

Section 11 of the Homelessness etc (Scotland) Act 2003

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What is section 11?

- Places a duty on landlords and creditors to notify the relevant local authority when raising proceedings for possession or serving notices relating to the mortgage.
- Amends other legislation.
- Enabling power to make Regulations specifying the form and manner of notice.
- Power to issue statutory guidance.



Why?

- Alerts local authorities to households at risk of homelessness due to eviction or property repossession.
- Exchange of information can facilitate strategic planning of services.
- Facilitates early intervention.
- New duty, but not necessarily new practice.



Context

- 2012 – Scottish Government/COSLA joint priorities
- Importance of prevention / early intervention
- Joined up services
- Local housing strategy
- Concordat
- Outcome focus



Detail - creditors

- Section 11 amends:
 - Conveyancing & Feudal Reform (Scotland) Act 1970;
and
 - Mortgage Rights (Scotland) Act 2001.
- Duty on creditors to notify when they:
 - Serve calling up notice or notice of default;
 - Apply to court for a warrant to exercise remedies on default; or
 - Raise proceedings to eject a proprietor.



Detail - landlords

- Section 11 amends:
 - Rent (Scotland) Act 1984;
 - Housing (Scotland) Act 1988; and
 - Housing (Scotland) Act 2001.
- Requires landlords to notify the relevant local authority when they raise proceedings for possession



Form and manner of notice

- The Notice to Local Authorities (Scotland) Regulations 2008
- Forms of notice for:
 - Landlords (schedule 1)
 - Creditors (schedule 2).
- Manner of notice



LA response - Opportunities

- Context: existing statutory duties; local housing strategies
- Strategic planning of services
- Local relationships – joint working



LA response – Opportunities

- Individual response
- Local approach
- Identification of appropriate actions based on needs and circumstances of individual, e.g. advice and information, housing options, mediation, rent arrears
- Corporate response



Guidance

- Guidance notes for:
 - Local authorities (statutory)
 - Private sector landlords
 - Social sector landlords
 - Creditors
- Dialogue, then publication in March 2009.



Countdown to 1 April

- Monitoring and evaluation
- SG website
- List of contact details
- Awareness raising



Contact

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