

**2010 No. 251**

**HOUSING**

**The Notice to Local Authorities (Scotland) Amendment  
Regulations 2010**

<i>Made</i>	- - - -	<i>17th June 2010</i>
<i>Laid before the Scottish Parliament</i>		<i>18th June 2010</i>
<i>Coming into force</i>	- -	<i>30th September 2010</i>

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

**Citation and commencement**

1. These Regulations may be cited as the Notice to Local Authorities (Scotland) Amendment Regulations 2010 and come into force on 30th September 2010.

**Amendment of the Notice to Local Authorities (Scotland) Regulations 2008**

2. For regulation 2(2)(c) (form of notice) of the Notice to Local Authorities (Scotland) Regulations 2008(b) substitute—

“(c) section 5A(2)(c) (notice to local authority of proceedings to eject proprietor in personal occupancy) of the Heritable Securities (Scotland) Act 1894(c);”.

*ALEX NEIL*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
17th June 2010

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(a) 2003 asp 10. Section 11 was amended by the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6) (“the 2010 Act”), section 8(5)(a).  
(b) S.S.I. 2008/324, to which there are no relevant amendments.  
(c) 1894 c.44. Section 5A(2)(c) was inserted by section 3(2) of the 2010 Act.

## **EXPLANATORY NOTE**

*(This Note does not form part of the Regulations)*

The Notice to Local Authorities (Scotland) Regulations 2008 (“the 2008 Regulations”) prescribe the form of notice to be given under section 11(1) of the Homelessness etc. (Scotland) Act 2003 (“the 2003 Act”) and various other enactments listed in section 11(5) of that Act.

These Regulations amend the 2008 Regulations to prescribe the form of notice for the purposes of section 5A(2)(c) of the Heritable Securities (Scotland) Act 1894 (“the 1894 Act”).

Section 5A(2)(c) of the 1894 Act provides that where a creditor applies to the court to eject a proprietor in possession of a residential property, the creditor must serve a notice in the form prescribed under section 11(3) of the 2003 Act.

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