
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 17

**The Health Protection (Coronavirus) (Restrictions
and Requirements) (Local Levels) (Scotland)
Amendment (No. 12) Regulations 2021**

Amendment to schedule 4: residential tenancies (eviction)

5. In schedule 4 (level 3 restrictions), after paragraph 9 (requirement to collect and share information: restaurants, cafes, bars, public houses, etc.) insert—

“Residential tenancies (eviction)

9A.—(1) No person may attend at a dwelling house for the purpose of—

- (a) serving a charge for removing, or
- (b) executing a decree for removing from heritable property.

(2) Sub-paragraph (1) does not apply where the charge for removing relates to a decree for removing from heritable property, or where the decree for removing from heritable property is, granted wholly or partly on the basis that possession is sought in the circumstances as specified in—

- (a) Case 2 (nuisance, annoyance or conviction for using or allowing the dwelling-house to be used for immoral or illegal purposes) in schedule 2 of the Rent (Scotland) Act 1984⁽¹⁾,
- (b) Ground 15 (conviction for certain offences, acting in an anti-social manner or pursuing a course of anti-social conduct) in schedule 5 of the Housing (Scotland) Act 1988⁽²⁾,
- (c) Paragraph 2 (conviction for certain offences), 7 (anti-social behaviour or harassment) or 8 (nuisance, annoyance or harassment) of schedule 2 of the Housing (Scotland) Act 2001⁽³⁾, or
- (d) Paragraph 13 (criminal behaviour), 14 (anti-social behaviour) or 15 (association with person who has relevant conviction or engaged in relevant anti-social behaviour) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016⁽⁴⁾.

(3) The period mentioned in section 16(5A)(c) of the Housing (Scotland) Act 2001⁽⁵⁾ (powers of court in possession proceedings) does not run during any period for which this paragraph has effect.

(4) In this paragraph—

(1) 1984 c.58.
(2) 1988 c.43. Ground 15 was substituted by section 23(4) of the Crime and Disorder Act 1998 (c.37).
(3) 2001 asp 10.
(4) 2016 asp 19.
(5) Subsection (5A) was inserted by section 153(a) of the Housing (Scotland) Act 2010 (asp 17).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“the 2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007⁽⁶⁾,
“a charge for removing” means a charge to remove from subjects or premises, as required by section 216(1)⁽⁷⁾ of the 2007 Act, in the case of a decree or order for removing from heritable property of a type mentioned in paragraph (f), (g) or (k) of section 214(2) of the 2007 Act⁽⁸⁾, and
“a decree for removing from heritable property” means a decree or order of a type mentioned in paragraph (f), (g) or (k) of section 214(2) of the 2007 Act.”.

⁽⁶⁾ [2007 asp 3](#).

⁽⁷⁾ Section 216(1) was amended by section 58(5) and (6) and paragraph 92(a) of schedule 5 of the Criminal Finances Act [2017 \(c.22\)](#).

⁽⁸⁾ Section 214(2) was relevantly amended by [S.S.I. 2019/51](#).