

*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 16: Powers of court in possession proceedings

33. This section sets out the circumstances in which the court will make an order for terminating a Scottish secure tenancy and giving the landlord the right to recover possession of the house on a ground set out in *Part 1 of schedule 2*. In relation to grounds 1 to 7 (“conduct grounds”) the court must make the order where it considers it reasonable to do so. In relation to grounds 8 to 14 (“management grounds”), the court must make the order if it considers other suitable accommodation will be available for the tenant. In relation to ground 15, the court must make the order where it considers that it is reasonable to do so and that other suitable accommodation will be available. Suitability of alternative accommodation is determined by reference to *Part 2 of schedule 2*. In relation to ground 10, if the house is being redeveloped the court can make an order entitling the tenant to return to the house when the work has been completed.
34. This section also sets out the matters to which the court should have regard in considering whether it is reasonable to make an order for termination of the tenancy.