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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the provisions contained in section 12 of the Homelessness etc. (Scotland) Act 2003 on 2nd July 2004.

Section 12 amends sections 18 and 20 of the Housing (Scotland) Act 1988 (“the 1988 Act”).

The amendment of section 18 of the 1988 Act allows a sheriff discretion not to make an order for possession of a house let under an assured tenancy under Ground 8 of Schedule 5 to the 1988 Act where rent arrears are a result of delay or failure in the payment of housing benefit. The amendment also directs a sheriff to have regard to such delay or failure when considering if it is reasonable to make an order for possession under Ground 11 or 12 of Schedule 5 to the 1988 Act.

The amendment of section 20 of the 1988 Act extends the discretion of a sheriff to adjourn proceedings for possession of a house let under an assured tenancy under Ground 8 of Schedule 5 to the 1988 Act where the sheriff is satisfied that rent arrears are a result of delay or failure in payment of housing benefit.