

*These notes relate to the Housing (Scotland) Act 2001
(asp 10) which received Royal Assent on 18 July 2001*

HOUSING (SCOTLAND) ACT 2001

EXPLANATORY NOTES

BACKGROUND AND OVERVIEW

Part 2 – Tenants of Social Landlords

Chapter 1 – Scottish Secure Tenancies

Section 32: Assignment, subletting etc.

56. This section entitles a tenant to assign or sublet their house or to take in a lodger with the consent of the landlord. In the case of an assignment, the house must have been the assignee's only or principal home for 6 months prior to application for consent to assign. The landlord's consent may only be withheld if there are reasonable grounds to do so; *subsection (3)* sets out examples of what such grounds might be. Those grounds can be modified by the Scottish Ministers by order. *Part 2 of schedule 5* provides, among other things, a right of appeal to the court by a tenant whose landlord refuses consent. Where the landlord is a registered social landlord which is a co-operative housing association any consent is subject to the condition that assignee, subtenant, or other person is a member of the association when the assignment or sublease takes effect or when possession is given to the other person.