



# Homelessness etc. (Scotland) Act 2003

## 2003 asp 10

### *Notices to local authorities*

#### **11 Notice to local authorities of proceedings for possession and enforcement of standard securities**

- (1) Where a landlord raises proceedings for possession of a dwellinghouse, the landlord must give notice of the raising of the proceedings to the local authority in whose area the dwellinghouse is situated, unless the landlord—
  - (a) is the local authority, or
  - (b) is required to give such notice to the local authority under any other enactment.
- (2) The schedule to this Act (which makes modifications of enactments for the purpose of requiring that local authorities are given notice of certain proceedings for possession of houses and of steps taken to enforce certain standard securities) has effect.
- (3) The Scottish Ministers may by regulations made by statutory instrument prescribe—
  - (a) the forms of notices to be given under subsection (1) and under the enactments specified in subsection (5) (which [<sup>F1</sup>include] the enactments modified by the schedule to this Act), and
  - (b) the manner in which such notices are to be given.
- (4) Such regulations may make different provision in relation to different such notices.
- (5) The enactments referred to in subsection (3)(a) are—
  - [<sup>F2</sup>(za) section 5A(2)(c) (notice to local authority of proceedings to eject proprietor in personal occupancy) of the Heritable Securities (Scotland) Act 1894 (c. 44),]
  - (a) section 19B(1) (notice to local authority of calling-up of standard security) of the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35),
  - (b) section 24(3)(c) (notice to local authority of application to court for remedies on default of standard security) of that Act,
  - (c) section 12A(1) (notice to local authority of proceedings for possession of dwelling-house let on protected tenancy or subject to statutory tenancy) of the Rent (Scotland) Act 1984 (c. 58),
  - (d) section 19A(1) (notice to local authority of proceedings for possession of house let on assured tenancy) of the Housing (Scotland) Act 1988 (c. 43),

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- (e) section 14(5A) (notice to local authority of proceedings for possession of house let on Scottish secure tenancy) of the 2001 Act,
  - (f) section 36(6A) (notice to local authority of proceedings for possession of house let on short Scottish secure tenancy) of that Act,
  - [<sup>F3</sup>(fa) section 245ZA(2) of the Proceeds of Crime Act 2002 (notice to local authority of application for decree of removing and warrant for ejection),]
  - <sup>F4</sup>(g) .....
  - [<sup>F5</sup>(h) section 56 of the Private Housing (Tenancies) (Scotland) Act 2016.]
- (6) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of the Parliament.
- (7) In section 79 (issue of guidance by the Scottish Ministers) of the 2001 Act, in subsection (2), after paragraph (b) insert—
- “(ba) the action which should be taken by local authorities on receipt of notices under—
    - (i) subsection (1) of section 11 of the Homelessness etc. (Scotland) Act 2003 (asp 10),
    - (ii) the enactments specified in subsection (5) of that section,”.
- (8) In subsection (1)—
- “dwellinghouse” means any building, or part of a building, which is occupied or intended to be occupied as a separate dwelling, and in particular includes a flat,
  - “proceedings for possession” means any proceedings in which decree of removing or warrant of ejection or other like order is sought.
- (9) This section binds the Crown.

#### Textual Amendments

- F1** Words in s. 11(3)(a) substituted (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), **ss. 8(5)(a)(i), 17(3)** (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)
- F2** S. 11(5)(za) inserted (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), **ss. 8(5)(a)(ii), 17(3)** (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)
- F3** S. 11(5)(fa) inserted (27.4.2017 for specified purposes, 31.10.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 89**; S.I. 2017/991, reg. 2(w)
- F4** S. 11(5)(g) repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), **ss. 8(5)(a)(iii), 17(3)** (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)
- F5** S. 11(5)(h) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 4 para. 8**; S.S.I. 2017/346, reg. 2, sch.

#### Modifications etc. (not altering text)

- C1** S. 11(3) applied by 2002 c. 29, s. 245ZA(3) (as inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 29(2), 58(1)(6)**; S.I. 2018/78, reg. 3(l))

#### Commencement Information

- I1** S. 11 in force at 2.10.2008 for specified purposes by S.S.I. 2008/313, **art. 2(a)**
- I2** S. 11 in force at 1.4.2009 in so far as not already in force by S.S.I. 2008/313, **art. 2(b)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 11(3) applied by [2007 asp 3 s. 93\(2\)](#)