**WARNING**

1. **If you are in doubt about the effect of this order you should ask for guidance at your Council Offices at Municipal Buildings, Greenock PA15 1LX or consult a Solicitor.**
2. **Details of any compensation which may be paid to you as a result of this order and of any time limit which may exist on the making of an application for such payment can be obtained from the local authority.**

**THE HOUSING (SCOTLAND) ACT 1987**

**CLOSING ORDER**

Whereas the Inverclyde Council, the local authority under the Housing (Scotland) Act 1987 (hereinafter referred to respectively as “the local authority” and “the Act”), are satisfied in terms of Section 114 of the Act that the house being the # (registered under Title No. REN# in the Land Register) and owned by #, and presently unoccupied does not meet the tolerable standard in respect that #

Now, therefore, the local authority, in exercise of the powers conferred upon them by Section 114 of the Act, hereby prohibit the use of the said house for human habitation **as from the expiration of 28 days from the date on which this Order comes into operation.**

Signed …………………………………………………………..

Proper Officer

*NOTES FOR YOUR INFORMATION*

*Power to make a Closing Order*

1. Section 114 of the Act, which empowers the local authority to make Closing Orders or Demolition Orders, is as set out in the Appendix to these notes.

*Undertakings*

2. The owner of or the holder of a heritable security over the house may give to the local authority an undertaking in terms of paragraph *(a)* of Section 117(1) of the Act (see Appendix). Such an undertaking may be given **within 21 days of the date of service of the Closing Order or within such longer period as the local authority may allow.**

3. If the local authority accept the undertaking they make a suspension order, which has the effect of suspending the Closing Order.

4. If an undertaking that the house will be brought up to the tolerable standard is accepted by the local authority and they suspend the Closing Order, and the house is brought up to the tolerable standard, application may be made under Section 116 for revocation of the Closing Order – see note 13.

5. The effect of the giving and acceptance of an undertaking, and the making of a suspension order, on the Closing Order itself is explained below. (In all cases further intimation will be received from the local authority in relation to these matters).

*Date of Operation*

6. If no undertaking is offered under Section 117(3) and no appeal is brought (see notes 9 to 12 below) the Closing Order becomes operative on the expiration of the period of **21 days from the date of service of the order.**

7. If an undertaking is offered under section 117(3) and the local authority reject it, the Closing Order does not become operative until the expiration of **21 days after service of notice of rejection of the undertaking.**

8. If the local authority accept an undertaking that the house will be brought up to the tolerable standard and make a suspension order accordingly, the Closing Order does not become operative unless the undertaking is broken and the local authority revokes the suspension order. In that event the Closing Order becomes operative on the expiration of **21 days from the date of service of the order revoking the suspension order.**

9. If an appeal to the Sheriff is brought against the Closing Order, and the Sheriff confirms the Order, it becomes operative **on the date of the determination of the appeal.**

*Appeal*

10. The coming into operation of a Closing Order is subject to any appeal which might be brought.

11. Section 129 of the Act provides that, subject to the provision of that Section, any person aggrieved by a Closing Order may appeal to the Sheriff by giving notice of appeal **within 21 days after the date of service of the order**, and no proceedings may be taken by the local authority to enforce the order while an appeal against it is pending.

12. If an undertaking is offered under Section 117(3) **the period of 21 days referred to in note 11 above is extended as follows:-**

1. if the undertaking is rejected, notice of appeal may be given **within 21 days after the date of service of notice of rejection of the undertaking;**
2. if the undertaking is accepted and a suspension order is made by the local authority under Section 117(3) the Closing Order does not become operative unless the undertaking is broken and the suspension order revoked (see note 8 above). In that case notice of appeal against the Closing Order itself may be given **within 21 days after the date of service of the order revoking the suspension order.**

*If house or houses brought up to the tolerable standard*

13. Under Section 116 of the Act if any person interested applies to the local authority and satisfies them that the house has been brought up to the tolerable standard the local authority shall revoke the Closing Order. Such an application may be made at any time and whether or not an undertaking under Section 117 has been given or accepted. If the local authority refuse the application for revoking of the Closing Order, notice of appeal to the Sheriff against that refusal may be given under Section 129 of the Act **within 21 days after service of notice of rejection of the application.**

*Notice to vacate house*

14. Where a Closing Order has become operative, the local authority are required by Section 127(1) of the Act to serve on the occupier of the house or any part thereof to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the house to be vacated and requiring the occupier to remove from the house **before that date or before the expiration of 28 days from the service of the notice, whichever may be the later.**

*Penalties*

15. Section 127(6) of the Act provides that if any person -

1. knowing that a Closing Order has become operative and applies to any premises, uses those premises or permits those premises to be used for human habitation unless he shall previously have obtained the consent of the local authority to the use of the premises for that purpose; or
2. knowing that an undertaking has been accepted by the local authority that any premises shall not be used for human habitation uses them for human habitation or permits them to be so used, he shall be guilty of an offence and shall be liable on summary conviction:
   1. to a fine not exceeding Level 5 on the standing scale or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment; and
   2. in the case of a continuing offence to a further fine of £5 for every day, or part of a day, on which he so uses those premises or permits them to be so used after conviction.