

1969 No. 1420 (S.112)
HOUSING, SCOTLAND
The Housing (Forms) (Scotland) Regulations 1969

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|-------------------------------|----------------------------|
| <i>Made - - - -</i> | <i>29th September 1969</i> |
| <i>Laid before Parliament</i> | <i>14th October 1969</i> |
| <i>Coming into Operation</i> | <i>16th October 1969</i> |

In exercise of the powers conferred upon me by section 197(1) of the Housing (Scotland) Act 1966(a) as read with section 66 of the Housing (Scotland) Act 1969(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and Operation

1. These regulations may be cited as the Housing (Forms) (Scotland) Regulations 1969 and shall come into operation on 16th October 1969.

Interpretation and Revocation

2.—(1) Any expression used in these regulations which is also used in the Housing (Scotland) Act 1966 or the Housing (Scotland) Act 1969 shall, unless the context otherwise requires, have the meaning assigned to it by the Housing (Scotland) Act 1966 or, as the case may be, the Housing (Scotland) Act 1969.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) The Housing (Forms) (Scotland) Regulations 1968(d) are hereby revoked except in so far as the forms therein prescribed are required to be used in connection with proceedings after the date on which these regulations come into operation and consequent upon action taken before that date.

3. The forms set out in the Schedule hereto or forms as near thereto as circumstances admit shall be the forms to be used for the purposes of the Housing (Scotland) Act 1966 and the Housing (Scotland) Act 1969 in the cases to which those forms are applicable.

4.—(1) An order made by a local authority under section 14(1) of the Housing (Scotland) Act 1969 (which provides for the extinction of public rights of way and the closing or diversion of streets) shall, before being submitted to the Secretary of State for approval, be published by the local authority—

- (a) by giving notice in the form prescribed by these regulations of the making of the order in one or more newspapers circulating in their district; and
- (b) by affixing a like notice in a prominent position at each end of the public right of way or street to which the order relates.

(a) 1966 c. 49.
(c) 1889 c. 63.

(b) 1969 c. 34.
(d) S.I. 1968/955 (1968 II, p. 2461).

(2) Every notice affixed in accordance with the provisions of sub-paragraph (b) of the last preceding paragraph of this regulation shall be kept exhibited in such position for a period of not less than 2 months.

William Ross

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh

29th September 1969.

SCHEDULE

List of Forms

Housing (Scotland) Act 1966

| <i>Form</i> | <i>Purpose</i> | <i>Reference to section of the Act</i> |
|-------------|--|--|
| 1. | Form of demolition order | 15(2) |
| 2. | Form of closing order | 15(1) |
| 3. | Form of order determining a closing order or demolition order. | 15(3) |
| 4. | Form of notice of refusal of local authority to determine a closing order or demolition order. | 15(3) |
| 5. | Form of suspension order | 15(4)(i) |
| 6. | Form of notice of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies. | 15(4)(ii) |
| 7. | Form of notice of expiry of a suspension order | 15(4) |
| 8. | Form of notice of renewal of a suspension order | 15(4) |
| 9. | Form of order determining a suspension order | 15(5) |
| 10. | Form of closing order in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947. | 18(1) |
| 11. | Form of order substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation order has taken effect, or which becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947. | 18(2) |
| 12. | Form of order determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947. | 18(3) and 15(3) |
| 13. | Form of a notice of refusal of local authority to determine a closing order made in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947. | 18(3) |
| 14. | Form of demolition order on determination of closing orders | 19 |

| <i>Form</i> | <i>Purpose</i> | <i>Reference to section of the Act</i> |
|------------------------------------|--|--|
| 15. | Form of notice to persons having control, owners and holders of heritable securities of determination to purchase a house or building. | 20 |
| 16. | Form of notice to persons having control, owners and holders of heritable securities, of determination to purchase a house on the determination of closing orders. | 20 and 19 |
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| 18. | Form of charging order | 30 |
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| 23. | Form of acknowledgment to be obtained by landlord ... | 94 |
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| 28. | Form of notice to (1) the occupier of any premises, or (2) any person who, either directly, or indirectly, receives rent in respect of any premises, requiring information regarding interests therein. | 192 |
| Housing (Scotland) Act 1969 | | |
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| 30. | Form of compulsory purchase order in respect of land surrounded by or adjoining a housing treatment area. | 7 |
| 31. | Form of compulsory purchase order in respect of houses comprised in tenements in a housing treatment area which are to be brought up to at least the tolerable standard and other parts of the said tenements which are to be used in bringing those houses up to that standard. | 7 |
| 32. | Form of compulsory purchase order in respect of houses, other than tenement houses, in a housing treatment area which are to be brought up to at least the tolerable standard. | 7 |

| <i>Form</i> | <i>Purpose</i> | <i>Reference to section of the Act</i> |
|-------------|--|--|
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| 34. | Form of advertisement of the making of a compulsory purchase order in respect of houses in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard]. | 7 |
| 35. | Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of land comprised in a housing treatment area on which the buildings are to be demolished and land surrounded by or adjoining the area. | 7 |
| 36. | Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of land surrounded by or adjoining housing treatment area. | 7 |
| 37. | Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of houses comprised in tenements in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard]. | 7 |
| 38. | Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of houses, other than tenement houses, in a housing treatment area which are to be brought up to at least the tolerable standard. | 7 |
| 39. | Form of advertisement and notice of confirmation of a compulsory purchase order in respect of land comprised in a housing treatment area on which the buildings are to be demolished and land surrounded by or adjoining the area. | 7 |
| 40. | Form of advertisement and notice of confirmation of a compulsory purchase order in respect of houses in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard]. | 7 |
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| 43. | Form of order controlling the occupation of houses in a housing treatment area. | 16 |
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| <i>Form</i> | <i>Purpose</i> | <i>Reference to Section of the Act</i> |
|--|---|--|
| 48. | Form of order declaring expenses incurred by a local authority in executing works on a house in a state of serious disrepair to be payable by weekly, monthly, half-yearly or annual instalments. | 25(2) |
| 49. | Form of charging order | Paragraph 1 of Schedule 2 |
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| 50. | Form of declaration of failure to meet the tolerable standard order. | Schedule 2 |
| 51. | Form of notice to owners, superiors and holders of heritable securities of the making of a declaration of failure to meet the tolerable standard order. | Schedule 2 |

FORM 1

*Form of demolition order***WARNING**

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

Certain owner-occupiers and others may be entitled to a payment under section 18 of the Housing (Scotland) Act 1969 if their house is vacated following a demolition order [see note 18 below].

THE HOUSING (SCOTLAND) ACT 1966**DEMOLITION ORDER**

Whereas the ¹....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied in terms of section 15 of the Act that the building ²..... comprises only a house which does not meet, or houses which do not meet, the tolerable standard and that the house or, as the case may be, the houses ought to be demolished;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 15(2) of the Act, hereby order as follows:—

1. The said building shall be vacated within ³.....days from the date on which this order becomes operative;
2. The said building shall be demolished within 6 weeks after the expiration of the said period, or, if the building is not vacated before the expiration of the said period, within 6 weeks after the date on which it is vacated.

⁴Given under the seal of the ¹.....on.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copy thereof)

Power to make a demolition order

1. Section 15 of the Act, which empowers the local authority to make demolition orders or closing orders, is as set out in the ⁵Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the building may give to the local authority an undertaking in terms of either paragraph (a) or paragraph (b) of section 15 (4) of the Act (see Appendix). Such an undertaking may be given within 21 days of the date of service of the demolition order or within such longer period as the local authority may allow.

3. If the local authority accept the undertaking they make a suspension order, which has the effect of suspending the demolition order.

4. If an undertaking that the house or all the houses in the building will be brought up to the tolerable standard is accepted by the local authority and they suspend the demolition order, and the house is or the houses are brought up to the tolerable standard, application may be made under section 15(3) for determination (cancellation) of the demolition order—see note 21 below.

5. If an undertaking that no house in the building will be used for human habitation is accepted by the local authority and the demolition order is suspended, the suspension order

lasts for one year only (section 15(4)) unless renewed by the local authority. If such a suspension order is not renewed, the original demolition order revives.

6. The effect of the giving and acceptance of an undertaking, and the making of a suspension order, on the demolition order itself is explained below. (In all cases further intimation will be received from the local authority in relation to these matters).

Date of operation

7. If no undertaking is offered under section 15(4) and no appeal is brought (see notes 11 to 14 below) the demolition order becomes operative on the expiration of the period of **21 days from the date of service of the order.**

8. If an undertaking is offered under section 15(4) and the local authority reject it, the demolition order does not become operative until the expiration of **21 days after service of notice of rejection of the undertaking.**

9. If the local authority accept an undertaking that the house or all the houses in the building will be brought up to the tolerable standard and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the demolition order becomes operative on the expiration of **21 days from the date of service of the order determining the suspension order.**

10. If the local authority accept an undertaking that no house in the building will be used for human habitation, and make a suspension order accordingly, the demolition order does not become operative unless the undertaking is broken, and the local authority determine (cancel) the suspension order. In that event, the demolition order becomes operative on the expiration of **21 days from the date of service of the order determining the suspension order.** Or, if the suspension order expires at the end of one year and is not renewed, the demolition order becomes operative on the expiration of **21 days from the date of expiry of the suspension order.**

11. If an appeal to the Sheriff is brought against the demolition order, and the Sheriff confirms the order, it becomes operative **on the date of the determination of the appeal.**

Appeal

12. The coming into operation of a demolition order is subject to any appeal which might be brought.

13. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of the service of the order,** and no proceedings may be taken by the local authority to enforce the order while an appeal against it is pending.

14. If an undertaking is offered under section 15(4) **the period of 21 days referred to in note 13 above is extended (by section 15(6)) as follows:—**

- (a) if the undertaking is rejected, notice of appeal may be given **within 21 days after the date of service of notice of rejection of the undertaking;**
- (b) if the undertaking is accepted and a suspension order is made by the local authority under section 15(4) the demolition order does not become operative unless the undertaking is broken and the suspension order determined (but see (c) below). In that case notice of appeal against the demolition order itself may be given **within 21 days after the date of service of the order determining the suspension order;**
- (c) if the suspension order is made in consequence of an undertaking that no house in the building will be used for human habitation until brought up to the tolerable standard, and that suspension order is therefore made for a limited period of one year only, and if the suspension order expires, and is not renewed, notice of appeal against the demolition order may be given **within 21 days after the date of the expiry of the suspension order.**

Implementation of demolition order

15. Under section 22 of the Act when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it, and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

16. Where the building comprises two or more parts separately owned, the duty to demolish the building is a duty on the several owners to arrange jointly for demolition. In such a case, where the local authority themselves carry out the work of demolition as referred to in note 15 above, any amount due to the local authority for their expenses on demolition is recoverable

from the several owners and any amount payable by the local authority, by way of surplus, is payable to the several owners. Any sum recoverable by or payable by the local authority as described above is recoverable from or payable to the several owners in such proportions as may be agreed by the owners; or, failing agreement, as determined by an arbiter nominated by the owners; or, failing such nomination, as determined by an arbiter nominated by the Sheriff on the application of the local authority or any of the owners.

Vacation of building

17. Where a demolition order has become operative, the local authority are required by section 181(1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later. Section 181(4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payment under section 18 of the Housing (Scotland) Act 1969

18. When a house is vacated in pursuance of a demolition order, a payment under section 18 of the Housing (Scotland) Act 1969 may be payable in certain circumstances. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the demolition order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the making of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31 July 1970 (when continuous occupation from 1 August 1968 will suffice) and
- (b) the local authority are required to pay the supplement when they are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two year requirement had nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

The amount of the payment is, broadly speaking, the difference between the full market value of the interest in the house and the sum that would be payable in compensation if the house were being acquired as not meeting the tolerable standard. Where a payment under section 18 is payable no well-maintained payment under section 11 of the Housing (Scotland) Act 1969 can be paid. If you think you may be entitled to such a payment you should notify the Clerk to the local authority and tell him in writing of the facts on which you rely. It is important to establish the facts relating to ownership and occupation as soon as possible and you should not delay your letter to the Clerk.

Payments for good maintenance

19. It is provided by section 25(1) of the Act that if a house has on or after 17th July 1957 been vacated in pursuance of a demolition order, any person may, within 3 months after the service of the order, make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 25(1) that person will be entitled to receive a payment from them in accordance with the provisions of section 21 of the Housing (Scotland) Act 1969. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 26 of the 1966 Act.

Outstanding liabilities

20. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you

may be due to pay or to receive you should consult a Solicitor about your rights under this section.

If house or houses brought up to the tolerable standard

21. Under section 15(3) of the Act if any person interested applies to the local authority and satisfies them that the house has or all the houses in the building have been brought up to the tolerable standard the local authority shall determine (cancel) the demolition order. Such an application may be made at any time and whether or not an undertaking under section 15(4) has been given or accepted. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act within 21 days after service of notice of rejection of the application.

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert such description of the building as may be sufficient for identification.

³The period must be not less than 28 days.

⁴See section 191(1) of the Act as to the signing and sealing of orders.

⁵Quote in an Appendix the whole of section 15.

FORM 2

¹Form of closing order**WARNING**

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

Certain owner-occupiers and others may be entitled to a payment under section 18 of the Housing (Scotland) Act 1969 if their house is vacated following a closing order (see note 15 below).

THE HOUSING (SCOTLAND) ACT 1966**CLOSING ORDER**

Whereas the ²....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the house ³..... does not meet the tolerable standard and that it ought to be demolished;

Now, therefore, the local authority in exercise of the powers conferred upon them by section 15(1) of the Act, hereby prohibit the use of the said house for human habitation as from the expiration of ⁴.....days from the date on which this order becomes operative.

⁵Given under the seal of the ⁶.....on.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copy thereof)

Power to make a closing order

1. Section 15 of the Act, which empowers the local authority to make closing orders or demolition orders, is as set out in the ⁶Appendix to these notes.

Undertakings

2. The owner of or the holder of a heritable security over the house may give to the local authority an undertaking in terms of paragraph (a) of section 15(4) of the Act (see Appendix). Such an undertaking may be given within 21 days of the date of service of the closing order or within such longer period as the local authority may allow.

3. If the local authority accept the undertaking they make a suspension order, which has the effect of suspending the closing order.

4. If an undertaking that the house will be brought up to the tolerable standard is accepted by the local authority and they suspend the closing order, and the house is brought up to the tolerable standard, application may be made under section 15(3) for determination (cancellation) of the closing order—see note 13 below.

5. The effect of the giving and acceptance of an undertaking, and the making of a suspension order, on the closing order itself is explained below. (In all cases further intimation will be received from the local authority in relation to these matters.)

Date of operation

6. If no undertaking is offered under section 15(4) and no appeal is brought (see notes 9 to 12 below) the closing order becomes operative on the expiration of the period of 21 days from the date of service of the order.

7. If an undertaking is offered under section 15(4) and the local authority reject it, the closing order does not become operative until the expiration of 21 days after service of notice of rejection of the undertaking.

8. If the local authority accept an undertaking that the house will be brought up to the tolerable standard and make a suspension order accordingly, the closing order does not become operative unless the undertaking is broken and the local authority determine (cancel) the suspension order. In that event the closing order becomes operative on the expiration of 21 days from the date of service of the order determining the suspension order.

9. If an appeal to the Sheriff is brought against the closing order, and the Sheriff confirms the order, it becomes operative on the date of the determination of the appeal.

Appeal

10. The coming into operation of a closing order is subject to any appeal which might be brought.

11. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a closing order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of the service of the order, and no proceedings may be taken by the local authority to enforce the order while an appeal against it is pending.

12. If an undertaking is offered under section 15(4) the period of 21 days referred to in note 11 above is extended (by section 15(6)) as follows:—

- (a) if the undertaking is rejected, notice of appeal against the closing order may be given within 21 days after the date of service of notice of rejection of the undertaking;
- (b) if the undertaking is accepted and a suspension order is made by the local authority under section 15(4), the closing order does not become operative unless the undertaking is broken and the suspension order determined (see note 8 above). In that case notice of appeal against the closing order itself may be given within 21 days after the date of service of the order determining the suspension order.

If the house is brought up to the tolerable standard

13. Under section 15(3) of the Act if any person interested applies to the local authority and satisfies them that the house has been brought up to the tolerable standard the local authority shall determine (cancel) the closing order. Such an application may be made at any time, and whether or not an undertaking under section 15(4) has been given or accepted. If the local authority refuse the application for determination of the closing order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act within 21 days after service of notice of rejection of the application.

Notice to vacate house

14. Where a closing order has become operative, the local authority are required by section 18(1) of the Act to serve on the occupier of the house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the house to be vacated and requiring him to remove from the house before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.

Payment under section 18 of the Housing (Scotland) Act 1969

15. When a house is vacated in pursuance of a closing order, a payment under section 18 of the Housing (Scotland) Act 1969 may be payable in certain circumstances. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the closing order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the making of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31 July 1970 (when continuous occupation from 1 August 1968 will suffice) and
- (b) the local authority are required to pay the supplement when they are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two year requirement had nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

The amount of the payment is, broadly speaking, the difference between the full market value of the interest in the house and the sum that would be payable in compensation if the house were being acquired as not meeting the tolerable standard. Where a payment under section 18 is payable no well-maintained payment under section 11 of the Housing (Scotland) Act 1969 can be paid. If you think you may be entitled to such a payment you should notify the Clerk

to the local authority and tell him in writing of the facts on which you rely. It is important to establish the facts relating to ownership and occupation as soon as possible and you should not delay your letter to the Clerk.

Payments for good maintenance

16. It is provided by section 25(1) of the Act, that if a house subject to a closing order has been vacated in pursuance of the closing order, any person may, within 3 months after the service of the order, make a representation to the local authority that the house has been well maintained and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under the said section 25(1) that person will be entitled to receive a payment from them in accordance with the provisions of section 21 of the Housing (Scotland) Act 1969. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 26 of the 1966 Act.

Penalties

17. Section 21 of the Act provides that if any person—

- (a) knowing that a closing order has become operative and applies to any premises, uses those premises or permits those premises to be used for human habitation unless he shall previously have obtained the consent of the local authority to the use of the premises for that purpose; or
- (b) knowing that an undertaking has been accepted by the local authority that any premises shall not be used for human habitation uses them for human habitation or permits them to be so used;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further fine of £5 for every day or part of a day on which he so uses or permits them to be so used after conviction.

Outstanding liabilities

18. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

²Insert the name of the local authority.

³Insert such description of the house as may be sufficient for identification.

⁴The period must not be less than 28 days.

⁵See section 191(1) of the Act as to the signing and sealing of orders.

⁶Quote in an Appendix the whole of section 15.

FORM 3

¹Form of order determining a closing order or demolition order.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

DETERMINATION OF ²CLOSING ORDER/DEMOLITION ORDER

Whereas on.....19.....in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966 the ³....., the local authority under the said Act (herein after referred to as "the local authority") made a ⁴[closing order] [demolition order] in respect of the ⁵[house] [building] ⁶..... by which order the local authority ⁷[prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

And Whereas the local authority after consideration of an application to determine the order are satisfied that ⁸[the house has] [the house or houses comprised in the building has/have] been brought up to the tolerable standard;

Now, therefore, in further exercise of the said powers the local authority hereby determine the said order.

⁹Given under the seal of ¹⁰.....on.....19.....

.....
(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

If a payment has been made to you under section 18 of the Housing (Scotland) Act 1969 (see note 18 of the notes on the demolition order or note 15 on the closing order) it may fall to be repaid under section 23 of the Act once the order has been determined.

Notes for guidance in completing this form

¹¹In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

¹²Insert the name of the local authority.

¹³Delete whichever is not applicable.

¹⁴Insert such description of the house or building as may be sufficient for identification.

¹⁵See section 191(1) of the Act as to the signing and sealing of orders.

FORM 4

¹Form of notice of refusal of local authority to determine a closing order or demolition order.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

REFUSAL TO DETERMINE A ⁴CLOSING ORDER/DEMOLITION ORDER

To ².....
.....

Take notice that the ³....., the local authority under the Housing (Scotland) Act 1966,

- (1) having considered ⁴[an] [your] application to them to determine the ⁴[closing order] [demolition order] made by them on.....
19.....in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, in respect of the ⁴[house] [building]⁵.....
....., and
- (2) not being satisfied that ⁴[the said house has] [the house/houses comprised in the said building has/have] been brought up to the tolerable standard, refuse to determine the said order.

Dated 19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order or demolition order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of notice of the refusal of the local authority.

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

²Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 15(7) of the Act.

³Insert the name of the local authority.

⁴Delete whichever is not applicable.

⁵Insert such description of the house or building as may be sufficient for identification.

FORM 5

¹Form of suspension order**WARNING**

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

SUSPENSION ORDER

Whereas on.....19....., in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, the ¹....., the local authority under the said Act (hereinafter referred to as "the local authority"), made a ²[closing order] [demolition order] in respect of the ³[house] [building] ⁴..... by which order the local authority ⁵[prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

And Whereas ⁶.....being the ⁷[owner of] [holder of a heritable security over] the said ⁸[house] [building] has given to the local authority an undertaking in the following terms:—

(here set out the terms of the undertaking)

And Whereas the local authority have accepted the said undertaking;

Now, therefore, in further exercise of the said powers the local authority hereby suspend the said ⁹[closing order] [demolition order].

¹⁰[This suspension order shall have effect for one year only and, unless renewed by the local authority, shall expire on.....19.....]

¹¹Given under the seal of the ¹².....
on.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copy thereof)

The effect of the suspension by this order of the demolition order or closing order previously made by the local authority is that the operation of the demolition order or closing order is suspended. That is, the demolition order or closing order does not become operative unless this suspension order is cancelled ¹³[for the suspension order expires after one year and is not renewed].

Details of the effect of a suspension order on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the original demolition order or closing order.

Notes for guidance in completing this form

¹⁴In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

¹⁵Insert the name of the local authority.

¹⁶Delete whichever is not applicable.

¹⁷Insert such description of the house or building as may be sufficient for identification.

¹⁸Insert the name of the person from whom the undertaking was accepted.

¹⁹Delete in the case of a suspension order made in consequence of an undertaking that the house or houses to which the original closing order or demolition order related will be brought up to the tolerable standard.

²⁰See section 191(1) of the Act as to the signing and sealing of orders.

FORM 6

¹Form of notice of rejection by a local authority of an undertaking offered by the owner of or the holder of a heritable security over a house or building to which a closing order or demolition order applies.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ¹.....

Take notice that the ².....
the local authority under the Housing (Scotland) Act 1966,

- (1) having made a ⁴[closing order] [demolition order] on.....
19....., in exercise of the powers conferred upon them by section 15 of the said Act, in respect of the ⁴[house] [building] ³.....
and
- (2) having considered ⁴[an] [your] undertaking dated.....
19....., with respect to the ⁴[carrying out of works to] [future use of] [the said house] [the house or houses comprised in the said building], have rejected the said undertaking.

Dated 19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copy thereof)

The effect of the rejection by the local authority of the undertaking offered to them is that, subject to the right of appeal to the Sheriff, the demolition order or closing order already made and served will become operative at the expiration of 21 days from the date of service of this notice.

Details of the effect of the rejection of the undertaking on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the demolition order or closing order itself.

Notes for guidance in completing this form

¹In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section.

²Insert the name and residence or place of business of the person on whom this notice is to be served, in terms of section 15(7) of the Act.

³Insert the name of the local authority.

⁴Delete whichever is not applicable.

⁵Insert such description of the house or building as may be sufficient for identification.

FORM 7

¹Form of notice of expiry of a suspension order

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

EXPIRY OF A SUSPENSION ORDER

To ¹.....

Whereas on.....19..... the ².....
the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to as "the local authority"), made a demolition order in exercise of the powers conferred upon them by section 15 of the said Act, in respect of the building ⁴.....
.....;

And Whereas the local authority made on.....19.....a suspension order suspending the said demolition order;

Take notice that by virtue of the proviso to section 15(4) of the said Act, the said suspension order will expire on ³.....19.....

Dated19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copy thereof)

A copy of the original demolition order is attached to this notice. The effect of the expiry of the suspension order is that the original demolition order will, subject to the right of appeal to the Sheriff, become operative at the expiration of 21 days from the date of expiry of the suspension order.

The effect of the expiry of the suspension order on the coming into operation of the demolition order, and on the right of appeal against that demolition order, is set out in detail in the notes to the demolition order.

Notes for guidance in completing this form

¹If the local authority intend to renew the suspension order Form 8 should be used.

²Insert the names of the persons on whom the demolition and suspension orders were served, in terms of section 15(7) of the Act.

³Insert name of the local authority.

⁴Insert such description of the building as may be sufficient for identification.

⁵Insert date of expiry of suspension order. It is suggested that this notice should be issued at a reasonable time, say not less than 21 days before the expiry of the suspension order.

FORM 8

Form of notice of renewal of a suspension order.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ¹.....

Take notice that the ².....
the local authority under the Housing (Scotland) Act 1966, having on.....
.....19....., made a suspension order
suspending the demolition order made by them on.....19.....
in respect of the building ³....., have this day renewed the said
suspension order until ⁴.....19.....

Dated 19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

¹Insert the names of the persons on whom the demolition order and suspension order were served in terms of section 15(7) of the Act.

²Insert the name of the local authority.

³Insert such description of the building as may be sufficient for identification.

⁴Insert a date one year later than the date on which the suspension order would expire if not renewed.

FORM 9

Form of order determining a suspension order

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

DETERMINATION OF SUSPENSION ORDER

Whereas on.....19....., in exercise of the powers conferred upon them by section 15 of the Housing (Scotland) Act 1966, the ¹..... the local authority under the said Act (hereinafter referred to as "the local authority"), made a ²[closing order] [demolition order] in respect of the ³[house] [building] ⁴..... by which order the local authority ⁵[prohibited the use of the said house for human habitation] [ordered the vacation and demolition of the said building];

And Whereas ⁶.....gave to the local authority an undertaking in the following terms:—

(here set out the terms of the undertaking)

And Whereas on.....19....., the local authority, having accepted the said undertaking, made a suspension order suspending the said ⁷[closing order] [demolition order];

And Whereas the local authority have reasonable cause to believe that there has been a breach of the said undertaking in the following respects:—

(here give particulars of the breach of undertaking)

Now, therefore, in further exercise of the said powers the local authority hereby determine the said suspension order.

⁸Given under the seal of the ⁹.....
on.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copy thereof)

The effect of the determination of the suspension order is that the demolition order or closing order ceases to be suspended as from the date of service of this order. That is, the demolition order or closing order already made and served will, subject to the right of appeal, become operative at the expiration of 21 days from the date of service of this order.

Details of the effect of the determination of the suspension order on the operation of the demolition order or closing order, and on the right of appeal, are set out in the notes to the original demolition order or closing order, a copy of which is attached for reference.

Notes for guidance in completing this form

¹In the case of a closing order made in respect of an underground room to which section 17 of the Act applies, this form should be suitably modified by reference to the terms of that section. A suitable modification should also be made when the suspension order concerned is an order which has been renewed under the proviso to section 15(4) of the Act.

²Insert the name of the local authority.

³Delete whichever is not applicable.

⁴Insert such description of the house or building as may be sufficient for identification.

⁵Insert the name of the person from whom the undertaking was accepted.

⁶See section 191(1) of the Act as to the signing and sealing of orders.

FORM 10

Form of closing order in respect of a house comprised in a building for which a building preservation order is in force or which is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....or consult a Solicitor.

Certain owner-occupiers and others may be entitled to a payment under section 18 of the Housing (Scotland) Act 1969 if their house is vacated following a closing order. (See note 2 below.)

THE HOUSING (SCOTLAND) ACT 1966

CLOSING ORDER

Whereas the 1....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied that the building 2..... comprises only 3[a house which does not] [houses which do not] meet the tolerable standard and the 4[house] [houses] ought to be demolished;

And Whereas accordingly the local authority would otherwise be empowered to make a demolition order under Part II of the Act with respect to the said building;

5[And Whereas a building preservation order under section 27 of the Town and Country Planning (Scotland) Act 1947 is in force in relation to the said building;]

6[And Whereas the said building is included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947;]

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 18(1) of the Act, hereby prohibit the use of the house 6....., being a house comprised in the said building, for human habitation as from the expiration of 5.....days from the date on which this order becomes operative.

7Given under the seal of the 1.....on.....19...

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

Power to make a closing order

1. Under section 18(1) of the Act, if a building is subject to a building preservation order or is included in any list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947, the local authority must make a closing order on the house or houses in the building where otherwise they would be required to make a demolition order on the building. The provisions of section 15 of the Act, which is set out in the 7 Appendix to these notes, are applied to a closing order made under section 18(1) of the Act.

Payment under section 18 of the Housing (Scotland) Act 1969

2. When a house is vacated in pursuance of a closing order, a payment under section 18 of the Housing (Scotland) Act 1969 may be payable in certain circumstances. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the closing order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant the qualifying requirement relates

to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the making of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31 July 1970 (when continuous occupation from 1 August 1968 will suffice) and
- (b) the local authority are required to pay the supplement when they are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two year requirement had nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

The amount of the payment is, broadly speaking, the difference between the full market value of the interest in the house and the sum that would be payable in compensation if the house were being acquired as not meeting the tolerable standard. Where a payment under section 18 is payable no well-maintained payment under section 11 of the Housing (Scotland) Act 1969 can be paid. If you think you may be entitled to such a payment you should notify the Clerk to the local authority and tell him in writing of the facts on which you rely. It is important to establish the facts relating to ownership and occupation as soon as possible and you should not delay your letter to the Clerk.

(repeat notes 2 to 18 of Form 2)

Notes for guidance in completing this form

- ¹Insert the name of the local authority.
- ²Insert such description of the building as may be sufficient for identification.
- ³Delete whichever is not applicable.
- ⁴Insert such description of the house as may be sufficient for identification.
- ⁵The period must not be less than 28 days.
- ⁶See section 191(1) of the Act as to the signing and sealing of orders.
- ⁷Quote in an Appendix the whole of section 15.

FORM 11

Form of order substituting a closing order for a demolition order made in respect of a building in relation to which a building preservation order has taken effect, or which becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

CLOSING ORDER

Whereas the 1....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by Part II of the Act, on.....19.....made a demolition order in respect of the building²..... which order ³[became] [would become] operative on.....19.....;

³[And Whereas a building preservation order under section 27 of the Town and Country Planning (Scotland) Act 1947 has taken effect in relation to the said building;]

⁴[And Whereas the said building has become included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947;]

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 18(2) of the Act, hereby order as follows:—

(1) The said demolition order is hereby determined;

(2) The local authority hereby prohibit the use of the house⁴....., being a house comprised in the said building, for human habitation as from the expiration of⁵.....days from the date on which this order becomes operative.

⁶Given under the seal of the¹..... on.....19.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

1. In accordance with the provisions of section 18(2) of the Act, where a building preservation order takes effect in relation to a building to which a demolition order applies, or the building becomes included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947, the local authority are required to determine the demolition order and make closing orders prohibiting the use for human habitation of the house or houses comprised in the building. The provisions of section 15 of the Act relating to the making of closing orders are applied to the making of a closing order under section 18. Section 15 is as set out in the⁷ Appendix to these notes.

(repeat notes 2 to 18 of Form 2)

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert such description of the building as may be sufficient for identification.

³Delete whichever is not applicable.

⁴Insert such description of the house as may be sufficient for identification.

⁵The period must not be less than 28 days.

⁶See section 191(1) of the Act as to the signing and sealing of orders.

⁷Quote in an Appendix the whole of section 15.

FORM 12

Form of order determining a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966**DETERMINATION OF CLOSING ORDER**

Whereas on.....19....., in exercise of the powers conferred upon them by section 18 of the Housing (Scotland) Act 1966, the¹....., the local authority under the said Act (hereinafter referred to as "the local authority"), made a closing order in respect of the house²..... by which order the local authority prohibited the use of the said house for human habitation;

And Whereas the local authority after consideration of an application to determine the order are satisfied that the said house has been brought up to the tolerable standard;

Now, therefore, in exercise of the powers conferred upon them by section 18(3), as read with section 15(3) of the said Act, the local authority hereby determine the said closing order.

³Given under the seal of the¹.....
on.....19.....

.....
(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

If a payment has been made to you under section 18 of the Housing (Scotland) Act 1969 (see note 2 on the closing order) it may fall to be repaid under section 23 of the Act once the order has been determined.

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert such description of the house as may be sufficient for identification.

³See section 191(1) of the Act as to the signing and sealing of orders.

FORM 13

Form of a notice of refusal of local authority to determine a closing order in respect of a house subject to a building preservation order or which has been included in a list compiled or approved under section 28 of the Town and Country Planning (Scotland) Act 1947.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

REFUSAL TO DETERMINE A CLOSING ORDER

To ¹.....

Take notice that the^a.....
the local authority under the Housing (Scotland) Act 1966,

(1) having considered ^a[an] [your] application to them to determine the closing order made by them on.....19....., in exercise of the powers conferred upon them by section 18 of the said Act, in respect of the house ^a....., and

(2) not being satisfied that the said house has been brought up to the tolerable standard, refuse to determine the said closing order.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by the refusal of a local authority to determine a closing order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of notice of the refusal of the local authority.

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹Insert the name and address of the person on whom the notice is to be served in terms of section 15(7) of the Act.

^aInsert the name of the local authority.

^aDelete whichever is not applicable.

^aInsert such description of house as may be sufficient for identification.

FORM 14

Form of demolition order on determination of closing orders.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

Certain owner-occupiers and others may be entitled to a payment under section 18 of the Housing (Scotland) Act 1969 if their house is vacated following a demolition order. (See Note 10 below.)

THE HOUSING (SCOTLAND) ACT 1966

DEMOLITION ORDER

Whereas¹....., the local authority under the Housing (Scotland) Act 1966 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by Part II of the Act, have made closing orders in respect of all the houses comprised in the building²....., none of which orders has been determined or is subject to a suspension order;

Now, therefore, the local authority, in exercise of the powers conferred upon them by section 19 as read with section 15 of the Act hereby order as follows:—

(1) The said closing orders are hereby determined;

(2) The said building shall be vacated within³.....days from the date on which this order becomes operative;

(3) The said building shall be demolished within 6 weeks after the expiration of the said period, or, if the said building is not vacated before the expiration of the said period, within 6 weeks after the date on which it is vacated.

⁴Given under the seal of the ¹.....
on.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

1. Section 19(1)(a) of the Act provides as follows:—

(here quote the whole of section 19(1) with the exception of (b))

2. Subsections (2), (3), (7) and (8) of section 15 of the Act, which apply in relation to a demolition order made in replacement of closing orders in terms of section 19 are as set out in the⁵ Appendix to these notes.

Date of operation

3. If no appeal is brought (see notes 5 and 6 below) the demolition order becomes operative on the expiration of the period of 21 days from the date of service of the order.

4. If an appeal to the Sheriff is brought against the demolition order, and the Sheriff confirms the order, it becomes operative on the date of the determination of the appeal.

Appeal

5. The coming into operation of a demolition order is subject to any appeal which might be brought.

6. Section 26 of the Act provides that, subject to the provisions of that section, any person aggrieved by a demolition order may appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of the order, and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending.

Implementation

7. Under section 22 of the Act when a demolition order has become operative the owner of the building to which the order applies shall demolish the building within the time laid down in the order; and if the building is not demolished within that time, the local authority may enter the building and demolish it and sell the materials thereof. Any expenses so incurred by the local authority, after giving credit for any amount realised by the sale of materials, may be recovered by the local authority from the owner of the building, and any surplus in the hands of the local authority shall be paid by them to the owner of the building.

8. Where the building comprises two or more parts separately owned, the duty to demolish the building is a duty on the several owners to arrange jointly for demolition. In such a case, where the local authority themselves carry out the work of demolition as referred to in note 7 above, any amount due to the local authority for their expenses on demolition is recoverable from the several owners and any amount payable by the local authority, by way of surplus, is payable to the several owners. Any such sum recoverable by or payable by the local authority as described above is recoverable from or payable to the several owners in such proportions as may be agreed by the owners; or, failing agreement, as determined by an arbiter nominated by the owners; or, failing such nomination, as determined by an arbiter nominated by the Sheriff on the application of the local authority or any of the owners.

Vacation of building

9. Where a demolition order has become operative, the local authority are required by section 181(1) of the Act to serve on the occupier of the building or any part thereof to which the order relates a notice stating the effect of the order, and specifying the date by which the order requires the building to be vacated and requiring him to remove from the building before that date or before the expiration of 28 days from the service of the notice, whichever may be the later. Section 181(4) of the Act provides that any person who, knowing that a demolition order has become operative and applies to any building, enters into occupation of that building or of any part thereof after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20, and to a further penalty of £5 for every day or part of a day on which the occupation continues after conviction.

Payment under section 18 of the Housing (Scotland) Act 1969

10. When a house is vacated in pursuance of a closing order, a payment under section 18 of the Housing (Scotland) Act 1969 may be payable in certain circumstances. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the closing order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the making of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31 July 1970 (when continuous occupation from 1 August 1968 will suffice) and
- (b) the local authority are required to pay the supplement when they are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two year requirement had nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely. The amount of the payment is, broadly speaking, the difference between the full market value of the interest in the house and the sum that would be payable in compensation if that interest were being acquired as a house not meeting the tolerable standard. Where a payment under section 18 is payable no well-maintained payment under section 11 of the Housing (Scotland) Act 1969 can be paid. If you think you may be entitled to such a payment you should notify the Clerk to the local authority and tell him in writing of the facts on which you rely. It is important to establish the facts relating to ownership and occupation as soon as possible and you should not delay your letter to the Clerk.

Payments for good maintenance

11. It is provided by section 25(1) of the Act that if a house has been vacated in pursuance of a demolition order, any person may, within 3 months after the service of the order, make a representation to the local authority that the house has been well maintained, and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider the representation is not correct and notify

the person who made the representation that no payment falls to be made under the said section 25(1), that person will be entitled to receive a payment from them in accordance with the provisions of section 21 of the Housing (Scotland) Act 1969. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 26 of the Act.

Outstanding liabilities

12. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

If houses brought up to the tolerable standard

13. Under section 15(3) of the Act, if any person interested applies to the local authority and satisfies them that the houses in the building have been brought up to the tolerable standard, the local authority shall determine (cancel) the demolition order. Such an application may be made at any time. If the local authority refuse the application for determination of the demolition order, notice of appeal to the Sheriff against that refusal may be given under section 26 of the Act **within 21 days after service of notice of rejection of the application.**

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert such description of the building as may be sufficient for identification.

³The period must not be less than 28 days.

⁴See section 191(1) of the Act as to the signing and sealing of orders.

⁵Quote in an Appendix subsections (2), (3), (7) and (8) of section 15 of the Act.

FORM 15

¹Form of notice to persons having control, owners and holders of heritable securities, of determination to purchase a house or building.

WARNING

This notice, briefly, is to inform you:—

- 1. that the.....Council propose to purchase the ²house/building specified in this notice;
- 2. that the ³house/building has been classed as not meeting the tolerable standard;
- 3. that classification of a ³house/building as not meeting the tolerable standard affects the amount of compensation that the Council can pay for it;
- 4. that you have the right to appeal to the Sheriff against the Council's proposals before ⁴.....19.....;
- 5. that certain outstanding liabilities may be discharged or modified by the Sheriff —see paragraph 6 of *Notes for Your Information* below.
- 6. Certain owner-occupiers and others may be entitled to a payment under section 18 of the Housing (Scotland) Act 1969 if their house is purchased in pursuance of a compulsory purchase order (see note 7 below).

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ⁴.....

Whereas the ⁵....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), are satisfied in terms of section 15 of the said Act, that the ³[house ⁶... does not meet the tolerable standard and ought to be demolished] [building ⁶... comprises only ⁷[a house which does not] [houses which do not] meet the tolerable standard and ought to be demolished;

And Whereas it appears to the local authority that, having regard to the existing condition of the ³[house] [houses] and to the needs of the district with regard to the provision of further housing accommodation, the ³[house] [houses] must be continued in use as housing accommodation;

Take notice that the local authority have determined to purchase the said ³[house] [building] under section 20(1) of the Act, in lieu of making a ³[closing order] [demolition order] in respect thereof.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. Section 15 of the Act which empowers a local authority to order the demolition or closing of houses which do not meet the tolerable standard is as set out in the⁷ Appendix to these notes.

2. Section 20 of the Act which empowers a local authority to purchase a house or building in lieu of making a demolition or closing order is as follows:—

(quote here the whole of section 20)

3. Section 25(1) of the Act provides that, if a house has, on or after 17th July 1957, been purchased compulsorily under section 20 of the Act, any person may, within 3 months after the service of the notice of determination to purchase or after the confirmation of the compulsory

purchase order, make a representation to the local authority that the house has been well maintained and that the good maintenance thereof is attributable wholly or partly to work carried out by him or at his expense. Unless the local authority consider that the representation is not correct and notify the person who made the representation that no payment falls to be made under said section 25 that person will be entitled to receive a payment from them in accordance with the provisions of section 21 of the Housing (Scotland) Act 1969. If the local authority give notice that no payment falls to be made the person notified may appeal to the Sheriff in accordance with the provisions of section 26 of the 1966 Act.

4. Section 26 of the Act gives to any person aggrieved by a notice of determination to purchase a house or building served under section 20(2) a right to appeal to the Sheriff within 21 days after the service of the notice. No proceedings can be taken by the local authority while an appeal is pending. No appeal to the Sheriff lies at the instance of a person who is in occupation of premises to which the notice relates under a lease or agreement the unexpired term of which does not exceed 6 months.

5. If no appeal is brought under section 26 of the Act, a notice of determination to purchase becomes operative on the expiration of the period of 21 days from the service thereof. If an appeal is brought the notice, if and in so far as it is confirmed by the Sheriff, becomes operative as from the date of determination of the appeal (section 27 of the Act.)

6. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

7. When a house is vacated in pursuance of a compulsory purchase order, a payment under section 18 of the Housing (Scotland) Act 1969 may be payable in certain circumstances. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the compulsory purchase order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the making of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

(a) in the transitional period until 31 July 1970 (when continuous occupation from 1 August 1968 will suffice) and

(b) the local authority are required to pay the supplement when they are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two year requirement had nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely. The amount of the payment is, broadly speaking, the difference between the full market value of the interest in the house and the sum that would be payable in compensation if that interest were being acquired as a house not meeting the tolerable standard. Where a payment under section 18 is payable no well-maintained payment under section 11 of the Housing (Scotland) Act 1969 can be paid. If you think you may be entitled to such a payment you should notify the Clerk to the local authority and tell him in writing of the facts on which you rely. It is important to establish the facts relating to ownership and occupation as soon as possible and you should not delay your letter to the Clerk.

Notes for guidance in completing this form

¹A separate form of notice of determination to purchase (Form 16) is prescribed on the determination of closing orders under section 19 of the Act.

²Delete in so far as not applicable.

³See paragraph 4 of "Notes for Your Information" above.

⁴Insert the name and residence or place of business and description, where known, of the person to whom the notice is addressed.

⁵Insert name of the local authority.

⁶Insert such description of the house or building as may be sufficient for identification.

⁷Quote in an Appendix the whole of section 15.

FORM 16

¹Form of notice to persons having control, owners and holders of heritable securities, of determination to purchase a house on the determination of closing orders.

WARNING

This notice, briefly, is to inform you:—

- 1. that the.....Council propose to purchase the house specified in the notice;
- 2. that your house has been classed as not meeting the tolerable standard;
- 3. that classification of a house as not meeting the tolerable standard affects the amount of compensation that the Council can pay for it;
- 4. that you have the right to appeal to the Sheriff against the Council's proposals before ².....19.....;
- 5. that certain outstanding liabilities may be discharged or modified by the Sheriff —see paragraph 6 of *Notes for Your Information* below.

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ⁴.....

Whereas the ⁵....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by Part II of the Act, have made closing orders in respect of all the houses comprised in the building⁶....., none of which orders has been determined or is the subject of a suspension order;

And Whereas the house ⁷..... forms part of the said building;

And Whereas it appears to the local authority that, having regard to the existing condition of the houses comprised in the building and to the needs of the district with regard to the provision of further housing accommodation, the houses must be continued in use as housing accommodation;

Take notice that the local authority in exercise of the powers conferred upon them by section 19(1) of the Act, hereby determine the said closing orders, and have determined to purchase the said building under section 20 of the Act in lieu of making a demolition order in respect thereof.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. Section 19(1) of the Act, under which a local authority may substitute a demolition order for closing orders in relation to a building consisting wholly of closed houses, is as follows:—

*(quote here the whole of section 19(1))
(repeat notes 2-6 of Form 15)*

Notes for guidance in completing this form

¹A separate form of notice of determination to purchase (Form 15) is prescribed where the local authority would otherwise be empowered by section 15 of the Act to make a closing order or demolition order under that section.

²Delete in so far as not applicable.

³See paragraph 4 of "Notes for Your Information" above.

⁴Insert the name and residence or the place of business and the description, where known, of the person to whom the notice is addressed.

⁵Insert name of the local authority.

⁶Insert such description of the building as may be sufficient for identification.

⁷Insert such description of the house as may be sufficient for identification.

FORM 17

Form of notice that no well maintained payment falls to be made

WARNING

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To ¹....., the person who has made a representation to the local authority that the house ²..... has been well maintained and that the good maintenance of the house is attributable wholly or partly to work carried out by him or at his expense.

The ³....., the local authority under the Housing (Scotland) Act 1966, in exercise of the power conferred upon them by section 25(2) of the said Act,

(1) having considered your representation that the said house has been well maintained within the meaning of section 25(1) of the said Act by you or at your expense, and

(2) being satisfied that the said house has not been well maintained as aforesaid, hereby give notice that no payment falls to be made to you under the said subsection (1)

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Any person aggrieved by the decision of a local authority that no payment falls to be made under section 25(1) of the Act may, in accordance with the provisions of section 26(1), appeal to the Sheriff by giving notice of appeal within 21 days after the date of service of this notice.

Notes for guidance in completing this form

¹Insert the name and address of the person to whom the notice is addressed.

²Insert such description of the house as may be sufficient for identification.

³Insert name of local authority.

FORM 18

Form of charging order

THE HOUSING (SCOTLAND) ACT 1966

CHARGING ORDER

The ¹....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred on them by section 30(1) of that Act do hereby provide and declare that the subjects described in the schedule hereto are hereby charged and burdened with payment to ¹..... or their assignees of an annuity of ²..... sterling, payable on ³....., 19..... and in every year for the term of 30 years from the date of this order.

SCHEDULE

| Description of subjects ⁴ (1) | Name and designation of owner (2) | Name of occupier (3) | Parish (4) | County (5) |
|---|--------------------------------------|-------------------------|---------------|---------------|
| | | | | |

⁴Given under the seal of the ¹.....
on.....19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert in words the amount of the annuity. This is to be calculated by reference to (a) the expenses incurred by the local authority in relation to the house or building and (b) a sum prescribed by the Secretary of State under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969.

³Insert a date one year from the date of the order.

⁴Describe the subjects preferably by reference to a recorded title.

⁵See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

FORM 19

Form of notice of (1) time and place at which the question of the demolition of an obstructive building will be considered; and (2) request for information as to superior of, and holder of any heritable security over, such building.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ¹....., the owner(s) of the building situated at ².....

Whereas it appears to ³....., the local authority under the Housing (Scotland) Act 1966, (hereinafter referred to respectively as "the local authority" and "the Act"), that the above-mentioned building is by reason only of its contact with, or proximity to, other buildings injurious or dangerous to health, and is an obstructive building within the meaning of section 56(6) of the Act;

Take notice—

(1) that the question of demolishing the building will be considered by the local authority at ⁴.....on ⁵.....
19....., ato'clock in the.....noon, and that you will be entitled to be heard when the matter is so taken into consideration; and

(2) that in exercise of the powers conferred upon them by section 56 of the Act, the local authority require you within 2 weeks from the date of this notice to furnish them with a written statement specifying the name and address of the superior of whom you hold, and of the holder of any heritable security over your interest in the building.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Sections 56 and 57 of the Act provide:—

(Here quote the whole of these sections.)

By section 208 of the Act "superior" includes the creditor in a ground annual.

Notes for guidance in completing this form

- ¹Insert the name and address of the person or body to whom the notice is addressed.
- ²Insert such a description of the building as may be sufficient for identification.
- ³Insert the name of the local authority.
- ⁴Insert the name and address of the place where the matter will be considered.
- ⁵The time must not be less than one month after the service of this notice.

FORM 20

Form of licence for temporary use of house by persons in excess of the permitted number.

THE HOUSING (SCOTLAND) ACT 1966

The ¹....., the local authority under the Housing..... (Scotland) Act 1966, in exercise of the powers conferred upon them by section 92 of the said Act hereby authorise ²..... the ³[occupier] [intending occupier] of the house ⁴..... to permit..... persons in excess of the permitted number ⁵..... to sleep in the said house during the period from ⁶..... to.....
⁷[subject to the following conditions:—]

This licence will not in any circumstances continue in force beyond..... 19....., and it may be revoked before then at the discretion of the local authority by means of a notice in writing served upon the occupier specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

Dated..... 19.....

.....
 (Signature of Clerk to the local authority)

Notes for guidance in completing this form

- ¹Insert the name of the local authority.
- ²Insert the name and address of the occupier or intending occupier.
- ³Delete the words which are not applicable.
- ⁴Insert short description of house.
- ⁵Insert the number of persons permitted.
- ⁶The period must not exceed 12 months.

Note for local authority

Section 92(4) of the Act requires a local authority to serve a copy of any licence granted under that section and of any notice served thereunder, on the landlord, if any, of the house to which it relates within 7 days after the issue of the licence or the service of the notice on the occupier, as the case may be.

FORM 21

Form of notice of revocation of licence for temporary use of house by persons in excess of permitted number.

THE HOUSING (SCOTLAND) ACT 1966

To ¹.....
occupier of the house ².....

Take notice that the ³....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 92(3) of the said Act, hereby give notice that the licence granted to you by the said local authority dated.....19....., and authorising you to permit.....persons in excess of the permitted number to sleep in the said house shall cease to be in force on ⁴.....19.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

- ¹Insert the name and address of the occupier.
- ²Insert short description of house.
- ³Insert the name of the local authority.
- ⁴The period must not be less than one month from the date of service of the notice.

Note for local authority

Section 92(4) of the Act requires a local authority to serve a copy of any licence granted under that section and of any notice served thereunder, on the landlord, if any, of the house to which it relates within 7 days after the issue of the licence or the service of the notice on the occupier, as the case may be.

FORM 22

Form of statement of permitted number of persons.

THE HOUSING (SCOTLAND) ACT 1966

Date.....19.....

To ¹.....

With regard to the house at.....which you desire to take on let, I hereby state for your information in accordance with the provisions of section 94(1) of the above-mentioned Act that the number of persons permitted to sleep in the said house, as defined in Schedule 5 to the said Act, is ².....
.....(.....)

Signature of landlord.....

NOTE:—A child who has attained one year and is under 10 years old is reckoned as one half of a unit. No account is taken of a child under one year old.

Notes for guidance in completing this form

¹Enter the name and address of the intending tenant.

²State the permitted number in words and numerals.

FORM 23

Form of acknowledgement to be obtained by landlord.

THE HOUSING (SCOTLAND) ACT 1966

Date..... 19.....

To ¹.....

I acknowledge having received from you in accordance with the provisions of section 94(1) of the above-mentioned Act a written statement, dated..... 19....., of the permitted number of persons in relation to the house at..... which I desire to take on let. I note that according to the statement the permitted number of persons is ²..... (.....)

Signature of intending tenant.....

Notes for guidance in completing this form

¹Enter the name and address of the landlord.

²State the permitted number in words and numerals.

FORM 24

Form of notice to occupier to remove from house after demolition order has become operative.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ¹.....the occupier of the house ².....
.....

Take notice that—

(1) on.....19....., the³.....,
the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 15 of that Act, made an order (hereinafter referred to as "the demolition order") to the effect that:—

(a) the building in which the said house is comprised be vacated within ⁴.....
days from the date on which the order became operative;

(b) the said building be demolished within 6 weeks after the expiration of the said period, or, if the building is not vacated before the expiration of the said period, within 6 weeks after the date on which it is vacated;

(2) the demolition order became operative on.....19...;

(3) in exercise of the powers conferred upon them by section 181 of the Act the local authority hereby require you to remove from the said house on or before ⁵.....

.....19.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Subsection (1), (2) and (4) of section 181 of the Act which provide *inter alia* for the recovery of possession of buildings subject to a demolition order, are in the following terms:—

(Here quote subsections (1), (2) and (4) of section 181)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹Insert the name of the occupier.

²Insert such description of the house as may be sufficient for identification.

³Insert the name of the local authority.

⁴Insert the number of days as specified in the order.

⁵The date to be inserted is either the date that was specified in the order by which the house was to be vacated, or 28 days from the service of this notice, whichever day may be the later.

FORM 25

Form of notice to occupier to remove from house after closing order has become operative.

WARNING

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To ¹....., the occupier of the house ².....
.....

Take notice that—

(1) on.....19..... the ³.....
....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 15 of that Act, made an order (hereinafter referred to as "the closing order") prohibiting the use of the said house for human habitation as from the expiration of ⁴.....
.....days from the date on which the order became operative;

(2) the closing order became operative on.....19.....;

(3) in exercise of the powers conferred upon them by section 181 of the said Act the local authority hereby require you to remove from the said house on or before ⁴.....
.....19.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Subsections (1), (2) and (4) of section 181 of the Act, which provide *inter alia* for the recovery of possession of buildings subject to a closing order, are in the following terms:—

(Here quote subsections (1), (2) and (4) of section 181.)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any *compensation* that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹Insert the name of the occupier.

²Insert such description of the house as may be sufficient for identification.

³Insert the name of the local authority.

⁴Insert the number of days as specified in the order.

⁵The date to be inserted is either the date specified in the order by which the house was to be vacated, or 28 days from the service of this notice, whichever date may be the later.

FORM 26

Form of notice to occupier to vacate an obstructive building in respect of which a demolition resolution has become operative.

WARNING

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1966

To ¹....., the occupier of the building known as ².....

Take notice that—

(1) the ³....., the local authority under the Housing (Scotland) Act 1966, in exercise of the powers conferred upon them by section 56 of that Act, on.....19....., passed a resolution (hereinafter called "the demolition resolution") that—

(a) ⁴[the said building] [part of the said building comprising ⁵.....] be demolished; and

(b) for the purposes of demolition ⁴[the said building] [the aforesaid part of the said building] be vacated within 2 months from the date on which the demolition resolution becomes operative;

(2) the demolition resolution became operative on.....19.....; and

(3) in exercise of the powers conferred upon them by section 181 of the said Act, the local authority hereby require you to vacate ⁴[the said part of] the said building before ⁶.....19.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOU INFORMATION

(To be incorporated in the notice and any copies thereof)

Subsections (1), (2) and (4) of section 181 of the Act which provide *inter alia* for the recovery of possession of buildings subject to such a demolition resolution, are in the following terms:—

(Here quote subsections (1), (2) and (4) of section 181.)

Notes for guidance in completing this form

¹Insert the name of the occupier.

²Insert such a description of the building as may be sufficient for identification.

³Insert the name of the local authority.

⁴Delete the words which are not applicable.

⁵If the resolution requires vacation and demolition of part of the building insert sufficient description of such part.

⁶The date to be inserted is either the date that was specified in the demolition resolution by which the building was to be vacated or 28 days from the service of this notice, whichever date may be the later.

FORM 27

¹Form of notice to be given by any person authorised by the local authority or the Secretary of State before entry for the purpose of survey and examination or valuation, or measuring of rooms.

THE HOUSING (SCOTLAND) ACT 1966

To ²....., the ³[owner] [occupier] of the ⁴[house] [building] [premises] ⁴.....

In accordance with the provisions of section 183 of the Housing (Scotland) Act 1966, I ⁵....., hereby give notice that I, being a person duly authorised in writing by the ⁶..... intend, on ⁷..... 19....., at any time between the hour of ⁸..... in the forenoon and..... in the afternoon, to enter the above-mentioned ³[house] [building] [premises] for the purpose of ⁹[survey and examination] [survey] [valuation] [measuring the rooms to ascertain, for the purposes of Part V of the said Act, the number of persons permitted to use the house for sleeping].

Dated..... 19.....

Signature }
Description } of person
Residence or place of business..... } authorised
to enter

Notes for guidance in completing this form

¹Notice must be given to the occupier and also to the owner if the owner is known. For methods of service of notice see section 349 of the Local Government (Scotland) Act 1947.

²Insert the name and description, where known, of the occupier or owner.

³Delete the words which are not applicable.

⁴Insert such a description of the house, building or premises as may be sufficient for identification.

⁵Insert the name and description of the person authorised to enter.

⁶Insert the name of the local authority or the Secretary of State as the case may be.

⁷24 hours' notice must be given.

⁸Entry must be at reasonable times.

FORM 28

Form of notice to (1) the occupier of any premises, or (2) any person who, either directly or indirectly, receives rent in respect of any premises, requiring information regarding interests therein.

WARNING

In you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1966

To ¹.....

Take notice that, in exercise of the powers conferred upon them by section 192 of the Housing (Scotland) Act 1966, the ²....., the local authority under the said Act, hereby require you, within 2 weeks from the date of this notice, to state in writing the nature of your interest in the premises³and the name and address of any other person known to you as having an interest therein, whether as holder of a heritable security, lessee or otherwise.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Section 192 of the Act provides that a local authority may, for the purpose of enabling them to serve any order made by them under section 15 or section 18 of the Act or any notice which they are by the Act or the Housing (Scotland) Act 1969 authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as holder of a heritable security, lessee or otherwise. Section 192 further provides that any person who, having been so required by a local authority to give such information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5.

Notes for guidance in completing this form

¹Insert the name and residence or the place of business of the person to whom the notice is addressed.

²Insert the name of the local authority.

³Insert such description of the premises as may be sufficient for identification.

FORM 29

¹Form of compulsory purchase order in respect of land comprised in a housing treatment area on which buildings are to be demolished, and land surrounded by or adjoining the area.

THE HOUSING (SCOTLAND) ACT 1969
and
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE)
(SCOTLAND) ACT 1947

²THE.....HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Whereas the ³....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act"), being satisfied that "[the houses] [the greater part of the houses] in an area in their district do not meet the tolerable standard have, in exercise of the powers conferred on them by section 4 of the Act, passed a resolution defining that area in such a way as not to include the site of a building unless at least part of the building consists of a house which does not meet the tolerable standard and declaring the area so defined to be a housing treatment area, which area is known as the ⁴.....
.....Housing Treatment Area;

And Whereas the said resolution provides that the area shall be dealt with by securing "[the demolition of all the buildings in the area] [the demolition of some of the buildings in the area and by securing the carrying out of such works on the houses in the area, other than the houses in those buildings, that on the completion of the works all the houses then in the area will meet or will have been brought up to at least the tolerable standard];

And Whereas the local authority, in exercise of their powers under section 5(1) ⁵[as read with section 5(4)(a)] of the Act, have determined to purchase the land hereinafter described comprised in the said area and themselves undertake, or otherwise secure, the demolition of the said buildings:

⁶[And Whereas the local authority, in exercise of their powers under section 6 of the Act, have determined to purchase certain other land hereinafter described as being "[land surrounded by the housing treatment area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [and] [land adjoining the housing treatment area the acquisition of which is reasonably necessary for the satisfactory development or use of the housing treatment area];

Now, therefore, the local authority, in exercise of the powers conferred on them by section 7 of the Act, hereby make the following Compulsory Purchase Order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purpose of securing the demolition of the buildings thereon the land within the housing treatment area described in the schedule hereto ⁷[and for the purpose of securing "[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the housing treatment area] the land "[surrounded by] [and] [adjoining] the housing treatment area described in the said schedule].

2. ⁸[(1)] The land described in Parts I and II of the said schedule and edged yellow and coloured red on the map, prepared in duplicate, signed and sealed with reference to this order and marked "Map referred to in the..... Housing Treatment Area Compulsory Purchase Order 19.....", is land within the housing treatment area.

One duplicate of the map is deposited in the offices of the local authority and the other is deposited in the offices of the Secretary of State at the Scottish Development Department ⁹.....

¹⁰[(2)] The land described in Part III of the said schedule and coloured blue on the said map is land outside the housing treatment area.]

3. The houses described in Part I of the said schedule are the houses within the housing treatment area which do not meet the tolerable standard.

*[4. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised subject to the modification that *.....]

5. (1) This order may be cited as the *.....
Housing Treatment Area Compulsory Purchase Order 19.....

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.¹⁰

SCHEDULE

Part I

Houses within the housing treatment area which do not meet the tolerable standard.

| Number on map | Description and situation of the houses | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) |
|---------------|---|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

Part II

Land within the housing treatment area other than houses which do not meet the tolerable standard

| Number on map | Extent, description and situation of the land | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) |
|---------------|---|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

*Part III

Land outside the housing treatment area

| Number on map | Extent, description and situation of the land | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) |
|---------------|---|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

Notes for guidance in completing this form

¹Form 30 should be used where it is proposed to acquire separately land surrounded by or adjoining a housing treatment area, Form 31 should be used where it is proposed to acquire tenement houses in a housing treatment area which are to be brought up to at least the tolerable standard, and Form 32 should be used where it is proposed to acquire houses (other than tenement houses) in a housing treatment area which are to be brought up to at least the tolerable standard.

²Insert a suitable short title.

³Insert the name of the local authority.

⁴Delete the words which are not applicable.

⁵Insert name by which the housing treatment area is known.

⁶Delete this, if not applicable, making any necessary consequential alterations.

⁷Insert address—currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁸This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

⁹The modification required should be indicated, e.g., by the provision “references in the said [section] [sections] to the company shall be construed as references to the local authority and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon”.

¹⁰Authenticate in accordance with section 347 of the Local Government (Scotland) Act 1947.

FORM 30

¹Form of compulsory purchase order in respect of land surrounded by or adjoining a housing treatment area.

THE HOUSING (SCOTLAND) ACT 1969
and
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE)
(SCOTLAND) ACT 1947

²THE.....HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Whereas the ³....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act"), have in exercise of the powers conferred on them by section 4 of the Act, passed a resolution defining a certain area in their district and declaring the area so defined to be a housing treatment area, which area is known as the ⁴.....
.....Housing Treatment Area;

And Whereas the local authority determined to purchase ⁵[the land] [part of the land] comprised in the housing treatment area for the purpose of securing the demolition of the buildings thereon ⁶[and they were authorised to purchase the said land compulsorily by the.....Housing Treatment Area Compulsory Purchase Order 19.....], confirmed by the Secretary of State on.....19.....].

And Whereas the local authority, in exercise of their powers under section 6 of the Act, have determined to purchase the land hereinafter described as being ⁷[land surrounded by the housing treatment area the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions] [and] [land adjoining the housing treatment area the acquisition of which is reasonably necessary for the satisfactory development or use of the housing treatment area];

Now, therefore, the local authority, in exercise of the powers conferred on them by section 7 of the Act, hereby make the following compulsory purchase order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily the land described in the schedule hereto, for the purpose of securing ⁸[an area which together with the ⁴.....housing treatment area, is an area of convenient shape and dimensions] [and] [the satisfactory development or use of the ⁴.....housing treatment area], which land is coloured blue on the map prepared in duplicate, signed and sealed with reference to this order and marked "Map referred to in the.....
.....Housing Treatment Area Compulsory Purchase Order 19....."

One duplicate of the map is deposited in the offices of the local authority and the other is deposited in the offices of the Secretary of State at the Scottish Development Department⁹.....

¹⁰[2. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised subject to the modification that ¹¹.....]

3. (1) This order may be cited as the ¹².....
Housing Treatment Area Compulsory Purchase Order 19.....

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.¹³

SCHEDULE

| Number on map | Extent, description and situation of the land | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) (5) |
|---------------------|--|--------------------------------|----------------------------------|---|
| (1) | (2) | (3) | (4) | (5) |

Notes for guidance in completing this form

¹In cases to which this form of compulsory purchase order applies Form 36 is the appropriate form of notice to owners, etc., Form 33 is the appropriate form of advertisement of the making of the order and Form 39 is the appropriate form of advertisement and notice of confirmation.

²Insert a suitable short title.

³Insert the name of the local authority.

⁴Insert the name by which the housing treatment area is known.

⁵Delete the words which are not applicable.

⁶This will require alteration if the land was purchased by agreement.

⁷Insert address—currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁸This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

⁹The modification required should be indicated, e.g., by the provision “references in the said [section] [sections] to the company shall be construed as references to the local authority and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon.”

¹⁰Authenticate in accordance with section 347 of the Local Government (Scotland) Act 1947.

FORM 31

¹Form of compulsory purchase order in respect of houses comprised in tenements in a housing treatment area which are to be brought up to at least the tolerable standard and other parts of the said tenements which are to be used in bringing those houses up to that standard.

THE HOUSING (SCOTLAND) ACT 1969
and
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE)
(SCOTLAND) ACT 1947

²THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Whereas the ³....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act"), being satisfied that "[the houses] [the greater part of the houses] in an area in their district do not meet the tolerable standard have, in exercise of the powers conferred on them by section 4 of the Act, passed a resolution defining that area in such a way as not to include the site of a building unless at least part of the building consists of a house which does not meet the tolerable standard and declaring the area so defined to be a housing treatment area, which area is known as the ⁴..... Housing Treatment Area;

And Whereas the said resolution provides that the area shall be dealt with by securing the carrying out of such works on the houses in the area ⁵[other than houses in buildings in the said area which the said resolution provides shall be demolished] that on completion of the works all the houses then in the area will meet or will have been brought up to at least the tolerable standard;

And Whereas the local authority, being of opinion that it is unlikely that the necessary works will be carried out to bring the houses hereinafter described, being houses comprised in [a] tenement[s] in the said area, up to the tolerable standard unless they purchase them, have determined, in exercise of their powers under section 5(2)(a) ⁶[as read with section 5(4)(b)] of the Act, to purchase the said houses;

⁷[And Whereas the local authority, being of opinion that it is necessary to purchase other parts hereinafter described of the said tenement[s] in order to carry out the necessary works to bring ⁸[certain of] the said houses up to the tolerable standard, have determined, in exercise of their powers under section 5(3) ⁹[as read with section 5(4)(b)] of the Act, to purchase the said other parts;]

Now, therefore, the local authority in exercise of the powers conferred on them by section 7 of the Act hereby make the following Compulsory Purchase Order:—

- 1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in ¹⁰[Part I of] the schedule hereto up to at least the tolerable standard the land described in the said schedule and edged red and coloured green on the map prepared in duplicate, signed and sealed with reference to this order and marked "Map referred to in the.....Housing Treatment Area Compulsory Purchase Order 19.....", being land comprised in the said housing treatment area and upon [part of] which [is] [are] erected the tenement[s] in which are comprised the houses ¹¹[and other parts of tenement[s]] described in the said schedule.

One duplicate of the map is deposited in the offices of the local authority and the other is deposited in the offices of the Secretary of State in the Scottish Development Department ¹².....

- 2. The houses described in ¹³[Part I of] the Schedule hereto are houses which do not meet the tolerable standard and which are to be brought up to at least that standard. ¹⁴[The houses described in Part II of the said Schedule are houses

which do not meet the tolerable standard and which are to be used to bring *⁹[certain of] the houses described in Part I of the said Schedule up to at least that standard]. [The parts of the tenement[s] described in Part III of the said Schedule, are parts, other than houses which do not meet the tolerable standard, which are to be used to bring *⁹[certain of] the houses described in Part I of the said Schedule up to at least that standard].

*³[3. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised subject to the modification that *⁹.....].

4.—(1) This order may be cited as the *⁹..... Housing Treatment Area Compulsory Purchase Order 19.....

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.¹⁰

SCHEDULE

***Part I**

Houses which do not meet the tolerable standard and which are to be brought up to at least that standard.

| Number on map | Extent, description and situation of the land and/or description and situation of the houses | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than month) |
|---------------|--|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

***Part II**

Houses which do not meet the tolerable standard and which are to be used to bring *⁹[certain of] the houses described in Part I of this Schedule up to at least that standard.

| Number on map | Extent, description and situation of the land and/or description and situation of the houses | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) |
|---------------|--|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

*Part III

Parts of tenement[s], other than houses which do not meet the tolerable standard, which are to be used to bring [certain of] the houses described in Part I of this schedule up to at least that standard.

| Number on map | Extent, description and situation of the land and/or description and situation of parts of tenement[s] | Owners or reputed owners | Lessees or reputed lessees | Owners (except tenants for a month or a less period than a month:) |
|---------------|--|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

Notes for guidance in completing this form

¹Form 29 should be used where it is proposed to acquire buildings in a housing treatment area which are to be demolished. Form 32 should be used where it is proposed to acquire houses (other than tenement houses) in a housing treatment area, which are to be brought up to at least the tolerable standard. In cases to which this form of Compulsory Purchase Order applies Form 37 is the appropriate form of notice to owners, etc., Form 34 is the appropriate form of advertisement of the making of the order, and Form 40 is the appropriate form of advertisement and notice of confirmation.

²Insert a suitable short title.

³Insert the name of the local authority.

⁴Delete the words which are not applicable.

⁵Insert the name by which the housing treatment area is known.

⁶Delete this, if not applicable, making any necessary consequential alterations.

⁷Insert address—currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁸This article may be omitted or may be inserted with or without the reference to sections 71 to 78.

⁹The modification required should be indicated, e.g., by the provision “references in the said [section] [sections] to the company shall be construed as references to the local authority and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon.”

¹⁰Authenticate in accordance with section 347 of the Local Government (Scotland) Act 1947.

FORM 32

¹Form of compulsory purchase order in respect of houses (other than tenement houses) in a housing treatment area which are to be brought up to at least the tolerable standard.

THE HOUSING (SCOTLAND) ACT 1969
and
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE)
(SCOTLAND) ACT 1947

²THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Whereas the ¹....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act"), being satisfied that ⁴[the houses] [the greater part of the houses] in an area in their district do not meet the tolerable standard have, in exercise of the powers conferred on them by section 4 of the Act, passed a resolution defining that area in such a way as not to include the site of a building unless at least part of the building consists of a house which does not meet the tolerable standard and declaring the area so defined to be a housing treatment area, which area is known as the ⁵.....Housing Treatment Area;

And Whereas the said resolution provides that the area shall be dealt with by securing the carrying out of such works on the houses in the area ⁶[other than houses in buildings in the said area which the said resolution provides shall be demolished] that on the completion of the works all the houses then in the area will meet or will have been brought up to at least the tolerable standard;

And Whereas the local authority, being of opinion that it is unlikely that the necessary works will be carried out to bring the houses hereinafter described, being houses in the said area but not being houses comprised in [a] tenement[s], up to the tolerable standard unless they purchase them, have determined, in exercise of their powers under section 5(2)(a) ⁶[as read with section 5(4)(b)] of the Act, to purchase the said houses;

And Whereas the local authority have, in accordance with section 5(2)(b) of the Act, on a date at least 12 months earlier than the date of this order, served a notice on the owner of each of the said houses informing him that in accordance with a resolution passed by them under the said section 4 it is proposed that the said houses should be brought up to at least the tolerable standard;

Now, therefore, the local authority in exercise of the powers conferred on them by section 7 of the Act hereby make the following compulsory purchase order:—

1. Subject to the provisions of this order, the local authority are hereby authorised to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in the schedule hereto up to at least the tolerable standard the land described in the said schedule and edged blue and coloured yellow on the map prepared in duplicate, signed and sealed with reference to this order and marked "Map referred to in the Housing Treatment Area Compulsory Purchase Order 19.....", being land comprised in the said housing treatment area and upon ⁶[part of] which the houses described in the said schedule are erected.

One duplicate of the map is deposited in the offices of the local authority and the other is deposited in the offices of the Secretary of State in the Scottish Development Department ⁷.....

⁸[2. In relation to the foregoing purchase section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 [and sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working

Facilities and Support) Act 1923] [is] [are] hereby incorporated with the enactment under which the said purchase is authorised subject to the modification that '.....].

3.—(1) This order may be cited as the '.....Housing Treatment Area Compulsory Purchase Order 19.....

(2) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.¹⁰

SCHEDULE

| Number on map | Extent, description and situation of the land and description and situation of the houses | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or a less period than a month) |
|---------------|---|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

Notes for guidance in completing this form

¹Form 29 should be used where it is proposed to acquire buildings in a housing treatment area which are to be demolished. Form 31 should be used where it is proposed to acquire tenement houses in a housing treatment area, which are to be brought up to at least the tolerable standard. In cases to which this form of compulsory purchase order applies Form 38 is the appropriate form of notice to owners, etc., Form 34 is the appropriate form of advertisement of the making of the order and Form 40 is the appropriate form of advertisement and notice of confirmation.

²Insert a suitable short title.

³Insert the name of the local authority.

⁴Delete the words which are not applicable.

⁵Insert the name by which the housing treatment area is known.

⁶Delete this, if not applicable, making any necessary consequential alterations.

⁷Insert address—currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁸This article may be omitted or may be inserted with or without reference to sections 71 to 78.

⁹The modification required should be indicated, e.g., by the provision "references in the said [section] [sections] to the company shall be construed as references to the local authority and that references to the [railway or] works shall be construed as references to the land authorised to be purchased and any buildings or works constructed or to be constructed thereon."

¹⁰Authenticate in accordance with section 347 of the Local Government (Scotland) Act 1947.

FORM 33

¹*Form of advertisement of the making of a compulsory purchase order in respect of land comprised in a housing treatment area on which the buildings are to be demolished and land surrounded by or adjoining a housing treatment area.*

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION
OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)
ACT 1947

²THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the ³....., the local authority under the Housing (Scotland) Act 1969, have, in exercise of the powers conferred upon them by section 7 of the Act on 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purpose of securing the demolition of the buildings thereon the land within the housing treatment area described in the schedule hereto ⁴[and for the purpose of securing ⁵[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the housing treatment area] the land ⁶[surrounded by] [and] [adjoining] the housing treatment area described in the said schedule].

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at ⁷..... and may be seen there without payment of fee between the hours of and

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department, ⁷..... on or before ⁸..... 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at.....

Dated..... 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

(Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified showing separately any land which is outside the housing treatment area.)

Notes for guidance in completing this form

¹This form is prepared in relation to the case of a compulsory purchase order to which Form 29 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 30 applies.

²Insert the title of the order.

³Insert the name of the local authority.

⁴Delete this if it is not applicable.

⁵Delete the words which do not apply.

⁶Insert the address of the place of deposit.

⁷Insert the address of the Department, currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁸Insert date not less than 21 days from the first publication of the advertisement.

Note for local authority

The local authority should forward to the Secretary of State, by addressing them to the Secretary, Scottish Development Department, 43 Jeffrey Street, Edinburgh EH1 1DL, copies of the newspapers containing the advertisement, published in two successive weeks, immediately after the publication of the second advertisement.

FORM 34

¹Form of advertisement of the making of a compulsory purchase order in respect of houses in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard].

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION
OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)
ACT 1947

²THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the ³..... the local authority under the Housing (Scotland) Act 1969 have in exercise of the powers conferred upon them by section 7 of that Act on 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in ⁴[Part I of] the schedule to the said order up to at least the tolerable standard the land described in the schedule hereto being land comprised in the housing treatment area which land comprises [(1)] houses comprised in tenements which are to be brought up to at least the tolerable standard ⁴[and other parts of the said tenements which are to be used in bringing those houses up to that standard] [and] [(2)] houses not comprised in a tenement.

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at ⁵..... and may be seen there without payment of fee between the hours of and

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department ⁶..... on or before ⁷..... 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

(Here insert a description of the land and houses [and other parts of tenements] to which the compulsory purchase order applies, such as will enable them to be identified.)

Notes for guidance in completing this form

¹This form, subject to suitable amendment, relates to the compulsory purchase orders for which Forms 31 and 32 provide.

²Insert the title of the order.

³Insert the name of the local authority.

⁴Delete this if it is not applicable.

⁵Insert the address of the place of deposit.

⁶Insert the address of the Department—currently 43 Jeffrey Street, Edinburgh, EH1 1DL.

⁷Insert date not less than 21 days from the first publication of the advertisement.

Note for local authority

The local authority should forward to the Secretary of State, by addressing them to the Secretary, Scottish Development Department, 43 Jeffrey Street, Edinburgh, EH1 1DL, copies of the newspapers containing the advertisement, published in two successive weeks, immediately after the publication of the second advertisement.

FORM 35

Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of land comprised in a housing treatment area on which the buildings are to be demolished and land surrounded by or adjoining the area.

WARNING

This notice, briefly, is to inform you:—

1. that the Council propose to acquire for demolition buildings in the Housing Treatment Area, including property in which you are believed to be interested:
2. that your house has been classed as not meeting the tolerable standard:
3. that classification of a house as not meeting the tolerable standard may affect the sum that the Council can pay for it:
4. that you have the right to object to the Council's proposals ¹[including the classification of your house] before ²..... 19.....
5. that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 3 of *Notes for your Information* below.

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

⁴THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

To ⁴.....

Take notice that the ⁴....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), have in exercise of the powers conferred upon them by section 7 of the Act on 19..... made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purpose of securing the demolition of the buildings thereon the land within the housing treatment area described in the schedule to the order [and for the purpose of securing ¹[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the housing treatment area] the land [surrounded by] [and] [adjoining] the housing treatment area described in the said schedule].

The order includes the land described in the schedule hereto, in which property you are believed to be interested as—

- ² { owner
- lessee
- occupier

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department, ¹..... on or before ²..... 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at '.....

Copies of the order and of the map referred to therein and of the resolution defining the area have been deposited at '..... and may be seen there without payment of fee between the hours of and

¹⁰[The Order refers to each of the properties in which you are believed to be interested as being in the Part or Parts of the schedule to the order mentioned in the last column of the schedule hereto set opposite to the description of the property. (Notes are appended hereto explanatory of the effect of the inclusion of properties in these Parts of the schedule to the order.)]

Dated..... 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Number on map deposited at offices of the local authority | Extent, description and situation of the land | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or less period than a month) | ¹⁰ Part of the schedule to the compulsory purchase order in which the land is specified ¹¹ |
|---|---|--------------------------|----------------------------|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| | | | | | |

¹¹NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. The 1947 Authorisation Procedure Act provides that if no objection is duly made by an owner or lessee or occupier (except a tenant for a month or any less period than a month) of any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The 1947 Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 by whom the compensation is to be assessed. But in any other case where an objection has been duly made by an owner lessee or occupier (other than a tenant for a month or less) and has not been withdrawn, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order either with or without modifications.

2. The 1947 Act provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative on the date on which notice of its confirmation is first published; but if within six weeks from that date proceedings in the Court of Session are instituted by an aggrieved person desirous of questioning the validity of the order, the Court may, by interim order, suspend the operation of the order, or any provision contained

therein, either generally or in so far as it affects any property of the applicant and may, if satisfied that the order is not within the powers of the Housing (Scotland) Act 1969 or the 1947 Act, or that the interests of the applicant have been substantially prejudiced by any requirement of the 1947 Act or regulations made under that Act or under section 7(3) of the 1969 Act not having been complied with, quash the order or any provision therein either generally or in so far as it affects any property of the applicant.

3. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969, outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

¹⁰*[Explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the compulsory purchase order]*

4. ¹¹Part I of the schedule to the compulsory purchase order specifies the houses within the housing treatment area which do not meet the tolerable standard. Part II of the schedule specifies the land within the housing treatment area other than houses which do not meet the tolerable standard. Part III of the schedule specifies the land outside the housing treatment area, that is to say, land which is surrounded by the housing treatment area and the acquisition of which is reasonably necessary for the purpose of securing an area of convenient shape and dimensions, and adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the housing treatment area.

5. In the case of a house specified in Part I of the schedule the compensation which will be payable if the order is confirmed by the Secretary of State may be less than, but shall not normally exceed, the value, at the time when the valuation is made, of the site as a cleared site available for development. The compensation to an owner-occupier, however, or an occupier under a lease for a period of more than a year, cannot be less than the gross annual value; for this purpose any payment he receives for good maintenance under section 11 of the Act is treated as compensation. (Certain owner occupiers and lessees may qualify for additional payments—see paragraph 8 below.)

6. In the case of the land, including any buildings thereon, specified in Parts II and III of the schedule to the compulsory purchase order, the compensation which will be payable, if the order is confirmed by the Secretary of State, will be assessed in accordance with the provisions of Schedule 4 to the Housing (Scotland) Act 1966.

7. Subject to these two modifications, the compensation will be assessed in accordance with the Land Compensation (Scotland) Act 1963.

8. When a house which is in a housing treatment area and does not meet the tolerable standard is acquired a supplementary payment under section 18 of the Housing (Scotland) Act 1969 may in certain circumstances be payable in addition to the compensation described above. The basic requirement which must be met before such a payment falls to be made is that at the date of the passing of the local authority's resolution declaring the area the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant, the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the local authority's resolution, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31st July 1970 (when continuous occupation from 1st August 1968 will suffice) and
- (b) when the local authority are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two years' requirement had, nevertheless, before he acquired his interest in the house made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

9. The amount of the payment under section 18 is, broadly speaking, the difference between the full market value of the interest in the house and the sum payable in accordance with paragraph 5 above. (The effect of the payment is therefore that the total amount received by the recipient is the full market value of the interest in the house.) Where a payment under section 18 is payable no well-maintained payment under section 11 of the Act can be paid.

10. Any person on whom this notice is served who thinks that if the order becomes operative he may have a claim to receive an additional payment as described in paragraph 8 should notify the Clerk to the local authority in writing of the facts on which he relies. The question whether any additional payment will be payable will not be settled at this stage but it is important to establish the facts relating to ownership or occupation as soon as possible.

Notes for guidance in completing this form

¹This form is prepared in relation to the case of a compulsory purchase order to which Form 29 applies.

²Delete in so far as not applicable (and amend the warning as appropriate where the notice is served on a person with an interest in more than one house).

³Insert date not less than 21 days from the service of the notice.

⁴Insert the title of the order.

⁵Insert the name and residence or place of business of the person to whom the notice is addressed.

⁶Insert the name of the local authority.

⁷Insert the address of the Department—currently 43 Jeffrey Street, Edinburgh EH1 1DL.

⁸Insert the address to which copy of objections should be sent.

⁹Insert the address of the place of deposit.

¹⁰This paragraph and also the last column of the schedule and all the explanatory notes as to the effect of the inclusion of houses and premises in the schedule to the order should be omitted from the notice sent to a person who is known not to be an owner or a lessee for a period of more than a year.

¹¹Insert in this column "Part I" or "Part II" or "Part III".

¹²The explanatory notes should be amended by deleting any parts which are not applicable, and making all necessary consequential amendments.

FORM 36

¹Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of land surrounded by or adjoining a housing treatment area.

WARNING

This notice, briefly, is to inform you:—

- 1. that the Council propose to acquire land nearby the Housing Treatment Area, including property in which you are believed to be interested:
- 2. that you have the right to object to the Council's proposals before ²..... 19.....
- 3. that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 3 of Notes for your Information below.

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

³THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

To ⁴.....

Take notice that the ⁵....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), have in exercise of the powers conferred upon them by section 7 of the Act on 19....., made the above-mentioned compulsory purchase order authorising them to purchase compulsorily the land described in the schedule to the order for the purpose of securing ⁶[an area which together with the ⁷..... housing treatment area, is an area of convenient shape and dimensions] [and] [the satisfactory development or use of the ⁷..... housing treatment area].

The order includes the land described in the schedule hereto, in which land you are believed to be interested as—

- ⁸ { owner
- lessee
- occupier

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department, ⁹....., on or before ⁹..... 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at ⁹.....

Copies of the order and of the map referred to therein and the resolution defining the housing treatment area have been deposited at ¹⁰..... and may be seen there without payment of fee between the hours of..... and

Dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Number on map deposited at offices of the local authority (1) | Extent, description and situation of the land (2) | Owners or reputed owners (3) | Lessees or reputed lessees (4) | Occupiers (except tenants for a month or less period than a month) (5) |
|--|--|---------------------------------|-----------------------------------|---|
|--|--|---------------------------------|-----------------------------------|---|

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. The 1947 Authorisation Procedure Act provides that if no objection is duly made by an owner or lessee or occupier (except a tenant for a month or any less period than a month) of any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The 1947 Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 by whom the compensation is to be assessed. But in any other case where an objection has been duly made by an owner lessee or occupier (other than a tenant for a month or less) and has not been withdrawn, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order either with or without modifications.

2. The 1947 Act provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative on the date on which notice of its confirmation is first published; but if within six weeks from that date proceedings in the Court of Session are instituted by an aggrieved person desirous of questioning the validity of the order, the Court may, by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant and may if satisfied that the order is not within the powers of the Housing (Scotland) Act 1969 or the 1947 Act, or that the interests of applicant have been substantially prejudiced by any requirement of the 1947 Act or regulations made under that Act or under section 7(3) of the 1969 Act not having been complied with, quash the order or any provision therein either generally or in so far as it affects any property of the applicant.

3. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹This form is prepared in relation to a compulsory purchase order to which Form 30 applies.

²Insert date not less than 21 days from the service of the notice.

³Insert the title of the order.

⁴Insert the name and residence or place of business of the person to whom the notice is addressed.

⁵Insert the name of the local authority.

⁶Delete in so far as not applicable.

⁷Insert the name of the housing treatment area.

⁸Insert address of the Department—currently 43 Jeffrey Street, Edinburgh EH1 1DL.

⁹Insert the address to which copy of objections should be sent.

¹⁰Insert the address of the place of deposit.

FORM 37

¹Form of notice to owners, lessees and occupiers of the making of a compulsory purchase order in respect of houses comprised in tenements in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard].

WARNING

This notice, briefly, is to inform you:—

1. That the Council propose to improve houses in the Housing Treatment Area and for that purpose to acquire property in which you are believed to be interested:
2. ²that your house has been classed as not meeting the tolerable standard:
3. ²that classification of a house as not meeting the tolerable standard may affect the sum that the Council can pay for it:
4. that you have the right to object to the Council's proposals ²[including the classification of your house] before 19.....:
5. that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 4 of *Notes for your Information* below.

If you do not fully understand the notice, you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

¹THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

To ⁴.....

Take notice that the ⁵....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), have in exercise of the powers conferred upon them by section 7 of the Act on 19..... made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in [Part I of] the schedule to the said order up to at least the tolerable standard the land described in the schedule hereto being land comprised in the housing treatment area which land comprises houses comprised in tenements which are to be brought up to at least the tolerable standard [and the parts of the said tenements which are to be used in bringing those houses up that standard].

The order includes the houses ²[and other parts of tenement(s)] described in the schedule hereto, in which property you are believed to be interested as—

- ² { owner
- lessee
- occupier

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department, ⁶..... on or before ⁷..... 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at ⁹.....

Copies of the order and of the map referred to therein and of the resolution defining the housing treatment area have been deposited at ⁹..... and may be seen there without payment of fee between the hours of and

¹⁰[Notes are appended hereto on the compensation payable if the order is confirmed by the Secretary of State, in the case of houses described in the order as not meeting the tolerable standard and in the case of other parts of tenements included in the order. The last column of the schedule hereto indicates in which part of the schedule each of the houses in which you are believed to be interested is described.]

Dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Number on map | Description and situation of the houses [and other parts of tenements] | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or less period than a month) | ¹⁰ Part of schedule in which house [or other part of tenement] is described |
|---------------|--|--------------------------|----------------------------|--|--|
| (1) | (2) | (3) | (4) | (5) | (6) |

NOTES FOR YOUR INFORMATION

¹⁰(To be incorporated in the notice and any copies thereof)

1. "Tenement" is defined in section 5(5) of the Housing (Scotland) Act 1969 as a building which consists of two or more flats, and "flat" as a separate set of premises, whether or not on the same floor, constructed for the purposes of a house and forming part of a building from some other part of which it is divided horizontally.

2. The 1947 Authorisation Procedure Act provides that if no objection is duly made by an owner or lessee or occupier (except a tenant for a month or any less period than a month) of any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The 1947 Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 by whom the compensation is to be assessed. But in any other case where an objection has been duly made by an owner lessee or occupier (other than a tenant for a month or less) and has not been withdrawn, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order either with or without modifications.

3. The 1947 Act provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative on the date on which notice of its confirmation is first published; but if within 6 weeks from that date proceedings in the Court of Session are instituted by an aggrieved person desirous of questioning the validity of the order, the Court may, by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant and may if satisfied that the order is not within the powers of the Housing (Scotland) Act 1969 or the 1947 Act, or that the interests of the applicant have been substantially prejudiced by an requirement of the 1947 Act or regulations made under that Act or section 7(3) of the 1969 Act not having been complied with, quash the order or any provision therein either generally or in so far as it affects any property of the applicant.

4. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

**[Explanatory notes as to compensation and additional payments payable in certain circumstances.]*

5. ¹⁰Parts I and II of the Schedule to the compulsory purchase order describe the houses included in the order which do not meet the tolerable standard. Part III of the Schedule to the order describes the parts of tenements included in the order not comprising houses which do not meet the tolerable standard.

6. In the case of a house specified in the order as not meeting the tolerable standard the compensation which will be payable if the order is confirmed by the Secretary of State may be less than, but shall not normally exceed, the value, at the time when the valuation is made, of the site as a cleared site available for development. The compensation to an owner-occupier, however, or an occupier under a lease for a period of more than a year, cannot be less than the gross annual value; for this purpose any payment he receives for good maintenance under section 11 of the Act is treated as compensation. (Certain owner-occupiers and lessees may qualify for additional payments—see paragraph 9 below.)

7. In the case of a house or other part of a tenement described in Part III of the Schedule to the compulsory purchase order, the compensation which will be payable, if the order is confirmed by the Secretary of State, will be assessed in accordance with the provisions of Schedule 4 to the Housing (Scotland) Act 1966.

8. Subject to these modifications, the compensation will be assessed in accordance with the Land Compensation (Scotland) Act 1963.

9. When a house which is in a housing treatment area and does not meet the tolerable standard is acquired a supplementary payment under section 18 of the Housing (Scotland) Act 1969 may in certain circumstances be payable in addition to the compensation described above. The basic requirement which must be met before such a payment falls to be made is that at the date of the passing of the local authority's resolution declaring the area the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant, the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the local authority's resolution, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

(a) in the transitional period until 31st July 1970 (when continuous occupation from 1st August 1968 will suffice) and

(b) when the local authority are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two years' requirement had, nevertheless, before he acquired his interest in the house made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

10. The amount of the payment under section 18 is, broadly speaking, the difference between the full market value of the interest in the house and the sum payable in accordance with paragraph 6 above. (The effect of the payment is therefore that the total amount received by the recipient is the full market value of the interest in the house.) Where a payment under section 18 is payable no well-maintained payment under section 11 of the Act can be paid.

11. Any person on whom this notice is served who thinks that if the order becomes operative he may have a claim to receive an additional payment as described in paragraph 9 should notify the Clerk to the local authority in writing of the facts on which he relies. The question whether any additional payment will be payable will not be settled at this stage but it is important to establish the facts relating to ownership or occupation as soon as possible.

Notes for guidance in completing this form

¹This form is prepared in relation to a compulsory purchase order to which Form 31 applies.

²Delete in so far as not applicable and amend the warning as appropriate where the notice is served on a person with an interest in more than one house.

³Insert the title of the order.

⁴Insert the name and residence or place of business of the person to whom the notice is addressed.

⁵Insert the name of the local authority.

⁶Insert the address of the department—currently 43 Jeffrey Street, Edinburgh EH1 1DL.

⁷Insert date not less than 21 days from the service of the notice.

⁸Insert the address to which copy of objections should be sent.

⁹Insert the address of the place of deposit.

¹⁰This paragraph (which should be amended as appropriate) and also the last column of the schedule and all the explanatory notes as to the compensation payable if the order is confirmed by the Secretary of State should be omitted from the notice sent to a person who is known not to be an owner or a lessee for a period of more than a year.

FORM 38

¹Form of notice to owners lessees and occupiers of the making of a compulsory purchase order in respect of houses, other than tenement houses, in a housing treatment area which are to be brought up to at least the tolerable standard.

WARNING

This notice, briefly, is to inform you:—

1. that the Council propose to acquire for improvement houses in the Housing Treatment Area including property in which you are believed to be interested:
2. ²that your house has been classed as not meeting the tolerable standard:
3. ³that classification of a house as not meeting the tolerable standard may affect the sum that the Council can pay for it:
4. that you have the right to object to the Council's proposals ⁴[including the classification of your house] before 19.....:
5. that certain outstanding liabilities may be discharged or modified by the Sheriff—see paragraph 5 of *Notes for Your Information* below.

If you do not fully understand the notice you should ask for guidance at your Council Offices at [quote address] or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

⁵THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

To ⁶.....

Take notice that the ⁵....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act") have in exercise of the powers conferred on them by section 7 of the Act on 19..... made the above-mentioned compulsory purchase order authorising them to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in the schedule to the said order up to at least the tolerable standard the land described in the schedule hereto, being land comprised in the said housing treatment area, which land comprises houses not being houses comprised in a tenement.

The order includes the houses described in the schedule hereto, in which you are believed to be interested as—

- ⁷ { owner
- lessee
- occupier

The order, which comes into operation only if confirmed by the Secretary of State, is about to be submitted to him for confirmation.

Any objections to the order must be made in writing, stating the grounds of objection, and lodged with the Secretary of State by addressing them to the Secretary, Scottish Development Department, ⁸on or before 19.....

A copy of any objection lodged should also be sent to the Clerk to the local authority at ⁹.....

Copies of the order and of the map referred to therein and of the resolution defining the housing treatment area have been deposited at ⁹..... and may be seen there without payment of fee between the hours of and

¹⁰Included in the notes appended hereto is a note on the compensation payable for a house described in the order as not meeting the tolerable standard if the order is confirmed by the Secretary of State.

Dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Number on map | Extent, description and situation of the land and description and situation of the houses | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or less period than a month) |
|---------------|---|--------------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) |

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. The order to which this notice relates is made in respect of a house which is not comprised in a tenement. "Tenement" is defined in section 5(5) of the Housing (Scotland) Act 1969 as a building which consists of two or more flats, and "flat" as a separate set of premises, whether or not on the same floor, constructed for the purposes of a house and forming part of a building from some other part of which it is divided horizontally.

2. In relation to a house which is not comprised in a tenement, section 5(2)(b) of the Housing (Scotland) Act 1969 provides that a local authority may not exercise powers of compulsory purchase unless they have served a notice on the owner of the house informing him of their proposal to have it brought up to at least the tolerable standard and have allowed at least 12 months to elapse after the service of the notice.

3. The 1947 Authorisation Procedure Act provides that if no objection is duly made by an owner or lessee or occupier (except a tenant for a month or any less period than a month) of any land to which the order applies, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification. The 1947 Act also provides that the Secretary of State may require any person who has made objection to the order to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by an official arbiter appointed under section 2 of the Land Compensation (Scotland) Act 1963 by whom the compensation is to be assessed. But in any other case where an objection has been duly made by an owner, lessee or occupier (other than a tenant for a month or less) and has not been withdrawn, the Secretary of State is required, before confirming the order, either to cause a public local inquiry to be held or to afford to the objector an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose and may then, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, confirm the order either with or without modification.

4. The 1947 Act provides that when a compulsory purchase order has been confirmed by the Secretary of State it shall become operative on the date on which notice of its confirmation is first published; but if within six weeks from that date, proceedings in the Court of Session are instituted by an aggrieved person desirous of questioning the validity of the order, the Court may by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant and may, if satisfied that the order is not within the powers of the Housing (Scotland) Act 1969 or that the interests of the applicant have been substantially prejudiced by any requirement of the 1947 Act or regulations made under

the 1947 Act or section 7(3) of the 1969 Act not having been complied with, quash the order or any provision therein, either generally or in so far as it affects any property of the applicant.

5. Under section 18 of the Housing (Financial Provisions, etc.) (Scotland) Act 1967, as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969, outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or receive you should consult a solicitor about your rights under this section.

[Explanatory notes as to compensation and additional payments payable in certain circumstances.]

6. ¹⁰The compensation payable if the order is confirmed by the Secretary of State for a house specified in the order as not meeting the tolerable standard may be less than, but shall not normally exceed, the value at the time when the valuation is made of the site as a cleared site available for development. The compensation to an owner-occupier, however, or an occupier under a lease for a period of more than a year, cannot be less than the gross annual value: for this purpose, any payment he receives for good maintenance under section 11 of the Act is treated as compensation.

7. When a house which is in a housing treatment area and does not meet the tolerable standard is acquired a supplementary payment under section 18 of the Housing (Scotland) Act 1969 may in certain circumstances be payable in addition to the compensation described above. The basic requirement which must be met before such a payment falls to be made is that at the date of the passing of the local authority's resolution declaring the area the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant, the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the local authority's resolution, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31st July 1970 (when continuous occupation from 1st August 1968 will suffice) and
- (b) when a local authority are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two years' requirement had, nevertheless, before he acquired his interest in the house made all reasonable enquiries to ascertain whether it was likely that a housing treatment area would be declared within two years and that he had no reason to believe that it was likely.

8. The amount of the payment under section 18 is, broadly speaking, the difference between the full market value of the interest in the house and the sum payable in accordance with paragraph 6 above. (The effect of the payment is therefore that the total amount received by the recipient is the full market value of the interest in the house.) Where a payment under section 18 is payable no well-maintained payment under section 11 of the Act can be paid.

9. Any person on whom this notice is served who thinks that if the order becomes operative he may have a claim to receive an additional payment of the kind described in paragraph 7 should notify the Clerk to the local authority in writing of the facts on which he relies. The question whether any additional payment will be payable will not be settled at this stage but it is important to establish the facts relating to ownership or occupation as soon as possible.

Notes for guidance in completing this form

¹This form is prepared in relation to a compulsory purchase order to which Form 32 applies.

²Delete in so far as not applicable and amend the warning as appropriate where the notice is served on a person with an interest in more than one house.

³Insert the title of the order.

⁴Insert the name and residence or place of business of the person to whom the notice is addressed.

⁵Insert the name of the local authority.

⁶Insert the address of the Department—currently 43 Jeffrey Street, Edinburgh EH1 1DL.

⁷Insert date not less than 21 days from the service of the notice.

⁸Insert the address to which a copy of objection should be sent.

⁹Insert the address of the place of deposit.

¹⁰This paragraph and the explanatory note as to the compensation payable if the order is confirmed by the Secretary of State should be omitted from the notice sent to a person who is known not to be an owner or a lessee for a period of more than a year.

FORM 39

¹Form of advertisement and notice of confirmation of a compulsory purchase order in respect of land comprised in a housing treatment area on which the buildings are to be demolished and land surrounded by or adjoining a housing treatment area.

WARNING [To be included only when Form 39 is issued as a notice.]

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

²THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by section 7 of the Housing (Scotland) Act 1969 has confirmed [with modifications] the above-mentioned compulsory purchase order submitted to him by the ³..... (hereinafter referred to as "the local authority") authorising the local authority to purchase compulsorily for the purpose of securing the demolition of the buildings thereon the land within the housing treatment area described in the schedule hereto ⁴[and for the purpose of securing ⁴[an area of convenient shape and dimensions] [and] [the satisfactory development or use of the housing treatment area] the land [surrounded by] [and] [adjoining] the housing treatment area described in the said schedule].

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the housing treatment area have been deposited at ⁵..... and may be seen there without payment of fee between the hours of and

The order as confirmed becomes operative on the ⁶..... day of 19....., but if application is made to the Court of Session under paragraph 15 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, within a period of six weeks from that date by any person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made under that Schedule or under section 7(3) of the Housing (Scotland) Act 1969 not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant.

Dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

(Here insert a description of the land to which the compulsory purchase order applies, such as will enable the land to be identified showing separately any land which is outside the housing treatment area.)

NOTE FOR YOUR INFORMATION

(To be incorporated only when Form 39 is issued as a notice and in any copies thereof)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹This form is prepared in relation to a compulsory purchase order made in the case to which Form 29 applies. It should be suitably amended to meet the case of a compulsory purchase order to which Form 30 applies.

²Insert the title of the order.

³Insert the name of the local authority.

⁴Delete the words which do not apply.

⁵Insert the address of place of deposit.

⁶Insert date on which the notice is first published.

Note for local authority

Paragraph 6 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 requires the local authority, as soon as may be after the compulsory purchase order has been confirmed by the Secretary of State, to publish the foregoing notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of their intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with section 7 of the Housing (Scotland) Act 1969.

FORM 40

**Form of advertisement and notice of confirmation of a compulsory purchase order in respect of houses in a housing treatment area which are to be brought up to at least the tolerable standard [and other parts of tenements which are to be used in bringing those houses up to that standard].*

WARNING [To be included only when Form 40 is issued as a notice.]

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

**THE HOUSING (SCOTLAND) ACT 1969 AND THE ACQUISITION
OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)
ACT 1947**

¹THE.....

HOUSING TREATMENT AREA COMPULSORY PURCHASE ORDER 19.....

Notice is hereby given that the Secretary of State, in exercise of the powers conferred on him by section 7 of the Housing (Scotland) Act 1969 has confirmed ²[with modifications] the above-mentioned compulsory purchase order submitted to him by the ³..... (hereinafter referred to as "the local authority") authorising the local authority to purchase compulsorily for the purpose of carrying out such works as may be necessary to bring the houses described in ⁴[Part I of] the schedule to the said order up to at least the tolerable standard the land described in the schedule hereto being land comprised in the housing treatment area which land comprises [(1)] houses comprised in tenements which are to be brought up to at least the tolerable standard ⁵[and other parts of the said tenements which are to be used in bringing those houses up to that standard] [and] [(2)] houses not comprised in a tenement.

Copies of the order as confirmed and of the map referred to therein and of the resolution defining the housing treatment area have been deposited at ⁶..... and may be seen there without payment of fee between the hours of and

The order as confirmed becomes operative on the ⁷..... day of 19....., but if application is made to the Court of Session under paragraph 15 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, within a period of six weeks from that date by any person aggrieved by the order who desires to question the validity thereof the Court of Session may, by interim order, suspend the operation of the order, or any provision contained therein, either generally or in so far as it affects any property of the applicant, and may, if satisfied that the authorisation granted by the order is not empowered to be granted or that the interests of the applicant have been substantially prejudiced by any requirement of the said Schedule or of any regulation made under that Schedule or under section 7(3) of the Housing (Scotland) Act 1969 not having been complied with, quash the order or any provision contained therein either generally or in so far as it affects any property of the applicant.

Dated 19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

(Here insert a description of the land and houses [and other parts of tenements] to which the compulsory purchase order applies, such as will enable them to be identified.)

NOTE FOR YOUR INFORMATION

(To be incorporated only when Form 40 is issued as a notice and in any copies thereof)

Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967, as amended by section 19 of and applied by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

¹Insert the title of the order.

²Delete this if it is not applicable.

³Insert the name of the local authority.

⁴Insert the address of place of deposit.

⁵Insert date on which the notice is first published.

*This form should be used, subject to suitable modification in connection with compulsory purchase orders to which either Form 31 or Form 32 applies.

Note for local authority

Paragraph 6 of Schedule 2 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 requires the local authority, as soon as may be after the compulsory purchase order has been confirmed by the Secretary of State, to publish the foregoing notice in one or more local newspapers circulating in the locality in which the land comprised in the order is situated. A like notice and a copy of the order as confirmed must also be served on every person on whom a notice of their intention to submit the order to the Secretary of State for confirmation was required to be served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as read with section 7 of the Housing (Scotland) Act 1969.

FORM 41

Form of order extinguishing a public right of way or closing or diverting a street.

THE HOUSING (SCOTLAND) ACT 1969

Whereas the ¹....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 14 of the Act have resolved to order ²[the extinction of the public right of way ³..... over the land situated at ³..... and shown coloured red on the map aftermentioned, the line of which public right of way is shown by dotted lines hatched blue between the points A and B on the map marked ⁴..... signed and sealed with reference to this order and deposited at the offices of the local authority;] [the closing] [the diversion] [of ³..... street the line of which street is shown by dotted lines hatched blue between the points A and B on the map marked ⁴..... signed and sealed with reference to this order and deposited at the office of the local authority;]

Now, therefore, the local authority in exercise of the powers conferred upon them by the said section hereby order ²[that the said public right of way over the said land] [that the said street] shall be ²[extinguished] [closed] [diverted along the line shown on the said map by dotted lines hatched brown between the points C and D thereon] as from ⁴..... 19.....

This order may be cited as ⁴.....

²Given under the seal of the ¹.....
on 19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Delete the words which are not applicable.

³Insert such a description of the public right of way or street or land as may be sufficient for identification.

⁴The map should be identified by a heading in the terms of the short title to the order.

⁵If the order is for the extinction of a right of way and it is made in advance of the purchase of the land, the order may, under the provisions of section 14(3) of the Act, extinguish the right of way, as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order or as the Secretary of State in approving the order may direct. In any other case the date of operation of the order should be stated as the date of its approval by the Secretary of State or as at the expiration of a specified time thereafter.

⁶Insert a suitable short title.

⁷See section 191(1) of the Act as to the signing and sealing of orders.

FORM 42

Form of notice of the making of an order extinguishing a public right of way or closing or diverting a street.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969

Notice is hereby given that the 1....., the local authority under the Housing (Scotland) Act 1969, in exercise of the powers conferred upon them by section 14 of the said Act, on..... 19....., made an order 2[extinguishing the public right of way] [providing for the closing of the street] [providing for the diverting of the street] described in the schedule hereto.

The order, which comes into operation only if approved by the Secretary of State, is about to be submitted to him for approval.

A copy of the order and of the map referred to therein showing the 3[right of way] [street] have been deposited at 4..... and may be seen there without payment of fee between the hours of..... and.....

Any objections to the order must be made to the Secretary of State in writing stating the grounds of objection and should be addressed to the Secretary, Scottish Development Department, 4..... before the expiration of 2 months from the date of the publication of this notice and a copy of any objection lodged should be sent to the local authority at 5.....

Section 14(2) provides that if any objection to the order is made to the Secretary of State before the expiration of the aforesaid period of 2 months the Secretary of State shall not approve the order until he has caused a public local inquiry to be held into the matter.

Dated.....19.....

(Signature of Clerk to the local authority)

SCHEDULE

(Here insert such a description of the public right of way or the street to which the order relates as may be sufficient for identification.)

Notes for guidance in completing this form

- 1Insert the name of the local authority.
2Delete the words which are not applicable.
3Insert the address of the place of deposit.
4Insert address—currently 43 Jeffrey Street, Edinburgh EH1 1DL.
5Insert address to which copy of objection is to be sent.

FORM 43

Form of order controlling the occupation of houses in a housing treatment area.

THE HOUSING (SCOTLAND) ACT 1969

¹THE.....HOUSING TREATMENT AREA CONTROL OF OCCUPATION ORDER 19.....

Whereas the ²....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act"), have of this date passed a resolution declaring an area in their district to be a housing treatment area, which area is known as the ³.....Housing Treatment Area;

Now, therefore, the local authority in exercise of the powers conferred on them by section 16(1) of the said Act, but subject to section 16(3) of that Act, hereby prohibit the occupation of the houses in the said area except with their consent.

This order may be cited as the ¹.....Housing Treatment Area Control of Occupation Order 19.....

⁴Given under the seal of the ².....on.....19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

¹Insert a suitable short title.

²Insert the name of the local authority.

³Insert the name by which the housing treatment area is known.

⁴See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

Notes for local authority

In terms of section 16(1) of the Act the order must be made at the same time as the resolution declaring the area to be a housing treatment area is passed.

Under section 16(2) of the Act the local authority must within 28 days of the making of the order serve a notice in respect of every house in the housing treatment area upon the person having control of the house and upon any other person who is an owner or occupier of the house, stating that the order has been made and indicating the effect of the order. (See Form 44.)

FORM 44

Form of notice to persons having control, owners and occupiers of the making of an order controlling the occupation of houses in a housing treatment area and of its effect.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969

¹THE.....HOUSING TREATMENT AREA CONTROL OF OCCUPATION ORDER 19.....

To ².....

Take notice that the ³.....
the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to respectively as "the local authority" and "the Act") have, in exercise of the powers conferred on them by section 16(1) of the Act, but subject to the provisions of section 16(3) of the Act, on.....19....., made the above-mentioned order prohibiting the occupation of the house[s] in the ⁴.....
Housing Treatment Area without their consent.

The order applies to the house[s] described in the Schedule hereto in which you are believed to be interested as—

⁵ { The person having control
The owner
The occupier

Dated.....19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Description and situation of the house[s] (1) | Person having control (2) | Owner or reputed owner (3) | Occupier (4) |
|--|------------------------------|-------------------------------|-----------------|
|--|------------------------------|-------------------------------|-----------------|

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. Section 16(1) of the Housing (Scotland) Act 1969 provides that the local authority may at the same time as they declare an area to be a housing treatment area make an order prohibiting the occupation of houses in the area except with their consent. This is subject to subsection (3) of that section (see paragraph 2 below). There is no appeal against the refusal of the local authority to give consent.

2. Subsection (3) provides that such an order shall not prohibit the occupation of a house by a person occupying it on the date of service of this notice. If therefore you are in occupation of the house described in the schedule above at the date of service of this notice, the order does not affect your continuing occupation but you may not permit anyone else to occupy the house after that date without obtaining the consent of the local authority. If you are not

in occupation of the house as at the date of service of this notice then you may not occupy it thereafter or permit anyone else to occupy it without the consent of the local authority.

3. Subsection (4) provides that if anyone, in contravention of the order, knowingly occupies a house or permits it to be occupied, after the date of service of this notice he may be liable to a fine not exceeding £20 and to a further fine of £5 a day if he occupies it or permits it to be occupied after conviction.

4. Section 16(5) of the Act provides that the order will cease to apply to a house which the local authority certify as meeting the tolerable standard as from the date of their certificate. This may be a house which is already up to the standard but which was included with other houses in the housing treatment area which the local authority have resolved to improve or may be a house which in accordance with their resolution has been brought up to the tolerable standard.

5. Section 16(6) of the Act provides that any applicant for a certificate who is aggrieved by the local authority's refusal to issue a certificate may appeal to the Sheriff by giving notice of appeal within 21 days of the date of refusal.

6. The person having control of any premises is defined in section 208(2) of the Housing (Scotland) Act 1966 as the person who for the time being is entitled to receive, or would if the premises were let, be entitled to receive, the rent of the premises, including a trustee, tutor, curator, factor or agent.

Notes for guidance in completing this form

¹Insert the title of the order.

²Insert the name and address or place of business of person on whom the notice is to be served.

³Insert the name of the local authority.

⁴Insert the name by which the housing treatment area is known.

⁵Delete whichever is not applicable.

FORM 45

Form of certificate that a house already meets or has been brought up to the tolerable standard.

WARNING

**If you are in doubt about the effect of this certificate you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1969

¹THE HOUSING TREATMENT AREA CONTROL OF OCCUPATION ORDER 19.....

Whereas on.....19....., ²....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act") in exercise of the powers conferred on them by section 16(1) of the Act, but subject to the provisions of section 16(3) of the Act, made the above-mentioned order prohibiting the occupation of the houses in the ³.....Housing Treatment Area except with their consent;

And Whereas the local authority have now received an application from ⁴..... being the ⁵[owner] [person having control] of the house ⁶..... for a certificate to the effect that the house ⁵[already meets the tolerable standard] [has been brought up to the tolerable standard] and are satisfied that the house ⁵[already meets the tolerable standard and is not a building or part of a building to be demolished in accordance with the resolution passed by the local authority under section 4 of the Act] [has been brought up to the tolerable standard in accordance with the resolution passed by the local authority under section 4 of the Act];

Now, therefore, in exercise of the powers conferred upon them by section 16(5) of the Act, the local authority hereby certify that the said house ⁵[already meets the tolerable standard] [has been brought up to the tolerable standard].

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

(To be incorporated in the certificate and any copies thereof)

Section 16(5) of the Act provides that an order under section 16(1) controlling the occupation of houses in a housing treatment area shall cease to have effect in relation to a house on the date when the local authority issue a certificate that the house already meets the tolerable standard or has been brought up to that standard.

Notes for guidance in completing this form

¹Insert the title of the order.

²Insert the name of the local authority.

³Insert the name by which the housing treatment area is known.

⁴Insert the name and address or place of business of the applicant.

⁵Delete the words which are inapplicable.

⁶Insert such description of the house as may be sufficient for identification.

FORM 46

Form of notice of refusal of local authority to issue a certificate that a house already meets the tolerable standard or has been brought up to that standard.

WARNING

**If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices [quote address].....
.....or consult a Solicitor.**

THE HOUSING (SCOTLAND) ACT 1969

¹THE.....HOUSING TREATMENT AREA CONTROL OF OCCUPATION ORDER 19.....
To ².....

Take notice that the ³....., the local authority under the Housing (Scotland) Act 1969, (hereinafter referred to as "the local authority" and "the Act"), having considered your application to them to issue a certificate in terms of section 16(5) of the Act in respect of the house ⁴....., but not being satisfied that the said house ⁵[already meets the tolerable standard and is not a building or part of a building to be demolished in accordance with the resolution passed by the local authority under section 4 of the Act] [has been brought up to the tolerable standard in accordance with the resolution passed by the local authority under section 4 of the Act] refuse to issue the said certificate.

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTE FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

Section 16(6) of the Act provides that any applicant for a certificate by the local authority that the house already meets the tolerable standard or has been brought up to that standard who is aggrieved by the local authority's refusal to issue a certificate may appeal to the Sheriff by giving notice of appeal within 21 days of the date of the refusal.

Notes for guidance in completing this form

- ¹Insert the title of the order.
- ²Insert the name and address or place of business of the applicant.
- ³Insert the name of the local authority.
- ⁴Insert such description of the house as may be sufficient for identification.
- ⁵Delete the words which are inapplicable.

FORM 47

Form of notice requiring the person having control of a house to execute works.

WARNING

If you are in doubt about the effect of this notice you should ask for guidance at your Council Offices at [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969

To ¹....., the person having control of the house².....
Take notice that:—

(1) the ³....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as “the local authority” and “the Act”), are satisfied that the above-mentioned house is in a state of serious disrepair; and

(2) in exercise of the powers conferred upon them by section 24(1) of the Act the local authority require you within a period of ⁴.....days, ending on.....19....., to execute the following works, which will, in the opinion of the local authority, bring the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house, namely ⁵.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. The person having control of a house is defined in section 208(2) of the Housing (Scotland) Act 1966 as the person who for the time being is entitled to receive, or would, if the house were let, be entitled to receive, the rent of the house, including a trustee, tutor, curator, factor or agent.

2. Section 24(4) of the Housing (Scotland) Act 1969 provides that where a local authority are of the opinion that a house in their district is in need of repair although not in a state of serious disrepair and that it is likely to deteriorate rapidly, or to cause material damage to another house, if nothing is done to repair it, they may deem it to be in a state of serious disrepair for the purposes of section 24.

3. Any person aggrieved by this notice may, in accordance with the provisions of section 27 of the Act, appeal to the Sheriff against the notice, and may also appeal to the Sheriff against any demand for the recovery from him of expenses incurred by the local authority in executing works, or against an order made by the local authority under section 25(2) of the Act with respect to any such expenses, or against a charging order with respect to any such expenses made by the local authority in accordance with the provisions of Schedule 2 to the Act. The appeal must be brought within 21 days after the date of the service of the notice, demand or order, and no proceedings may be taken by the local authority to enforce any notice, demand or order whilst an appeal against it is pending. On an appeal against a demand for the recovery of expenses incurred by a local authority in executing works or against an order under section 25(2) or a charging order made by a local authority with respect to any such expenses, no question can be raised which might have been raised on an appeal against the original notice requiring the execution of the works (i.e., this notice).

4. Subsections (2) and (3) of section 24 and subsections (1), (2) and (3) of section 25 provide as follows:—

(Here quote subsections (2) and (3) of section 24 and subsections (1), (2) and (3) of section 25.)

5. Subsections (1) and (2) of section 14 of the Housing (Repairs and Rents) (Scotland) Act 1954 relating to the limitation of liability of trustees, etc., for expenses of local authorities, provide as follows:—

(Here quote subsections (1) and (2) of section 14.)

6. Section 26 of the Act, which relates to the recovery by lessees of a proportion of expenses incurred in repairing a house, provides as follows:—

(Here quote the whole of section 26.)

Notes for guidance in completing this form

¹Insert the name and residence or place of business, and description, where known, of the person having control of the house.

²Insert such description of the house as may be sufficient for identification.

³Insert the name of the local authority.

⁴A reasonable time, not being less than 21 days, must be specified.

⁵Insert specification in detail of the works to be executed.

FORM 48

Form of order declaring expenses incurred by a local authority in executing works on a house in a state of serious disrepair to be payable by weekly, monthly, half-yearly or annual instalments.

WARNING

If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at [quote address]..... or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969

To 1....., the 2[owner] [occupier] of the house 3.....

Whereas by a notice dated19..... the 4....., the local authority under the Housing (Scotland) Act 1969 (hereinafter referred to respectively as "the local authority" and "the Act"), in exercise of the powers conferred upon them by section 24(1) of the Act have required the person having control of the above-mentioned house to execute, within the time specified in that notice, the works specified in the said notice, stating therein that such works would in their opinion bring the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house;

And whereas the said notice has not been complied with, the local authority, in exercise of the powers conferred upon them by section 24(2) of the Act, have done the works required to be done by the said notice 5[and in addition have executed the following further works which were found to be necessary for the purpose of bringing the above-mentioned house up to the said standard of repair but which could not reasonably have been ascertained to be required prior to the service of the aforesaid notice, namely 6.....] and have incurred in executing all the aforesaid works expenses amounting to the sum of £.....;

Now, therefore, in exercise of the powers conferred upon them by section 25(2) of the Act, the local authority hereby declare that the said expenses shall be payable by 6.....instalments of £.....within a period of 7.....years, with interest at the rate of 8£.....per cent per annum, from 9.....19..... until the whole amount is paid. The first payment shall be made on19....., and subsequent instalments shall be payable onthereafter, until the whole amount is paid.

10Given under the seal of the 4.....on19.....

(Signature of Clerk to the local authority)

NOTES FOR YOUR INFORMATION

(To be incorporated in the order and any copies thereof)

1. By section 25(2) of the Act it is provided that any instalments and interest, or any part thereof, under an order of the local authority declaring their expenses to be payable by weekly, monthly, half-yearly or annual instalments, may be recovered from any owner or occupier of the house, and, if recovered from the occupier, may be deducted by him from the rent of the house.

2. Any person aggrieved by this order may in accordance with the provisions of section 27 of the Act appeal to the Sheriff against the order. The appeal must be made within 21 days after the service of the order, and no proceedings may be taken by the local authority to enforce the order whilst an appeal against it is pending. On an appeal against the order, no question can be raised which might have been raised on an appeal against the original

notice requiring the execution of the works. Section 24(2) of the Act provides that where in addition to the works required to be done under the original notice, the local authority have executed any further works which were found to be necessary for the purpose of bringing the house up to such a standard of repair as is reasonable having regard to the age, character and location, and disregarding the internal decorative repair, of the house but which could not reasonably have been ascertained to be required prior to the service of the original notice, any question as to whether such further works were necessary or could not have been reasonably ascertained as aforesaid shall be determined by the Sheriff, whose decision shall be final.

Notes for guidance in completing this form

- ¹Insert the name and address of the person to whom the order is addressed.
- ²Delete the words which are not applicable.
- ³Insert such a description of the house as may be sufficient for identification.
- ⁴Insert the name of the local authority.
- ⁵Insert specification in detail of the additional works so executed.
- ⁶Insert "weekly", "monthly", "half-yearly", or "annual" as the case may be.
- ⁷The period to be specified must not exceed 30 years.
- ⁸The rate of interest is to be such as the local authority may fix, provided that the Secretary of State may from time to time prescribe a maximum rate under section 25(3) of the Act.
- ⁹Insert date of service for payment of expenses.
- ¹⁰See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

FORM 49

Form of charging order.

THE HOUSING (SCOTLAND) ACT 1969

CHARGING ORDER

The ¹....., the local authority under the Housing (Scotland) Act 1969, in exercise of the powers conferred on them by paragraph 1 of Schedule 2 to that Act do hereby provide and declare that the subjects described in the schedule hereto are hereby charged and burdened with payment to ¹.....or their assignees of an annuity of ².....sterling, payable on ³.....19..... and in every year for the term of 30 years from the date of this order.

SCHEDULE

| Description of subjects ⁴ | Name and designation of owner | Name of occupier | Parish | County |
|--------------------------------------|-------------------------------|------------------|--------|--------|
| (1) | (2) | (3) | (4) | (5) |

⁴Given under the seal of the ¹.....on.....19.....

.....
(Signature of Clerk to the local authority)

Notes for guidance in completing this form

¹Insert the name of the local authority.

²Insert in words the amount of the annuity. This is to be calculated by reference to (a) the expenses incurred by the local authority in relation to the house or building and (b) a sum prescribed by the Secretary of State under paragraph 2 of Schedule 2 to the Housing (Scotland) Act 1969.

³Insert a date one year from the date of the order.

⁴Describe the subjects preferably by reference to a recorded title.

⁵See section 191(1) of the Housing (Scotland) Act 1966 as to the signing and sealing of orders.

FORM 50

Form of declaration of failure to meet the tolerable standard order.

THE HOUSING (SCOTLAND) ACT 1969
LAND COMPENSATION (SCOTLAND) ACT 1963

¹THE.....(DECLARATION OF FAILURE TO MEET THE TOLERABLE STANDARD)
ORDER 19.....

Whereas the ²....., (hereinafter referred to as "the local authority") are a local authority for the purposes of the provisions of Part I of the Housing (Scotland) Act 1969, relating to housing treatment areas;

And Whereas the land comprising the house specified in the schedule hereto [(and coloured..... on the map annexed hereto)] is in the district of the local authority;

And Whereas [the land is within an area designated as the site of a new town and] it is proposed that the land should be acquired compulsorily under ³..... in pursuance of ⁴.....;

And Whereas the said house, in the opinion of the local authority, does not meet the tolerable standard;

Now, therefore, the local authority, in exercise of the powers conferred on them by paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963, hereby declare that the said house does not meet the tolerable standard.

This order may be cited as the ¹.....
(Declaration of failure to meet the tolerable standard) Order 19.....

Dated ⁵.....19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Description and situation of house | Owner or reputed owner |
|------------------------------------|------------------------|
|------------------------------------|------------------------|

Notes for guidance in completing this form

¹Insert suitable short title.

²Insert name of local authority.

³Specify relevant powers.

⁴Insert the title of any compulsory purchase order made or a reference to any notice served under section 17 of the Town and Country Planning (Scotland) Act 1947, or section 38 of the Town and Country Planning (Scotland) Act 1959, whichever is appropriate.

⁵See section 347 of the Local Government (Scotland) Act 1947 as to the signing of orders.

FORM 51

Form of notice to owners, superiors and holders of heritable securities of the making of a declaration of failure to meet the tolerable standard order.

WARNING—This notice may affect the sum which the council can pay for your house.

If you are in doubt about its effect you should ask for guidance at your Council Offices [quote address].....
.....or consult a Solicitor.

THE HOUSING (SCOTLAND) ACT 1969
LAND COMPENSATION (SCOTLAND) ACT 1963

¹THE.....(DECLARATION OF FAILURE TO MEET THE TOLERABLE STANDARD)
ORDER 19.....

To ².....

Take notice that:—

- (i) the ³....., in exercise of the powers conferred on them by paragraph 1(2) of Schedule 2 to the Land Compensation (Scotland) Act 1963, made on.....19....., and are about to submit to the Secretary of State for confirmation the above-mentioned order (hereinafter referred to as "the order") declaring that the house described in the first column of the schedule hereto, [and shown coloured..... on the map annexed to the order] does not meet the tolerable standard, the said house being a house comprised in land which is the subject of a compulsory acquisition, being an acquisition ⁴.....;
- (ii) the ground[s] upon which the local authority are of opinion that the said house does not meet the tolerable standard [is] [are] set out in the second column of the schedule hereto;
- (iii) any objection to the order must be made in writing stating the grounds on which it is made and must be lodged with the Secretary of State by being addressed to the Secretary, Scottish Development Department, ⁵.....
.....on or before ⁶.....19.....

Dated.....19.....

.....
(Signature of Clerk to the local authority)

SCHEDULE

| Description and situation of house | Ground[s] upon which the local authority are of opinion that the house does not meet the tolerable standard |
|------------------------------------|---|
|------------------------------------|---|

NOTES FOR YOUR INFORMATION

(To be incorporated in the notice and any copies thereof)

1. If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections are withdrawn, the Secretary of State may, if he thinks fit, confirm the order, but in any other case he is required before confirming the order to consider any objection not withdrawn and, if either the person by whom the objection was made or the local authority so desire, he must afford that person and the authority an opportunity of appearing before and being heard by a person appointed by him for the purpose.

2. If the order is confirmed, the compensation (exclusive of any compensation for disturbance or for severance or for injurious affection) payable for a house to which the order applies,

if it is purchased compulsorily in any of the ways mentioned in paragraph 1(1) of Schedule 2 to the Land Compensation (Scotland) Act 1963 and either:—

- (a) the compulsory purchase order was confirmed concurrently with or after the confirmation of the order under paragraph 1(2), or
 - (b) where the acquisition is in pursuance of a notice to treat deemed to have been served as mentioned in paragraph 1(2)(b) of the said Schedule 2, the order under the said paragraph 1(2) was made before the date on which the notice to treat is deemed to have been served,
- will be the lesser of:—
- (i) the market value of the house,
 - (ii) the value of the site cleared of the house and available for development.

3. If the Secretary of State is satisfied that a house to which this order relates, notwithstanding that it does not meet the tolerable standard, has been well maintained, he may direct that the acquiring authority shall make a payment in respect of the house in accordance with section 11 of the Housing (Scotland) Act 1969.

4. The total amount payable in compensation in respect of the interest of the owner-occupier of a private dwelling (or an occupier under a lease for a period of more than a year), excluding any compensation attributable to disturbance or to severance or injurious affection, will not, in any event, be less than the gross annual value of the dwelling for rating purposes.

5. When a house which is subject to an order to which this notice relates is acquired a supplementary payment under section 18 of the Housing (Scotland) Act 1969 may in certain circumstances be payable in addition to the compensation described above. The basic requirement which must be met before such a payment falls to be made is that at the date of the making of the order the house must be occupied by an owner-occupier or a tenant occupying under a lease for more than a year. (For a tenant, the qualifying requirement relates to the terms of the lease and not to the period during which he has held under it.) It is normally necessary that the house should have been occupied continuously for two years before the date of the order, either by an owner-occupier or a qualifying tenant (or a member of the family of either). There are two exceptions to the requirement of two years' continuous occupation:—

- (a) in the transitional period until 31st July 1970 (when continuous occupation from 1st August 1968 will suffice); and
- (b) when the local authority are satisfied that the owner-occupier or qualifying tenant of a house which does not meet the two years' requirement had, nevertheless, before he acquired his interest in the house, made all reasonable enquiries to ascertain whether it was likely that an order would be made within two years and that he had no reason to believe that it was likely.

6. The amount of the payment under section 18, is, broadly speaking, the difference between the full market value of the interest in the house and the sum payable in accordance with paragraph 2 above. (The effect of the payment is therefore that the total amount received by the recipient is the full market value of the house.) Where a payment under section 18 is payable no well-maintained payment under section 11 of the Act can be paid.

7. Any person on whom this notice is served who thinks that if the order becomes operative he may have a claim to an additional payment of the kind described in paragraph 5 should notify the Clerk to the local authority in writing of the facts on which he relies. The question whether any additional payment will be payable will not be settled at this stage but it is important to establish the facts relating to ownership or occupation as soon as possible.

8. Under section 18 of the Housing (Financial Provisions, &c.) (Scotland) Act 1967 as applied by section 19 of and amended by paragraph 32 of Schedule 6 to the Housing (Scotland) Act 1969 outstanding liabilities on certain agreements secured on or related to houses which do not meet the tolerable standard may be discharged or modified by the Sheriff. This provision does not relate to any compensation that may be payable by the local authority as a result of any order made by them affecting the property. But if you are concerned about any sums that you may be due to pay or to receive you should consult a Solicitor about your rights under this section.

Notes for guidance in completing this form

- ¹Insert title of order.
- ²Insert name and address of person on whom the notice is to be served.
- ³Insert name of local authority making the order.
- ⁴Insert a reference to the appropriate provisions mentioned in paragraph 1(1) of Schedule 2 to the Land Compensation (Scotland) Act 1963.
- ⁵Insert address of Department—currently 43 Jeffrey Street, Edinburgh EH1 1DL.
- ⁶Insert a date not less than 28 days after the date of service of the notice.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the forms in which orders, notices, advertisements, statements and other documents should be made under the provisions of the Housing (Scotland) Act 1966 and the Housing (Scotland) Act 1969.

The Regulations take account of the passing of the Housing (Scotland) Act 1969 by prescribing forms etc. related to the new procedures introduced by that Act, and revoke and reproduce the 1968 Regulations specified in Regulation 2(3) in the light of amendments made by that Act.