

Changes to legislation: Housing (Scotland) Act 2001, SCHEDULE 6 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 6 **S**

(introduced by section 34)

GROUNDS FOR GRANTING SHORT SCOTTISH SECURE TENANCY

Commencement Information

- II** Sch. 6 wholly in force at 30.9.2002, see s. 113(1)(2) and [S.S.I. 2002/321](#), **art. 2**, Sch. (subject to transitional provisions and savings in [arts. 3-5](#))

Previous anti-social behaviour

- 1 An order for recovery of possession [^{F1}or an eviction order] has, within the period of 3 years preceding the date of service of the notice, been made [^{F2}or issued] against the prospective tenant (or any one of prospective joint tenants) in proceedings—
- (a) under the Housing (Northern Ireland) Order 1983 (S.I.1983/1118) on ground 2 of Schedule 3,
 - (b) under the Housing Act 1985 (c.68), on ground 2 of Schedule 2,
 - (c) under the 1987 Act, on a ground set out in paragraph 2 or 7 of Schedule 3,
 - (d) under the 1988 Act, on ground 15 of Schedule 5,
 - (e) under the Housing Act 1988 (c.50), on ground 14 of Schedule 2,
 - (f) under this Act on a ground set out in paragraph 2 or 7 of schedule 2.
- [^{F3}(g) under the 2016 Act on the ground—
- (i) that the tenant has a relevant conviction,
 - (ii) that the tenant has engaged in relevant anti-social behaviour, or
 - (iii) that the tenant associates in the let property with a person who has a relevant conviction or has engaged in relevant anti-social behaviour.]

Textual Amendments

- F1** Words in sch. 6 para. 1 inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 4 para. 7(6)(a)**; [S.S.I. 2017/346](#), reg. 2, sch.
- F2** Words in sch. 6 para. 1 inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 4 para. 7(6)(b)**; [S.S.I. 2017/346](#), reg. 2, sch.
- F3** Sch. 6 para. 1(g) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 4 para. 7(6)(c)**; [S.S.I. 2017/346](#), reg. 2, sch.

Anti-social behaviour order

- 2 The prospective tenant (or any one of prospective joint tenants) or a person who it is proposed will reside with the prospective tenant is subject to an [^{F4}antisocial behaviour order—
- (a) under section 234AA of the Criminal Procedure (Scotland) Act 1995 (c. 46); or
 - (b) under section 4 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)].

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Textual Amendments

F4 Words in sch. 6 para. 2 substituted (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), s. 145(2), [sch. 4 para. 6\(3\)](#); S.S.I. 2004/420, art. 3, sch. 1

Other antisocial behaviour

[^{F5}2A (1) A person mentioned in sub-paragraph (2) has, within the period of 3 years preceding the date of service of the notice—

- (a) acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the prospective tenant or by a person who it is proposed will reside with the prospective tenant, or
- (b) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person.

(2) The persons are—

- (a) the prospective tenant,
- (b) any one of prospective joint tenants,
- (c) a person visiting a house occupied by the prospective tenant or by a person who it is proposed will reside with the prospective tenant, and
- (d) a person who it is proposed will reside with the prospective tenant.

(3) In sub-paragraph (1)—

“antisocial”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance,
“conduct” includes speech, and a course of conduct must involve conduct on at least two occasions, and
“harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40).]

Textual Amendments

F5 Sch. 6 para. 2A and cross-heading inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 7\(4\)\(a\)](#), 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)

Temporary letting to person seeking accommodation

3 The house is to be let expressly on a temporary basis to a person moving into the area in order to take up employment there, and for the purpose of enabling that person to seek accommodation in the area.

Temporary letting pending development

4 (1) The house is to be let to a person expressly on a temporary basis, pending development affecting the house.

(2) In sub-paragraph (1), “development” has the same meaning as in section 26 of the Town and Country Planning (Scotland) Act 1997 (c.8).

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Accommodation for homeless persons

- 5 The house is to be let to a person expressly on a temporary basis, for a period of not 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 person in receipt of housing support

- [^{F6}6 The house is to be let expressly on a temporary basis to a person—
(a) to whom no other paragraph of this schedule applies, and
(b) who is in receipt of a housing support service.]

Textual Amendments

- F6** Sch. 6 para. 6 and cross-heading substituted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(4)(b), 104(3)**; S.S.I. 2018/153, **art. 2, sch.** (with arts. 3, 9)

Accommodation in property not owned by landlord

- 7 The house to be let 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.

Temporary letting where other property owned

- [^{F7}7A (1) The house is to be let expressly on a temporary basis to a person pending the making of arrangements in relation to a property mentioned in sub-paragraph (2) which will allow the person's housing needs to be met.

(2) The property is heritable property owned by the person or a person who it is proposed will reside with that person.]

Textual Amendments

- F7** Sch. 6 para. 7A and cross-heading inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 8, 104(3)**; S.S.I. 2018/153, **art. 2, sch.** (with art. 9)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)