

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

# HOUSING (SCOTLAND) ACT 2001

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## EXPLANATORY NOTES

### BACKGROUND AND OVERVIEW

#### **Part 2 – Tenants of Social Landlords**

#### *Chapter 1 – Scottish Secure Tenancies*

#### *Section 36: Recovery of possession*

62. This section sets out the arrangements under which a landlord may recover possession of a short Scottish secure tenancy. *Subsections (2) to (4)* set out the arrangements in more detail including the service of a notice and raising of proceedings. *Subsection (5)* outlines the circumstances when a court must make an order for recovery of possession: where the tenancy has reached its term, tacit relocation is not operating (i.e. it will not be automatically renewed for the same length of time) and no further contractual tenancy has been entered into, and where a notice has been served.