



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Short Scottish secure tenancies

35 Conversion to short Scottish secure tenancy

(1) A Scottish secure tenancy of a house becomes a short Scottish secure tenancy by virtue of this section immediately on the landlord serving on the tenant a notice under subsection (3).

[^{F1}(2) The landlord may serve a notice under subsection (3) only where—

- (a) the tenant (or any one of joint tenants) or a person residing or lodging with, or a subtenant of, the tenant is subject to an antisocial behaviour order under—
 - (i) section 234AA of the Criminal Procedure (Scotland) Act 1995 (c.46), or
 - (ii) section 4 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), or
- (b) the tenant (or any one of joint tenants), a person residing or lodging with, or a subtenant of, the tenant, or a person visiting the house has, within the period of 3 years preceding the date of service of the notice—
 - (i) 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 person, or
 - (ii) 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.]

(3) A notice under this subsection must—

Changes to legislation: Housing (Scotland) Act 2001, Section 35 is up to date with all changes known to be in force on or before 12 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

- (a) state that the Scottish secure tenancy to which it relates becomes a short Scottish secure tenancy by virtue of service of the notice,^{F2}...
 - (b) specify the tenant or other person who is subject to the anti-social behaviour order [^{F3}or, as the case may be, has behaved as described in subsection (2)(b)],
 - [^{F4}(c) if the notice is served under subsection (2)(b), specify—
 - (i) the actions of the tenant or other person which the landlord has taken into account, and
 - (ii) the landlord's reasons for serving the notice, and
 - (d) explain the right of appeal conferred by subsection (5).]
- [^{F5}(3A) A short Scottish secure tenancy created by virtue of this section has a term of 12 months from the day on which the landlord serves a notice under subsection (3).]
- [^{F6}(4) Where a tenancy becomes a short Scottish secure tenancy by virtue of this section—
- (a) subsection (5) of section 34 does not apply to the tenancy, but
 - (b) otherwise subsection (6) of that section does apply to the tenancy.]
- (5) Where a Scottish secure tenancy becomes a short Scottish secure tenancy by virtue of this section, a tenant who is aggrieved by the conversion may raise proceedings by summary application.
- (6) In such proceedings the court may, if it considers that there are good grounds for doing so, grant a declarator that the notice under subsection (3) is of no effect.
- [^{F7}(7) In this section —
- “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

- F1** S. 35(2) substituted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(2)(a)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F2** Word in s. 35(3) repealed (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(2)(b)(i)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F3** Words in s. 35(3)(b) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(2)(b)(ii)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F4** S. 35(3)(c)(d) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(2)(b)(iii)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F5** S. 35(3A) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 9(2)(a)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F6** S. 35(4) substituted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 9(2)(b)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)
- F7** S. 35(7) inserted (1.5.2019) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 7(2)(c)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 3, 9)

Commencement Information

- I1** S. 35 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](#))

Changes to legislation:

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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)