

1970 No. 1508 (S. 123)

**SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Sheriff Court Procedure under Part IV of the  
Housing (Scotland) Act 1969) 1970**

Made - - - - - 7th October 1970  
Coming into Operation 23rd November 1970

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 17(1) of the Increase of Rent and Mortgage Interest (Restriction) Act 1920(a) as read with section 18 of the said Act and as extended by section 56(2) of the Housing (Scotland) Act 1969(b), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

**1.—(1)** An appeal made under section 50(1) of the Housing (Scotland) Act 1969(b) against the decision of a local authority refusing to issue a qualification certificate shall be made within 28 days of the service on the applicant for the qualification certificate of the notice of refusal, or such longer period as the sheriff may allow, by initial writ under the Sheriff Courts (Scotland) Acts 1907(c) and 1913(d), and shall be disposed of as a summary application as defined in the said Acts.

(2) The persons upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted are (i) the clerk to the local authority which refused to issue the qualification certificate and (ii) the tenant of the dwelling in respect of which the application for a qualification certificate was made.

**2.—(1)** An appeal under section 50(2) of the Housing (Scotland) Act 1969(b) against the issue by a local authority of a qualification certificate shall be made within 28 days of the service on the tenant of a copy of the qualification certificate, or such longer period as the sheriff may allow, by initial writ under the Sheriff Courts (Scotland) Acts 1907(c) and 1913(d), and shall be disposed of as a summary application as defined in the said Acts.

(2) The persons upon whom warrant for citation on any initial writ lodged in terms of this paragraph shall be granted are (i) the clerk to the local authority which issued the qualification certificate and (ii) the landlord of the dwelling in respect of which the qualification certificate was issued.

(3) Where a qualification certificate is quashed by an order under section 50(2) of the Housing (Scotland) Act 1969(b), the sheriff clerk shall forthwith intimate the order to the rent officer for the area in which the dwelling to which the qualification certificate related is situated.

**3.—(1)** An application to the sheriff under section 55(2) of the Housing (Scotland) Act 1969(b) for an order empowering a landlord to enter a dwelling and carry out work, shall be made by initial writ under the Sheriff Courts (Scotland) Acts 1907(c) and 1913(d), and shall be disposed of as a summary application as defined in the said Acts.

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(a) 1920 c. 17.  
(c) 1907 c. 51.

(b) 1969 c. 34.  
(d) 2 & 3 Geo. 5. c. 28.

(2) Warrant for citation on any initial writ lodged in terms of this paragraph shall be granted upon the tenant or tenants against whom the order is sought.

(3) Upon the motion of any tenant against whom an order is sought under section 55(2) of the Housing (Scotland) Act 1969(b), the sheriff may order that the hearing of the application, or any part thereof, shall be in chambers.

4. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Procedure under Part IV of the Housing (Scotland) Act 1969) 1970 and shall come into operation on 23rd November 1970.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

*J. L. Clyde, I.P.D.*

Edinburgh,  
7th October 1970.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt.)*

This Act of Sederunt prescribes the procedure whereby an appeal may be made to the Sheriff against the issue or refusal of a qualification certificate by a local authority under sections 50(1) and (2) of the Housing (Scotland) Act 1969 and whereby an application may be made to the Sheriff for an order empowering a landlord to enter and carry out the works on a dwelling under section 55(2) of that Act.

SI 1970/1508  
ISBN 0-11-001508-8

