



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Creation and termination of tenancy

14 Proceedings for possession

- (1) The landlord under a Scottish secure tenancy may raise proceedings by way of summary cause for recovery of possession of the house.
- (2) Such proceedings may not be raised unless—
 - (a) the landlord has served on the tenant and any qualifying occupier a notice complying with subsection (4),
 - (b) the proceedings are raised on or after the date specified in the notice, and
 - (c) the notice is in force at the time when the proceedings are raised.

[^{F1}(2A) Where such proceedings are to include the ground that rent lawfully due from the tenant has not been paid (as set out in paragraph 1 of schedule 2)—

- (a) the notice under subsection (2) must not be served unless the landlord has complied with the pre-action requirements in section 14A, and
- (b) the proceedings may not be raised unless the landlord has confirmed to the court in such form as the Scottish Ministers may prescribe by regulations that those requirements have been complied with.]

[^{F2}(2B) Where such proceedings are to include a ground for recovery of possession set out in paragraph 2 of schedule 2, the landlord must have regard to any guidance published by the Scottish Ministers before raising such proceedings in relation to recovering possession of the house.

Status: Point in time view as at 30/03/2022.

Changes to legislation: Housing (Scotland) Act 2001, Section 14 is up to date with all changes known to be in force on or before 02 March 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)

- (2C) Before publishing any guidance mentioned in subsection (2B), the Scottish Ministers must consult such persons as they consider appropriate.]
- (3) Before serving a notice under subsection (2) the landlord must make such inquiries as may be necessary to establish so far as is reasonably practicable whether there are any qualifying occupiers of the house and, if so, their identities.
- (4) A notice under subsection (2) must be in such form as the Scottish Ministers may prescribe by regulations, and must specify—
- (a) the ground, being a ground set out in Part 1 of schedule 2, on which proceedings for recovery of possession are to be raised, ^{F3}...
 - (b) a date, not earlier than—
 - (i) 4 weeks from the date of service of the notice, or
 - (ii) the date on which the tenancy could have been brought to an end by a notice to quit had it not been a Scottish secure tenancy,
 whichever is later, on or after which the landlord may raise proceedings for recovery of possession [^{F4}, and
 - (c) where subsection (2A) applies, the steps taken by the landlord which the landlord considers to constitute compliance with the pre-action requirements in section 14A.]
- (5) A notice under subsection (2) ceases to be in force 6 months after the date specified in it in accordance with subsection (4)(b) or when it is withdrawn by the landlord, whichever is earlier.
- [^{F5}(5A) Where a landlord raises proceedings under this section, the landlord must give notice of the raising of the proceedings to the local authority in whose area the house in question is situated, unless the landlord is that local authority.
- (5B) Notice under subsection (5A) is to be given in the form and manner prescribed under section 11(3) of the Homelessness etc. (Scotland) Act 2003 (asp 10).]
- (6) In this section and section 15, “qualifying occupier” means a person who occupies the house as that person’s only or principal home and who is—
- (a) a member of the tenant’s family aged at least 16 years,
 - (b) a person to whom the tenant has, with the landlord’s consent under section 32(1), assigned, sublet or otherwise given up possession of the house or any part of it, or
 - (c) a person whom the tenant has, with such consent, taken in as a lodger.

Textual Amendments

- F1** S. 14(2A) inserted (22.2.2012 for specified purposes, 1.8.2012 in so far as not already in force) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 155(a)(i)**, 166(2); S.S.I. 2012/19, art. 2(c); S.I. 2012/91, art. 2(a)
- F2** S. 14(2B)(2C) inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 14(1)**, 104(3); S.S.I. 2014/264, art. 2, sch.
- F3** Word in s. 14(4)(a) repealed (22.2.2012 for specified purposes, 1.8.2012 in so far as not already in force) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 155(a)(ii)**, 166(2); S.S.I. 2012/19, art. 2(c); S.I. 2012/91, art. 2(a)

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- F4** S. 14(4)(c) and words inserted (22.2.2012 for specified purposes, 1.8.2012 in so far as not already in force) by Housing (Scotland) Act 2010 (asp 17), **ss. 155(a)(iii)**, 166(2); S.S.I. 2012/19, art. 2(c); S.I. 2012/91, art. 2(a)
- F5** S. 14(5A)(5B) inserted (2.10.2008 for specified purposes, 1.4.2009 in so far as not already in force) by Homelessness etc. (Scotland) Act 2003 (asp 10), s. 14(1), **sch. para. 4(2)**; S.S.I. 2008/313, art. 2(a)(b)

Modifications etc. (not altering text)

- C1** S. 14 temp. modifications made by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), sch. 1 para. 7(1)(2) (as amended (3.10.2020) by S.S.I. 2020/270, regs. 1(1), 6(1)) expired (30.3.2022) by The Coronavirus (Scotland) Acts (Early Expiry of Provisions) Regulations 2022 (S.S.I. 2022/64), reg. 2(a) (with regs. 4, 5)

Commencement Information

- I1** S. 14 wholly in force at 30.9.2002, see s. 113(1)(2) and S.S.I. 2002/321, **art. 2** (subject to transitional provisions and savings in arts. 3-5)

Status:

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