STATUTORY INSTRUMENTS

# 1980 No. 1667 (S.131)

## LANDLORD AND TENANT

## The Notices to Quit (Prescribed Information) (Protected Tenancies and Part VII Contracts) (Scotland) Regulations 1980

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| *Made* - - - - | 30*th October* 1980 |
| *Laid before Parliament* | 11*th November* 1980 |
| *Coming into Operation* | 1*st December* 1980 |

In exercise of the powers conferred upon me by section 131 of the Rent (Scotland) Act 1971(a) as amended by section 123(1) of the Housing Act 1974(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Notices to Quit (Prescribed Information) (Protected Tenancies and Part VII Contracts) (Scotland) Regulations 1980 and shall come into operation on 1st December 1980.

*Form of notice*

**2.** Where a notice to quit is given by a landlord on or after the coming into operation of these regulations to determine—

(*a*) a protected tenancy, or

(*b*) a Part VII contract,

that notice shall contain, in such form as may be, the information in the Schedule to these regulations.

*Revocation*

**3.** The Notices to Quit (Prescribed Information) (Protected Tenancies and Part VII Contracts) (Scotland) Regulations 1976(c) are hereby revoked.

*George Younger*,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th October 1980.

(a) 1971 c. 28. (b) 1974 c. 44. (c) S.I. 1976/46.

## SCHEDULE

INFORMATION TO BE CONTAINED IN THE NOTICE TO QUIT

1. Even after the notice to quit has run out, before the tenant can lawfully be evicted, the landlord must get an order for possession, that is to say a decree of removing or warrant of ejection, from the court.

2. If the tenancy is a protected tenancy (other than a short tenancy) under the Rent Acts, the court can normally give the landlord such an order only on the grounds set out in those Acts.

3. If the tenancy is a short tenancy within the meaning of section 34 of the Tenants' Rights Etc (Scotland) Act 1980, and the landlord has served timeous notice of his intention to apply for an order for possession, the court must grant the order.

4. Where a Part VII contract was granted before 1st December 1980, the tenant may ask the rent assessment committee to postpone the date when the notice to quit expires for up to six months, as long as he does so before the notice runs out.

5. If the tenant does not know the nature of his tenancy or is otherwise unsure of his rights, he can obtain advice from a solicitor. Help with all or part of the cost of legal advice and assistance may be available under the Legal Aid Scheme. He can also seek information from a rent officer, rent assessment committee office, citizens' advice bureau or a housing aid centre.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations supersede the Notices to Quit (Prescribed Information) (Protected Tenancies and Part VII Contracts) (Scotland) Regulations, 1976. The regulations prescribe the information to be contained in a notice to quit, given by a landlord on or after 1st December 1980 to determine a tenancy which is a protected tenancy under the Rent (Scotland) Act 1971 including a short tenancy, or a contract to which Part VII of that Act applies. Failure to include such information will in terms of section 131 of the Act render the notice to quit invalid.

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