



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 1

#### SCOTTISH SECURE TENANCIES

##### *Creation and termination of tenancy*

#### **11 Scottish secure tenancy**

- (1) A tenancy of a house is a Scottish secure tenancy if—
- (a) the house is let as a separate dwelling,
  - (b) the landlord is—
    - (i) a local authority landlord,
    - (ii) a registered social landlord, or
    - (iii) a water authority or sewerage authority,specified, or of a description specified, in an order made by the Scottish Ministers,
  - (c) the tenant is an individual and the house is the tenant's only or principal home,
  - (d) where the landlord is a registered social landlord which is a co-operative housing association, the tenant is a member of the association, and
  - (e) the tenancy—
    - (i) was created on or after such date as the order may specify in relation to the landlord, or
    - (ii) was created before that date and is of a description specified in the order in relation to the landlord.
- (2) An order under subsection (1) may, without prejudice to section 109(2) or 110, make provision for ensuring that rights of the landlord, the tenant and any other person under or in relation to a tenancy which becomes a Scottish secure tenancy by virtue of the order are not adversely affected by the tenancy becoming a Scottish secure tenancy.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In this Act, “local authority landlord” means a landlord which is a local authority, a joint board or joint committee of two or more local authorities, or the common good of a local authority, or any trust under the control of a local authority.
- (4) A tenancy is not a Scottish secure tenancy if it is a tenancy of a kind mentioned in schedule 1.
- (5) The tenant under a Scottish secure tenancy and one or more other individuals falling within subsection (6) may jointly apply in writing to the landlord for the other individuals to be included with the tenant as joint tenants under the tenancy; and the landlord must consent to the alteration of the tenancy unless it has reasonable grounds for not doing so.
- (6) An individual falls within this subsection if the house in question is, or is intended to be, that person’s only or principal home.
- (7) It is a term of every Scottish secure tenancy that the tenant complies with paragraphs (c) and (d) of subsection (1).
- (8) Without prejudice to sections 14 and 16 and schedule 2, a tenancy which is a Scottish secure tenancy continues to be a Scottish secure tenancy even if subsection (1)(b), (c) or (d) is no longer satisfied.
- (9) Where—
  - (a) the house which a tenant under a Scottish secure tenancy normally occupies is not available for occupation, and
  - (b) the tenant is accommodated temporarily in another house the landlord of which is a local authority landlord or a registered social landlord,the other house is to be taken, for the purposes of this Chapter except sections 12 to 16 and paragraph 4 of schedule 1, to be the house which the tenant normally occupies.