



Rent (Scotland) Act 1984

1984 CHAPTER 58

PART III

PROTECTION AGAINST HARASSMENT AND EVICTION WITHOUT DUE PROCESS OF LAW

23 Prohibition of eviction without due process of law.

- (1) Where any premises have been let as a dwelling under a tenancy which is not a statutorily protected tenancy within the meaning of this Part of this Act or a right of a kind to which Part VII of this Act applies to use a dwelling-house has been granted before or after the commencement of this Act and—
- (a) the tenancy or, as the case may be, the right to use (in this Part of this Act referred to as the former tenancy) has come to an end; but
 - (b) the occupier continues to reside in the premises or part of them;
- [^{F1}subject to section 23A,] it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the [^{F2}court][^{F2}First-tier Tribunal], his right to recover possession of the premises.
- (2) For the purposes of this Part of this Act a person who, under the terms of his employment, had exclusive possession of any premises otherwise than as a tenant shall be deemed to have been a tenant and the expressions “let”; and “tenancy” shall be construed accordingly.

[^{F3}(2A) Subsections (1) and (2) above apply in relation to any premises occupied (whether exclusively or not) as a dwelling other than under a tenancy as they apply in relation to premises let as a dwelling under a tenancy, and in those subsections the expressions “let” and “tenancy” shall be construed accordingly.]

- (3) In this Part of this Act “the owner”, in relation to any premises, means the person who, as against the occupier, is entitled to possession thereof; and in this section “the occupier”, in relation to any premises, means any person lawfully residing in the premises or part of them at the termination of the former tenancy.

Changes to legislation: There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 23. (See end of Document for details)

- (4) The preceding provisions of this section shall, with the necessary modifications, apply where the owner's right to recover possession arises on the death of the tenant under a statutory tenancy.
- (5) Nothing in this section shall be taken to affect any rule of law prohibiting the securing of possession otherwise than by due process of law.

Textual Amendments

- F1** Words inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), **ss. 39(1)**, 52
- F2** Words in s. 23(1) substituted (1.12.2017 for specified purposes) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 7**; S.S.I. 2017/330, art. 3, sch.
- F3** S. 23(2A) inserted by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), **ss. 39(2)**, 52

Changes to legislation:

There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Section 23.