

## SCHEDULE 1

*(introduced by section 11)*

## TENANCIES WHICH ARE NOT SCOTTISH SECURE TENANCIES

*Premises occupied under contract of employment*

- 1 (1) A tenancy is not a Scottish secure tenancy if the tenant (or one of joint tenants) is an employee of the landlord or of any local authority and the contract of employment requires the tenant to occupy the house for the better performance of the tenant's duties.
- (2) In sub-paragraph (1), "contract of employment" means a contract of service or of apprenticeship, whether express or implied, and (if express) whether oral or in writing.

*Police and fire service accommodation*

- 2 A tenancy is not a Scottish secure tenancy if the landlord is a local authority landlord and the tenant—
- (a) is a constable of a police force, within the meaning of the Police (Scotland) Act 1967 (c. 77), who in pursuance of regulations under section 26 of that Act occupies the house without obligation to pay rent or council tax,
  - (b) is a member of a fire brigade, maintained in pursuance of the Fire Services Act 1947 (c. 41), who occupies the house in consequence of a condition in the person's contract of employment that the person live in close proximity to a particular fire station, or
  - (c) is let the house expressly on a temporary basis pending its being required for the purposes of such a police force or fire brigade.

*Lettings to students*

- 3 (1) A tenancy is not a Scottish secure tenancy if it is granted to a person who is pursuing, or intends to pursue, a course of study provided by a specified educational institution and is granted either by that institution or by another specified institution or body.
- (2) In sub-paragraph (1), "specified" means specified, or of a type specified, by regulations made by the Scottish Ministers.

*Temporary accommodation during work*

- 4 A tenancy is not a Scottish secure tenancy if—
- (a) the house is occupied by the tenant while work is being carried out on the house which the tenant normally occupies as the tenant's home, and
  - (b) the tenant is—
    - (i) by agreement, or
    - (ii) by virtue of an order of the sheriff under section 16(6), entitled to return there after the work is completed.

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*Status: This is the original version (as it was originally enacted).*

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*Accommodation for homeless persons*

- 5           A tenancy is not a Scottish secure tenancy if the house is being let to the tenant expressly on a temporary basis, for a term of less than 6 months, in fulfilment of a duty imposed on a local authority by Part II (homeless persons) of the 1987 Act.

*Accommodation for offenders*

- 6           A tenancy is not a Scottish secure tenancy if it is granted, for a term of less than 6 months, to a person—
- (a)   who is under supervision in pursuance of the functions of a local authority under paragraph (b)(i), (ii) or (vi) of subsection (1) of section 27 (supervision and care of persons on probation, released from prison etc.) of the Social Work (Scotland) Act 1968 (c. 49), or
  - (b)   who has requested, in accordance with paragraph (c) of that subsection, the provision of advice, guidance or assistance by a local authority in pursuance of the authority's functions under that paragraph.

*Shared ownership agreements*

- 7           A tenancy is not a Scottish secure tenancy if it is a tenancy under a shared ownership agreement within the meaning of section 83(3).

*Agricultural and business premises*

- 8           A tenancy is not a Scottish secure tenancy if the house—
- (a)   is let together with agricultural land exceeding two acres in extent,
  - (b)   consists of or includes premises which are used as a shop or office for business, trade or professional purposes,
  - (c)   consists of or includes premises licensed for the sale of excisable liquor, or
  - (d)   is let in conjunction with any purpose mentioned in sub-paragraph (b) or (c).

*Houses part of, or within curtilage of, certain other buildings*

- 9           A tenancy is not a Scottish secure tenancy if the house forms part of, or is within the curtilage of, a building which—
- (a)   is held by the landlord mainly for purposes other than the provision of housing accommodation, and
  - (b)   mainly consists of accommodation other than housing accommodation.

*Accommodation in property not owned by landlord*

- 10          A tenancy is not a Scottish secure tenancy if the house is leased by the landlord from another body and the terms of the lease preclude the letting of the house by the landlord under a Scottish secure tenancy.