



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.
- (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, and
 - (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,

Status: This is the original version (as it was originally enacted).

whichever is later, on or after which the landlord may raise proceedings for recovery of possession.

- (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(2) ceases to be in force 6 months after the date specified in it in accordance with subsection (4)(b) or when it is withdrawn by the landlord, whichever is earlier.
- (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.