

SCHEDULE 1

Note to landlord

Various statutes require notice to be given to a local authority where a landlord has raised proceedings for possession of a house. This form lists in a table some of the legislation under which such proceedings might be raised for possession of a house.

“Proceedings for possession” means any proceedings in which a decree of removing or warrant of ejection or other like order is sought.

NOTICE BY LANDLORD OF PROCEEDINGS FOR POSSESSION

To:

(Name of local authority in whose area the dwellinghouse that is the subject of proceedings is situated)

Take note that proceedings have been raised as detailed below.

(Please give the following information)

Name and address of landlord who has raised proceedings:

Name and address of landlord’s legal representatives:

Contact telephone number of landlord:

Landlord registration reference:

Name of tenant/s against whom proceedings have been raised:

Full postal address of property that is the subject of proceedings:

Start date of the tenancy:

Date of raising of proceedings:

Court in which proceedings raised:

The legislation under which proceedings are being notified: *(Please tick the box below, which describes the proceedings you have raised)*

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| (1) | 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) <i>(tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a protected tenancy or subject to a statutory tenancy).</i> |
| (2) | 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) <i>(tick this box if you have raised proceedings to recover possession of a dwellinghouse let on an assured tenancy).</i> |
| (3) | section 14(5A) (notice to local authority of proceedings for possession of house let on Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10) <i>(tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a Scottish secure tenancy).</i> |
| (4) | section 36(6A) (notice to local authority of proceedings for possession of house let on short Scottish secure tenancy) of the Housing (Scotland) Act 2001 (asp 10) <i>(tick this box if you have raised proceedings to recover possession of a dwellinghouse let on a short Scottish secure tenancy).</i> |
| (5) | other proceedings for possession of a dwellinghouse, <i>(tick this box if you have raised proceedings to recover possession of a dwellinghouse and none of the above boxes are</i> |
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appropriate. For these purposes a dwellinghouse is 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).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 11 of the Homelessness etc. (Scotland) Act 2003 provides for landlords (other than local authority landlords) and creditors in standard securities to notify local authorities of certain actions and proceedings.

Regulation 2 and Schedules 1 and 2 prescribe the forms of notice to the local authority to be used where a landlord raises proceedings for possession of a dwellinghouse or a creditor serves a calling up notice, or notice of default, applies to court for remedies on default of a standard security, or raises proceedings to eject a proprietor in personal occupancy of a house. Schedule 1 sets out the form for landlords who have raised proceedings for possession and Schedule 2 sets out the form for creditors who have taken various actions.

Regulation 3 provides for the notice to be sent by post or transmitted electronically to the local authority.