

2004 No. 288 (C. 18)

HOUSING

**The Homelessness etc. (Scotland) Act 2003 (Commencement
No. 2) Order 2004**

Made - - - -

8th June 2004

The Scottish Ministers, in exercise of the powers conferred by section 14(1) and (2) of the Homelessness etc. (Scotland) Act 2003^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation

1. This Order may be cited as the Homelessness etc. (Scotland) Act 2003 (Commencement No. 2) Order 2004.

Commencement of Provisions

2. Section 12 of the Homelessness etc. (Scotland) Act 2003 shall come into force on 2nd July 2004.

St Andrew's House,
Edinburgh
8th June 2004

MARGARET CURRAN
A member of the Scottish Executive

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Homelessness etc. (Scotland) Act 2003 have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1-3, 7, 9 and 10	30th January 2004	2003/609

£3.00

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 06/04 19593

ISBN 0-11-069173-3



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