



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Short Scottish secure tenancies

36 Recovery of possession

- (1) The landlord under a short Scottish secure tenancy may raise proceedings by way of summary cause for recovery of possession of the house which is the subject of the tenancy.
- (2) Such proceedings may not be raised unless—
 - (a) the landlord has served on the tenant a notice complying with subsection (3),
 - (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) A notice under subsection (2) must be in such form as the Scottish Ministers may prescribe by regulations, and must—
 - (a) state that the landlord requires possession of the house,
 - (b) specify a date, not earlier than—
 - (i) 2 months, or such longer period as the tenancy agreement may provide, 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 short Scottish secure tenancy,whichever is later, on or after which the landlord may raise proceedings for recovery of possession.

Status: This is the original version (as it was originally enacted).

- (4) A notice under subsection (2) ceases to be in force 6 months after the date specified in it in accordance with subsection (3)(b) or when it is withdrawn by the landlord, whichever is earlier.
- (5) The court must make an order for recovery of possession if it appears to the court that—
 - (a) the tenancy has reached the ish referred to in section 34(5),
 - (b) tacit relocation is not operating,
 - (c) no further contractual tenancy (whether or not a short Scottish secure tenancy) is in existence, and
 - (d) subsection (2) has been complied with.
- (6) An order under subsection (5) must appoint a date for recovery of possession and has the effect of—
 - (a) terminating the tenancy, and
 - (b) giving the landlord the right to recover possession of the house, at that date.
- (7) This section is without prejudice to sections 14 and 16.