

**Changes to legislation:** Housing (Scotland) Act 1988, Part IV is up to date with all changes known to be in force on or before 22 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 IV

##### NOTICES RELATING TO RECOVERY OF POSSESSION

- 8 (1) If, not later than the beginning of a tenancy (in this paragraph referred to as “the earlier tenancy”), the landlord gives such a notice in writing to the tenant as is mentioned in any of Grounds 1 to 5 in Part I of this Schedule, then, for the purposes of the Ground in question and any further application of this paragraph, that notice shall also have effect as if it had been given immediately before the beginning of any later tenancy falling within sub-paragraph (2) below.
- (2) Subject to sub-paragraph (3) below, sub-paragraph (1) above applies to a later tenancy—
- (a) which takes effect immediately on termination of the earlier tenancy; and
  - (b) which is granted (or deemed to be granted) to the person who was the tenant under the earlier tenancy immediately before it was terminated; and
  - (c) which is of substantially the same house as the earlier tenancy.
- (3) Sub-paragraph (1) above does not apply in relation to a later tenancy if, not later than the beginning of the tenancy, the landlord gave notice in writing to the tenant that the tenancy is not one in respect of which possession can be recovered on the ground in question.
- 9 Where paragraph 8(1) above has effect in relation to a notice given as mentioned in Ground 1 in Part I of this Schedule, the reference in paragraph (b) of that ground to the landlord’s interest in the tenancy is a reference to such an interest in the earlier tenancy and in any later tenancy falling within paragraph 8(2) above.
- 10 Where paragraph 8(1) above has effect in relation to a notice given as mentioned in Ground 3 or Ground 4 in Part I of this Schedule, any second or subsequent tenancy in relation to which the notice has effect shall be treated for the purpose of that Ground as beginning at the beginning of the tenancy in respect of which the notice was actually given.

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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\(4\)](#)