

**Changes to legislation:** Housing (Scotland) Act 1988, Cross Heading: Ground 1 is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 5

#### GROUND FOR POSSESSION OF HOUSES LET ON ASSURED TENANCIES

##### Modifications etc. (not altering text)

- C1** Sch. 5 modified (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 2 para. 5\(4\)](#) (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by [S.S.I. 2023/82](#), regs. 1(3), [2\(2\)](#)); and (27.9.2023) by [S.S.I. 2023/275](#), regs. 1(2), [2\(2\)](#)

#### PART I

##### [<sup>F1</sup>CERTAIN GROUNDS ON WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

##### Textual Amendments

- F1** Sch. 5 Pt. 1 heading substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), [ss. 44\(6\)\(b\)](#), 59(1)

#### Ground 1

Not later than the beginning of the tenancy the landlord (or, where there are joint landlords, any of them) gave notice in writing to the tenant that possession might be recovered on this Ground or the [<sup>F1</sup>First-tier Tribunal] is of the opinion that it is reasonable to dispense with the requirement of notice and (in either case)—

- (a) at any time before the beginning of the tenancy, the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them occupied the house as his only or principal home; or
- (b) the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them requires the house as his or his spouse's [<sup>F2</sup>or civil partner's] only or principal home, and neither the landlord (or, in the case of joint landlords, any one of them) nor any other person who, as landlord, derived title from the landlord who gave the notice mentioned above acquired the landlord's interest in the tenancy for value.

##### Textual Amendments

- F1** Words in Sch. 5 substituted (1.12.2017) by virtue of [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.
- F2** Words in Sch. 5 Pt. 1 inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(c), [Sch. 28 para. 57](#); [S.S.I. 2005/604](#), arts. 2(c), 4

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)