SCOTTISH STATUTORY INSTRUMENTS

2002 No. 320

HOUSING

The Scottish Secure Tenancies (Proceedings for Possession) Regulations 2002

Made - - - -	*26th June 2002*
Laid before the Scottish Parliament - - - -	*27th June 2002*
Coming into force - -	*30th September 2002*

The Scottish Ministers, in exercise of the powers conferred by section 14(4) and 109(2) of the Housing (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Scottish Secure Tenancies (Proceedings for Possession) Regulations 2002 and shall come into force on 30th September 2002.

Form of notice

2. The form of the notice contained in the Schedule to these Regulations is hereby prescribed for the purposes of section 14(4) of the Housing (Scotland) Act 2001.

St Andrew's House,Edinburgh
26th June 2002

MARGARET CURRAN
A member of the Scottish Executive

(**1**) 2001 asp 10.

SCHEDULE

Regulation 2

NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION

(a) This notice is to inform you, (name(s) of tenant(s) [or qualifying occupier] that , being the landlord of the dwellinghouse at (address) may, at any time during the period of 6 months beginning on (see Note 3), raise proceedings for possession of that dwelling house on the following grounds:

.....

.....

Which is/are deemed to fall within the terms of paragraph(s) (see Note 4) of Part I of Schedule 2 to the Housing (Scotland) Act 2001

[we also inform you that we are seeking possession under the above ground/grounds* for the following reasons

.....

.....

.....

(state particulars of how the ground(s) have arisen: continue on addition sheets if required)]

Signed.....

Dated.....

*Delete as appropriate

NOTES FOR THE GUIDANCE OF QUALIFYING OCCUPIERS

1. You as a qualifying occupier have a right to play a part in any court proceedings arising from the notice. If you wish to make an application to be included in any subsequent court action, you should consult a solicitor. You are entitled to have your rights considered alongside the tenant and you or your representative will be able to put your point of view to the court, for example, to explain the consequences of the repossession action for you.

2. You should also read the notes for the guidance of tenants which explain in detail why the notice is being served and the procedures that require to be followed.

NOTES FOR THE GUIDANCE OF TENANTS

1. This notice is a warning that your landlord may be going to raise proceedings against you in the sheriff court to gain possession of your house. It is not a notice to quit and it does not affect your right to continue living in the house or your obligation to pay rent. You cannot be evicted from your house unless the sheriff court grants your landlord a possession order. You should read the rest of the notes carefully to find out what might happen if your landlord does start possession proceedings against you.

2. Your landlord will also serve a notice on any qualifying occupiers who reside with you. A qualifying occupier is a person who occupies your house as their only or principal home and who is aged at least 16 years. This can be a lodger or a person to whom with the consent of the landlord, you have assigned, sublet or otherwise given up possession of the house or part of it. The qualifying occupier can be party to the possession proceedings by applying to the court. This