

These notes relate to the Private Rented Housing (Scotland) Act 2011 (asp 14) which received Royal Assent on 20 April 2011

PRIVATE RENTED HOUSING (SCOTLAND) ACT 2011

EXPLANATORY NOTES

STRUCTURE AND SUMMARY OF THE ACT

Part 4 – Miscellaneous

Section 34 - Notices required for termination of a short assured tenancy

41. Section 19 of the Housing (Scotland) Act 1988 states that a sheriff will not consider proceedings to gain possession of a house let as an assured tenancy (which includes a short assured tenancy) unless the landlord has served a notice of proceedings. There is evidence of some uncertainty as to whether this requirement also applies to section 33 of the 1988 Act; section 33 of the 1988 Act relates to recovery of possession in respect of short assured tenancies which have come to the end of their normal contractual agreement. Therefore section 34 of this Act is intended to clarify that in such cases a notice of proceedings is not required by explicitly stating that sections 18 and 19 of the 1988 Act do not apply to proceedings under section 33 of the 1988 Act.