
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 35

**The Health Protection (Coronavirus) (Restrictions
and Requirements) (Local Levels) (Scotland)
Amendment (No. 14) Regulations 2021**

Amendment to schedule 4: residential properties (eviction)

- 3.** In schedule 4 (level 3 restrictions), in paragraph 9A(1)—
- (a) the cross-heading of paragraph 9A becomes “Residential properties (eviction)”, and
 - (b) in sub-paragraph (4)—
 - (i) for the definition of “a charge for removing”, substitute—

““a charge for removing” means a charge to remove from subjects or premises, as required by section 216(1) (service of charge before removing) of the 2007 Act(2) in the case of a decree for removing from heritable property,” and
 - (ii) for the definition of “a decree for removing from heritable property”, substitute—

““a decree for removing from heritable property” means a decree, order or warrant of a type mentioned in any of the following paragraphs of section 214(2) of the 2007 Act(3)—

 - (a) paragraph (a) or (b), where the decree or warrant is obtained by a creditor in a security over land used to any extent for residential purposes following an application under either or both—
 - (i) section 5(1) (power to eject proprietor in personal occupation) of the Heritable Securities (Scotland) Act 1894(4), or
 - (ii) section 24(1B) (application by creditor to court for remedies on default) of the Conveyancing and Feudal Reform (Scotland) Act 1970(5),
 - (b) paragraph (f),
 - (c) paragraph (g), or
 - (d) paragraph (k).”.

(1) Paragraph 9A was inserted by [S.S.I. 2021/17](#).

(2) Section 216(1) was amended by paragraph 92(a) of schedule 5 of the Criminal Finances Act 2017 (c.22).

(3) Section 214(2) was relevantly amended by paragraph 10(2)(b) of schedule 4 of the Private Housing (Tenancies) (Scotland) Act 2016 (asp 19) and [S.S.I. 2019/51](#).

(4) [1894 c.44](#). Section 5 was renumbered as section 5(1) by section 3(1)(a) of the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6).

(5) [1970 c.35](#). Section 24(1B) was inserted by section 2(2) of the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6).