



Housing (Cladding Remediation) (Scotland) Act 2024

2024 asp 7

PART 2

POWERS TO ASSESS AND ADDRESS DANGER

CHAPTER 1

SCOTTISH MINISTERS' POWERS

Powers to address danger

PROSPECTIVE

9 Power to evacuate

- (1) The Scottish Ministers may require the occupants of premises to remove from them in any of the following circumstances—
- (a) in the Scottish Ministers' opinion—
 - (i) there is a substantial risk to the occupants' lives, or
 - (ii) continued occupation of the premises would mean that there would be a substantial risk to the lives of the occupants of any other premises, due (directly or indirectly) to the external wall cladding system of a building that is undergoing, or has undergone, a single-building assessment or an additional work assessment,
 - (b) the Scottish Ministers have arranged for work to be carried out under [section 7](#) or [8](#) and, in their opinion, the occupants of the premises may be endangered by the carrying out of the work.
- (2) A requirement to remove from premises in the circumstance mentioned in [subsection \(1\)\(a\)](#)—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Housing (Cladding Remediation) (Scotland) Act 2024, Section 9. (See end of Document for details)

- (a) may be imposed by informing the occupants verbally, or by giving them written notice, that they are to remove from the premises,
 - (b) may require the occupants to remove from the premises immediately.
- (3) A requirement to remove from premises in the circumstance mentioned in [subsection \(1\)\(b\)](#)—
- (a) may be imposed only by giving the occupants a written notice that they are to remove from the premises by a date specified in the notice,
 - (b) may not require the occupants to remove before the end of the 14 day period beginning with the day that the notice required by [paragraph \(a\)](#) is given.
- (4) Having imposed a requirement to remove from premises under [this section](#), and having since become satisfied that no-one would be endangered by occupying the premises, the Scottish Ministers must—
- (a) cause notice to that effect to be conspicuously displayed on or near the premises for a period of at least 14 days, and
 - (b) take all reasonable steps to give notice to that effect to any person who—
 - (i) removed from the premises in accordance with a requirement imposed under [this section](#), or
 - (ii) was ejected from them by virtue of a warrant granted under [paragraph 3 of the schedule](#).
- (5) A person's tenancy of premises is not to be taken to have been terminated, varied or altered by reason of the person's—
- (a) removing from the premises in accordance with a requirement imposed under [this section](#), or
 - (b) being ejected from the premises by virtue of a warrant granted under [paragraph 3 of the schedule](#).
- (6) [The schedule](#) makes provision about the granting of warrants for the ejection of occupants required to remove under [this section](#).

Commencement Information

II S. 9 not in force at Royal Assent, see [s. 39\(2\)](#)

Status:

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Changes to legislation:

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