EXECUTIVE NOTE

THE NOTICE TO LOCAL AUTHORITIES (SCOTLAND) AMENDMENT REGULATIONS 2010

SSI 2010/251

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 11(3) and 11(4) of the Homelessness etc. (Scotland) Act 2003 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Policy Objectives

The purpose of the Notice to Local Authorities (Scotland) Amendment Regulations 2010 is to prescribe the form of notice for the purposes of section 5A(2)(c) of the Heritable Securities (Scotland) Act 1894 (inserted by section 3 of the Home Owner and Debtor Protection (Scotland) Act 2010) which must be served by a creditor when making an application to court to eject a proprietor in possession of a residential property. The form which must be used is that contained in the Homelessness (Scotland) Act 2003.

Consultation

There was no statutory requirement to consult on this Order and we did not feel that any consultation was necessary, given that it merely applied an existing form of notice for the purposes of this new section.

Financial Effects

The instrument has no financial impact on the Scottish Executive, local government or on business as the Order simply updates forms already in existence. As a result a Regulatory Impact Assessment is not required.

Housing Access and Support Division
Scottish Government
June 2010