

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Housing (Cladding Remediation) (Scotland) Act 2024, Schedule. (See end of Document for details)

PROSPECTIVE

SCHEDULE

(introduced by section 9)

WARRANT TO EJECT FROM EVACUATED PREMISES

Application

- 1 (1) The Scottish Ministers may apply to the sheriff for a warrant for the ejection from premises of any occupants who have not removed from them in accordance with a requirement to do so imposed under [section 9](#).
- (2) Where the requirement to remove is imposed in the circumstance mentioned in [section 9\(1\)\(b\)](#), an application for the ejection of an occupant may not be made before the day after the date for removal specified in the written notice to the occupant in accordance with [section 9\(3\)\(a\)](#).
- (3) An application under [this paragraph](#) must be accompanied by a certificate signed on behalf of the Scottish Ministers—
 - (a) specifying which paragraph of [section 9\(1\)](#) was the basis for their imposing the requirement to remove from the premises, and
 - (b) certifying that they continue to be of the opinion mentioned in that paragraph.

Commencement Information

I1 Sch. para. 1 not in force at Royal Assent, see [s. 39\(2\)](#)

Notice to occupants

- 2 On an application under [paragraph 1](#), the sheriff may require the Scottish Ministers to give a written notice to an occupant of the premises in question.

Commencement Information

I2 Sch. para. 2 not in force at Royal Assent, see [s. 39\(2\)](#)

Disposal of application

- 3 (1) Where the certificate accompanying an application under [paragraph 1](#) specifies that a requirement to remove was imposed under [section 9\(1\)\(a\)](#), the sheriff must, if satisfied that it is reasonable to do so, grant a warrant of ejection within the period of 7 days beginning with—
 - (a) the date of the application, or
 - (b) if the Scottish Ministers were required to give written notice under [paragraph 2](#), the date that notice was given.

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- (2) Where the certificate accompanying an application under [paragraph 1](#) specifies that a requirement to remove was imposed under [section 9\(1\)\(b\)](#), the sheriff may, if satisfied that it is reasonable to do so, grant a warrant of ejection.
- (3) A warrant under this paragraph may include such conditions (including conditions with respect to payment of rent) as the sheriff thinks just and equitable.
- (4) The sheriff's decision on an application under [paragraph 1](#) is final.

Commencement Information

I3 Sch. para. 3 not in force at Royal Assent, see [s. 39\(2\)](#)

Evidence

- 4 In proceedings under [this schedule](#), a certificate required by [paragraph 1\(3\)](#) is sufficient evidence of the facts stated in it.

Commencement Information

I4 Sch. para. 4 not in force at Royal Assent, see [s. 39\(2\)](#)

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