of advertisement of the making of a compulsory purchase order for land surrounded by or adjoining a housing action area only.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR [2]..... ..... COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that [3]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [4].....19..... made the above-mentioned compulsory purchase order for the purpose of incorporating with the land in the housing action area the land *[surrounded by] [and] [adjoining] the housing action area described in the Schedule hereto.

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [5]..... and may be seen there without payment of fee between the hours of [6]..... and..... on business days.

Any objections to the order must be made in writing, stating the grounds of objection to the Secretary, Scottish Development Department, [7]..... ..... by [8].....19..... and a copy thereof should be sent to [3]..... at [5]..... .....

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

[9].....

[10]SCHEDULE

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

[3]Insert the name of the local authority.

[4]Insert the date of making the order.

[5]Insert address. The place of deposit should be within "the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[6]Insert the times.

[7]Insert address.

[8]Insert date not less than 21 days from the first publication of the advertisement.

[9]Insert name and designation of authorised officer.

[10]Insert description of all the land comprised in the order. This need not repeat the Schedule to the order, but must be in terms which enable the reader to appreciate what land is included.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for local authority

The local authority should forward to the Secretary, Scottish Development Department, 83 Princes Street, Edinburgh EH2 2HH, copies of the newspapers containing the advertisement immediately after the publication of the second advertisement.

FORM 69

Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order for land surrounded by or adjoining a housing action area only.

WARNING: IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[1]THE ..... HOUSING ACTION AREA FOR

[2]..... COMPULSORY PURCHASE ORDER 19.....

To [3].....

Take notice that [4]..... in exercise of the powers conferred upon them by section 26(3) of the Housing (Scotland) Act 1974 on [5].....19..... made the above-mentioned order authorising them to purchase compulsorily as being reasonably necessary for the purpose of incorporating with the land in the housing action area, the land *[surrounded by] [and] [adjoining] the housing action area, described in the Schedule hereto.

The order includes property in which you are believed to have an interest at *[owner] [lessee] [occupier].

The order is about to be submitted to the Secretary of State for confirmation and comes into operation only if he confirms it.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at [6]..... and may be seen there without payment of fee between the hours of [7]..... and ..... on business days.

Any objections to the order must be made in writing, stating the grounds of objection, to the Secretary, Scottish Development Department, [8]..... .....by [9].....19..... and a copy thereof should be sent to [4]..... at [8]..... .....

The Secretary of State has power to disregard objections relating exclusively to matters of compensation which can be dealt with by the Lands Tribunal for Scotland, but other objections, if not withdrawn, may result in the Secretary of State causing a public local inquiry into the order to be held.

Information on the rights to compensation payable if the order is confirmed by the Secretary of State may be obtained from the Local Authority Offices at [8].....

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

[10].....

[11]SCHEDULE

*[Note: A full description of the land affected is contained in the compulsory purchase order and relative map.]

Notes for guidance in completing this form

[1]Complete the short title.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

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

[4]Insert the name of the local authority.

[5]Insert the date of making the order.

[6]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[7]Insert the times.

[8]Insert address.

[9]Insert date **not less than 21 days from the first publication of the advertisement.**

[10]Insert name and designation of authorised officer.

[11]Insert a copy of the Schedule to the order or give a brief description of all the land affected by the order together with an excerpt from the Schedule thereto.

FORM 70

Form of advertisement and notice of confirmation of a compulsory purchase order for land surrounded by or adjoining a housing action area only.

[1]**WARNING: 1. IF IN DOUBT ABOUT THE EFFECT OF THIS NOTICE ON YOUR PROPERTY, CONSULT YOUR LOCAL AUTHORITY OR A SOLICITOR.**

2. INFORMATION ON THE RIGHTS TO COMPENSATION PAYABLE AND ON ANY TIME LIMITS MAY BE OBTAINED FROM THE LOCAL AUTHORITY.

THE HOUSING (SCOTLAND) ACT 1974

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

[2]THE ..... HOUSING ACTION AREA FOR [3].....

..... COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by section 26(3) of the Housing (Scotland) Act 1974, has confirmed *[with modifications] the above-mentioned order submitted to him by [4]..... authorising them to purchase compulsorily as being reasonably necessary for the purpose of incorporating with the land in the housing action area, the land *[surrounded by] [and] [adjoining] the housing action area, described in the Schedule hereto.

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the area have been deposited at [5]..... ..... and may be seen there without payment of fee between the hours of [6]..... and ..... on business days.

The order as confirmed becomes operative on the [7]..... day of .....19..... but a person aggrieved by the order may, in accordance with the provisions of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as extended by section 60 of the Land Compensation (Scotland) Act 1973, by application to the Court of Session **within 6 weeks from that date,** question its validity on the grounds (i) that the authorisation granted by the order is not empowered to be granted or (ii) that his interests have been substantially prejudiced by failure to comply with any statutory requirement relating to the order.

[8][.....]

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

[9].....

[10]SCHEDULE

Notes for guidance in completing this form

[1]To be included only when this form is issued as a notice and in any copies thereof.

[2]Insert the short title.

[3]Insert DEMOLITION, IMPROVEMENT, or DEMOLITION AND IMPROVEMENT, as appropriate.

[4]Insert the name of the local authority.

[5]Insert address. The place of deposit must be "within the locality". It should therefore be within relatively easy reach of persons living in the area affected.

[6]Insert the times.

[7]Insert date on which notice of confirmation is first published.

[8]Where the authority propose to acquire by means of a general vesting declaration the advertisement and notice shall include the information required by virtue of paragraph 2(1) of Schedule 24 to the Town and Country Planning (Scotland) Act 1972.

[9]Insert name and designation of authorised officer.

[10]Insert description of all the land comprised in the order, as confirmed, in terms such as will enable the reader to appreciate what is included.

*Words in parenthesis should be deleted if and so far as inappropriate to the particular order.

Note for Local Authority

Paragraph 6 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 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 one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with Section 26(3) of the Housing (Scotland) Act 1974.

FORM 71

Form to be used for advertising the rescinding of a draft resolution.

THE HOUSING (SCOTLAND) ACT, 1974

THE [1]..... HOUSING ACTION AREA FOR [2].....

1. On [3]..... the [4]..... passed a Draft Resolution proposing that the area [5]..... should be a Housing Action Area for [2]..... and that [6][all the buildings in the area should be demolished] [the houses in the area should meet the standard specified for the area] [some of the buildings in the area should be demolished and the houses in those buildings not to be demolished should meet the standard specified for the area.]

2. The Draft Resolution has now been rescinded by the Council.

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

[7].....

Notes for guidance in completing this form

[1]Insert the name of the housing action area.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

[3]Insert the date of passing the draft resolution.

[4]Insert the name of the local authority.

[5]Insert a brief description of the area.

[6]Delete the words not applicable.

[7]Insert name and designation of authorised officer.

FORM 72

Form to be used for giving notice to owners, lessees and occupiers of the rescinding of a draft resolution.

THE HOUSING (SCOTLAND) ACT, 1974

THE [1]..... HOUSING ACTION AREA FOR [2].....

TO [3].....

1. On [4]..... you were notified that the [5]..... had passed a Draft Resolution proposing that the area [6]..... should be a Housing Action Area for [2]..... and that [7][all the buildings in the area should be demolished] [the houses in the area should meet the standard specified for the area] [some of the buildings in the area should be demolished and the houses in those buildings which were not to be demolished should meet the standard specified for the area] and that property in which you have an interest was affected.

2. The Dratt Resolution has now been rescinded by the Council which means that their proposals for the area have been abandoned and your property at [8]..... is no longer affected.

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

[9].....

Notes for guidance in completing this form

[1]Insert the name of the housing action area.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

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

[4]Insert the date of notification of the making of the draft resolution.

[5]Insert the name of the local authority.

[6]Insert a brief description of the area.

[7]Delete the words not applicable.

[8]Insert the location of the property.

[9]Insert name and designation of authorised officer.

FORM 73

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

THE HOUSING (SCOTLAND) ACT, 1974

Whereas the [1]....., the local authority under the Housing (Scotland) Act 1974 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 33 of the Act have resolved 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].....

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 33(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 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]Authenticate in the manner appropriate to the authority making the Order giving date and place of making.

FORM 74

Form of notice 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 1974

Notice is hereby given that the [1]..... the local authority under the Housing (Scotland) Act 1974, in exercise of the powers conferred upon them by section 33 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, [4]..... **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 [5].....

Section 33(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.....

[6].....

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 address—currently 83 Princes Street, Edinburgh EH2 2HH.
[5]Insert address to which copy of objection is to be sent.
[6]Insert name and designation of authorised officer.

FORM 75

Form of order controlling the occupation of houses in a housing action area.

THE HOUSING (SCOTLAND) ACT 1974

[1]THE ..... HOUSING ACTION AREA FOR [2].....
CONTROL OF OCCUPATION ORDER 19.....

Whereas the [3]....., the local authority under the Housing (Scotland) Act 1974, (hereinafter referred to respectively as "the local authority" and "the Act") have passed a draft resolution declaring an area in their district to be a housing action area, which is to be known as the [1]..... Housing Action Area for [2]....., and submitted it to the Secretary of State and are empowered in terms of section 35 of the said Act to proceed to make an order controlling the occupation of certain houses in the said area;

Now, therefore, the local authority in exercise of the powers conferred on them by section 35(1) of the said Act, but subject to section 35(3) of that Act, hereby prohibit the occupation of the houses described in the schedule hereto except with their consent.

This order may be cited as the [1]..... Housing Action Area for [2]..... Control of Occupation Order 19.....

[4].....

[5].....

SCHEDULE

Description and situation of the house[s]	Person having control	Owner or reputed owner	Occupier
(1)	(2)	(3)	(4)

Notes for guidance in completing this form

[1]Insert the title of the housing action area.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

[3]Insert the name of the local authority.

[4]Authenticate in the manner appropriate to the authority making the order giving date and place of making.

[5]Insert name and designation of authorised officer.

Notes for the local authority

In terms of section 35(1) of the Act an order may be made as soon as practicable after the Secretary of State has notified the local authority that he does not propose to direct them to rescind the draft resolution or if, after the expiry of the period of 28 days mentioned in section 19(3) of the Act, they have received no notification from the Secretary of State.

The order may only prohibit the occupation of houses in the housing action area which have been identified in accordance with section 18(4)(*a*) and (*c*) of the Act.

Under section 35(2) of the Act the local authority must within 28 days of the making of the order serve a notice in respect of every such house in the housing action area upon the person having control of the house and upon any other person who is an owner or occupier of the house, stating that the order has been made and indicating the effect of the order. (See Form 76.)

FORM 76

Form of notice to persons having control, owners and occupiers of the making of an order controlling the occupation of houses in a housing action area and of its effect.

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 1974

[1]THE ..... HOUSING ACTION AREA FOR [2].....
CONTROL OF OCCUPATION ORDER 19.....

To [3].....

Take notice that the [4].....
the local authority under the Housing (Scotland) Act 1974, (hereinafter referred to respectively as "the local authority" and "the Act") have, in exercise of the powers conferred on them by section 35(1) of the Act, but subject to the provisions of section 35(3) of the Act, on [5].....19..... made the above-mentioned order prohibiting the occupation of certain houses in the [1]..... Housing Action Area for [2]..... without their consent.

The order applies to the house[s] described in the Schedule hereto in which you are believed to be interested as—

[6] { the person having control / the owner / the occupier }

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

[7].....

SCHEDULE

Description and situation of the house[s] (1)	Person having control (2)	Owner or reputed owner (3)	Occupier (4)

NOTES FOR YOUR INFORMATION

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

1. Section 35(1) of the Act provides that, having passed a draft resolution declaring an area to be a housing action area, a local authority may make an order prohibiting the occupation of certain houses in the area except with their consent as soon as practicable after the Secretary of State has notified them that he does not propose to direct them to rescind the draft resolution or if, after the expiry of the period of 28 days mentioned in section 19(3) of the Act, they have received no notification from the Secretary of State. Such an order may be made in respect of houses in the housing action area which in the opinion of the local authority should be demolished or which form part of a building comprising two or more flats which are below the standard specified for the area and which in the opinion of the local authority require to be integrated with some other part or parts of that building. This is subject to subsection (3) of section 35 (see paragraph 2 below). There is no appeal against the refusal of the local authority to give consent.

2. Subsection (3) provides that such an order shall not prohibit the occupation of a house by a person occupying it on the date of service of this notice. **If therefore you are in occupation of the house described in the schedule above at the date of service of this notice, the order does not affect your continuing occupation** but you may not permit anyone else to occupy the house after that date without obtaining the consent of the local authority. If you are not in occupation of the house as at the date of service of this notice then you may not occupy it thereafter or permit anyone else to occupy it without the consent of the local authority.

3. Subsection (4) provides that if anyone, in contravention of the order, knowingly occupies a house or permits it to be occupied, after the date of service of this notice, he may be liable on summary conviction to a fine not exceeding £400 and in the case of a second or subsequent conviction in respect of that house or any other house a fine not exceeding £400 or 3 months imprisonment or both; and in the case of a continuing offence to a further fine of £5 a day if he occupies it or permits it to be occupied after conviction.

4. Under section 35(5) of the Act where an owner or person having control of the house considers the order unreasonable he may apply to the local authority to revoke the order in respect of the house.

5. Section 35(6) of the Act provides that any applicant for a revocation under section 35(5) who is aggrieved by the local authority's refusal to revoke the order may appeal to the Sheriff by giving notice of appeal within 21 days of the date of refusal.

6. An order made under section 35(1) ceases to have effect in relation to any house affected by any of the following events:—

(*a*) on the date on which the local authority revoke the order as a result of an application as described in paragraph 4 above;

(*b*) on the date of the passing of a final resolution under section 20 of the Act identifying a house in accordance with that section as read with section 18(4)(*b*) of the Act;

(*c*) on the date of the rescinding of a draft resolution under section 20 of the Act;

(*d*) in the case where the Secretary of State in refusing to confirm an order for compulsory purchase submitted to him under section 26 of the Act, directs that any order made under section 35(1) shall cease to apply either generally or in respect of individual houses, on the date of that direction.

(*e*) in the case where the Secretary of State in modifying in accordance with the provisions of section 26(3)(*e*) of the Act an order for compulsory purchase submitted to him under the said section 26, directs that any order made under section 35(1) shall cease to apply either generally or in respect of individual houses, on the date of that direction.

7. The person having control of any premises is defined in section 208(2) of the Housing (Scotland) Act 1966 as the person who for the time being is entitled to receive, or would if the premises were let, be entitled to receive, the rent of the premises, including a trustee, tutor, curator, factor or agent.

Notes for guidance in completing this form

[1]Insert the title of the order.

[2]Insert DEMOLITION, IMPROVEMENT or DEMOLITION AND IMPROVEMENT as appropriate.

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

[4]Insert the name of the local authority.

[5]Insert the date of making of the control of occupation order.

[6]Delete whichever is not applicable.

[7]Insert the name and designation of authorised officer.

FORM 77

Form of declaration of failure to meet the tolerable standard order.

THE HOUSING (SCOTLAND) ACT 1974
LAND COMPENSATION (SCOTLAND) ACT 1963

[1]THE..... (DECLARATION OF FAILURE TO MEET THE TOLERABLE STANDARD) ORDER 19.....

Whereas the [2]....., (hereinafter referred to as "the local authority") are a local authority for the purposes of the provisions of Part II of the Housing (Scotland) Act 1974, relating to housing action 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, in the opinion of the local authority, does not meet the tolerable standard;

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 that the said house does not meet the tolerable standard.

This order may be cited as the [1]..... (Declaration of Failure to Meet the Tolerable Standard) Order 19.....

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

[5].....

SCHEDULE

Description and situation of house (1)	Owner or reputed owner (2)

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 169 of the Town and Country Planning (Scotland) Act 1972.

[5]See section 347 of the Local Government (Scotland) Act 1947 as to the signing of orders (after 15 May 1975 the relevant authority will be section 193 of the Local Government (Scotland) Act, 1973).

FORM 78

Form of notice to owners, superiors and holders of heritable securities of the making of a declaration of failure to meet the tolerable standard order.

WARNING

This notice may affect the sum which the council can pay for your house. If you are in doubt about its effect you should ask for guidance at your Council Offices [quote address]..... .....**or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1974
LAND COMPENSATION (SCOTLAND) ACT 1963

[1]THE..... (DECLARATION OF FAILURE TO MEET THE TOLERABLE STANDARD) 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 order") declaring that the house described in the first column of the schedule hereto, and shown coloured..... on the map annexed to the order, does not meet the tolerable standard, the said house being a house comprised in land which is the subject of a compulsory acquisition, being an acquisition [4].....;

(ii) the ground[s] upon which the local authority are of opinion that the said house does not meet the tolerable standard [is] [are] set out in the second column of the Schedule hereto;

(iii) any objection to the 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, [5]..... on or before [6].....19.....

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

[7].....

SCHEDULE

Description and situation of house	Ground[s] upon which the local authority are of opinion that the house does not meet the tolerable standard
(1)	(2)

NOTES FOR YOUR INFORMATION

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

1. 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.

2. Details of any compensation which may be paid to you as a result of the order referred to and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.

3. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard 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 address of Department—currently 83 Princes Street, Edinburgh EH2 2HH.

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

[7]Insert name and designation of authorised officer.

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, the Housing (Scotland) Act 1969 and the Housing (Scotland) Act 1974.

The Regulations take account of the passing of the Housing (Scotland) Act 1974 by prescribing forms &c., related to the new procedures introduced by that Act, and revoke and reproduce the 1969 and 1973 Regulations specified in Regulation 3 in the light of amendments made by that Act.

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