

SECTION 11 – CONSULTATION RESPONSE

Name of individual/organisation:

Views are sought in relation to:

- the regulations on the form and manner of notifications to local authorities set out in Section 1 of this paper
- the statutory guidance to local authorities and the guidance to landlords and creditors set out in Section 2
- whether the paper addresses equalities issues
- the proposals for monitoring and evaluation of implementation of section 11

Section 1

Q1: Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?

YES/NO.....YES

Comment :

Q2: Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?

YES/NO.....YES

Comment : Would suggest title be expanded to include "TENANT" as follows "NOTICE OF PROCEEDINGS FOR POSSESSION FROM TENANT OR PROCEEDINGS TO EJECT PROPRIETOR"

Q3. Do you believe that the information outlined in the Calling –up Notice etc, in Form 2 is sufficient to ensure effective implementation of section 11?

YES/NO.....NO COMMENT

Comment ; As this applies to Mortgagees and Mortgagors and not Tenancies, therefore we do not wish to comment.

Q4. Do you have any suggestions to make Forms 1 and 2 in the regulations more ‘user friendly’?

YES/NO.....YES

**Comment : Would suggest title be expanded to include “TENANT” as follows
“NOTICE OF PROCEEDINGS FOR POSSESSION FROM TENANT OR
PROCEEDINGS TO EJECT PROPRIETOR”**

Q5: Do you have any general comments or suggestions on the form and manner of the notification to local authorities from landlords and creditors as outlined in the regulations set out in section 1?

YES/NO.....NO

Comment:

Section 2

A) STATUTORY GUIDANCE TO LOCAL AUTHORITIES

Q6: Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?

YES/NO.....YES

Comment :

Q7: Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?

YES/NO.....NO

Comment : Up to Local Authority to notify all registered landlords of their correct address.

Q8: Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?

YES/NO.....YES

Comment :

Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?

YES/NO.....YES

COMMENT: Loans to Tenants to clear rent arrears should be considered.

Q10: Do you have any comments about the data protection issues raised in the guidance?

YES/NO.....NO

Comment :

Q11: Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?

YES/NO.....NO

Comment:

B) GUIDANCE TO LANDLORDS AND CREDITORS

Q12: Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?

YES/NO.....YES

Comment:

Q13: Is it clear from the guidance what the purpose of section 11 is and how landlords and creditors can contribute to and benefit from this?

YES/NO.....YES

Comment :Except that Direct Payment of Housing Benefit to Landlords can backfire if the Tenant fraudulently claims this. The Landlord can be invoiced for such overpayments notwithstanding the April 2006 amendments by Dept. of Works & Pensions to the Housing Benefit Regs making such invoices not valid if the Landlord has not contributed to the Housing Benefit fraud.

Q14: Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?

YES/NO.....NO

Comment : Private Sector Landlords cannot be expected to be able to advise Tenants on Benefits in general. They are not qualified or trained in this regard.

Q15: Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2?

YES/NO.....NO

Comment:

EQUALITIES

Q.16: Do you feel the proposals promote equality? If not, please give details of your concerns?

YES/NO.....NOT CLEAR

Comment: What is HL1 SYSTEM? Will Local Authorities provide language interpreters when needed?.....for Polish/Rumanians/Bulgarians etc.

MONITORING AND EVALUATION OF IMPLEMENTATION

The Scottish Executive will consider carrying out a study on responses of local authorities, landlords and creditors to implementation of section 11. This will require local authorities to monitor implementation during the first year and provide this information to the Scottish Executive.

Q.17: Do you agree with local authorities be asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?

YES/NO.....YES

Comment :

Q.18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11?

YES/NO.....NO

Comment ;