



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

## 2022 asp 8

### PART 4

#### TENANCIES

##### *Removal of mandatory eviction grounds*

#### **43 Private residential tenancies: discretionary eviction grounds**

- (1) The Private Housing (Tenancies) (Scotland) Act 2016 is modified as follows.
- (2) In section 51(2) (First-tier Tribunal's power to issue an eviction order), the words "or must" are repealed.
- (3) In schedule 3 (eviction grounds)—
  - (a) in paragraph 1(2) (landlord intends to sell)—
    - (i) in the opening words, for "must" substitute "may",
    - (ii) after paragraph (a), the word "and" is repealed,
    - (iii) after paragraph (b) insert " , and  
" (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.",
  - (b) in paragraph 2(2) (property to be sold by lender)—
    - (i) in the opening words, for "must" substitute "may",
    - (ii) after paragraph (b), the word "and" is repealed,
    - (iii) after paragraph (c) insert " , and  
" (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.",
  - (c) in paragraph 3(2) (landlord intends to refurbish)—
    - (i) in the opening words, for "must" substitute "may",
    - (ii) after paragraph (b), the word "and" is repealed,
    - (iii) after paragraph (c) insert " , and

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- “(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (d) in paragraph 4(2) (landlord intends to live in property)—
- (i) for “must” substitute “may”,
  - (ii) the words from “the landlord” to “3 months” become paragraph (a),
  - (iii) after paragraph (a) insert “, and
- “(b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”,
- (e) in paragraph 6(2) (landlord intends to use for non-residential purpose)—
- (i) for “must” substitute “may”,
  - (ii) the words from “the landlord” to “home” become paragraph (a),
  - (iii) after paragraph (a) insert “, and
- “(b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”,
- (f) in paragraph 7(2) (property required for religious purpose)—
- (i) in the opening words, for “must” substitute “may”,
  - (ii) after paragraph (b), the word “and” is repealed,
  - (iii) after paragraph (c) insert “, and
- “(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (g) in paragraph 8 (not an employee)—
- (i) in the opening words of sub-paragraph (2), for “must” substitute “may”,
  - (ii) for sub-paragraph (2)(c) substitute—
- “(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (iii) sub-paragraph (3) is repealed,
  - (iv) in sub-paragraph (4), for “sub-paragraphs (2) and (3)” substitute “sub-paragraph (2)”,
- (h) in paragraph 10(2) (not occupying let property)—
- (i) in the opening words, for “must” substitute “may”,
  - (ii) after paragraph (a), the word “and” is repealed,
  - (iii) after paragraph (b) insert “, and
- “(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (i) in paragraph 12 (rent arrears), sub-paragraph (2) is repealed,
- (j) in paragraph 13(2) (criminal behaviour)—
- (i) in the opening words, for “must” substitute “may”,
  - (ii) after paragraph (a), the word “and” is repealed,
  - (iii) after paragraph (b) insert “, and
- “(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (k) in paragraph 14(2) (anti-social behaviour), after paragraph (b), for “and” substitute—
- “(ba) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact, and”.

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#### Commencement Information

**II** S. 43 in force at 1.10.2022, see s. 59(1)

### 44 Assured tenancies: discretionary eviction grounds

- (1) The Housing (Scotland) Act 1988 is modified as follows.
- (2) In section 18 (orders for possession)—
  - (a) subsections (3) and (3A) are repealed,
  - (b) in subsection (4), for “Part II” substitute “Part I or II”,
  - (c) in subsection (6)(a), the words “or Ground 8” are repealed,
  - (d) in subsection (8), for “subsections (3A) and (4A)” substitute “subsection (4A)”.
- (3) In section 19 (notice of proceedings for possession), subsection (5) is repealed.
- (4) In section 20 (extended discretion of First-tier Tribunal in possession claims)—
  - (a) in subsection (1), for “Subject to subsection (6) below, the” substitute “The”,
  - (b) subsection (6) is repealed.
- (5) In section 33(1) (recovery of possession on termination of a short assured tenancy)—
  - (a) in the opening words, for “shall” substitute “may”,
  - (b) after paragraph (b), the word “and” is repealed,
  - (c) after paragraph (d) insert “, and  
“e) that it is reasonable to make an order for possession.”.
- (6) In schedule 5 (grounds for possession of houses let on assured tenancies)—
  - (a) in Part I, Ground 8 is repealed,
  - (b) the heading of Part I becomes “Certain grounds on which First-tier Tribunal may order possession”,
  - (c) the heading of Part II becomes “Further grounds on which First-tier Tribunal may order possession”.

#### Commencement Information

**I2** S. 44 in force at 1.10.2022, see s. 59(1)

### 45 Tenancies under the Rent (Scotland) Act 1984: discretionary eviction grounds

- (1) The Rent (Scotland) Act 1984 is modified as follows.
- (2) In section 11 (grounds for possession of certain dwelling-houses)—
  - (a) in subsection (1)(b), after “Part I” insert “or II”,
  - (b) subsection (2) is repealed.
- (3) In section 12 (extended discretion of Tribunal)—
  - (a) in subsection (1), the words “Subject to subsection (5) below,” are repealed,
  - (b) in subsection (2), the words “, subject to subsection (5) below,” are repealed,
  - (c) subsection (5) is repealed.

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- (4) In section 14 (conditions applying to recovery of short tenancies)—
- (a) in subsection (1), after “Act” insert “provided the First-tier Tribunal considers it reasonable to allow such recovery”,
  - (b) in subsection (3)—
    - (i) the words from “a landlord” to “above,” become paragraph (a),
    - (ii) after paragraph (a) insert “or  
“**(b)** the First-tier Tribunal does not consider it reasonable to allow recovery in accordance with the said Case 15,”
    - (iii) the words from “the tenancy shall” to “this subsection.” become the closing words.
- (5) In schedule 2 (grounds for possession for protected or statutory tenancies)—
- (a) the heading of Part I becomes “Certain cases in which First-tier Tribunal may order possession”,
  - (b) the heading of Part II becomes “Further cases in which First-tier Tribunal may order possession”.

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**Commencement Information**

**I3** S. 45 in force at 1.10.2022, see s. 59(1)

**Changes to legislation:**

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