

SCHEDULE 5
SCOTTISH SECURE TENANCY: ALTERATIONS,
ASSIGNATION, SUBLETTING, EXCHANGE ETC.

PART 2

ASSIGNATION, SUBLETTING, EXCHANGE ETC.

- 9 A tenant under a Scottish secure tenancy who, in pursuance of section 32(1), wishes to assign, sublet or otherwise give up to another person possession of the house or any part of it or take in a lodger must make a written application to the landlord for the landlord's consent, giving details of the proposed transaction, and in particular of any payment which has been or is to be received by the tenant in consideration of the transaction.
- 10 A tenant under a Scottish secure tenancy who, in pursuance of section 33(1), wishes to exchange the house which is the subject of the tenancy for another house which is the subject of a Scottish secure tenancy must make a written application to the landlord and (if different) to the landlord of the other house for consent, giving details of the proposed transaction and, in particular, of the other house.
- 11 On an application under paragraph 9 or 10 the landlord may—
(a) consent, or
(b) refuse consent, provided that it is not refused unreasonably.
- 12 The landlord must intimate its consent or refusal and, in the case of refusal, the reasons for the refusal, to the tenant in writing within one month of receipt of the application.
- 13 If the landlord fails to comply with paragraph 12, it is to be taken to have consented to the application.
- 14 A tenant who is aggrieved by a refusal may raise proceedings by summary application.
- 15 In such proceedings the court must, unless it considers that the refusal is reasonable, order the landlord to consent to the application.