



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Assured tenancies—security of tenure*

### 18 Orders for possession.

- (1) The [<sup>F1</sup>First-tier Tribunal] shall not make an order for possession of a house let on an assured tenancy except on one or more of the grounds set out in Schedule 5 to this Act.
- (2) The following provisions of this section have effect, subject to section 19 below, in relation to proceedings for the recovery of possession of a house let on an assured tenancy.

<sup>F2</sup>(3) .....

<sup>F3</sup>(3A) .....

- (4) If the [<sup>F4</sup>First-tier Tribunal] is satisfied that any of the grounds in [<sup>F5</sup>Part I or II] of Schedule 5 to this Act is established, [<sup>F6</sup>the Tribunal] shall not make an order for possession unless [<sup>F6</sup>the Tribunal] considers it reasonable to do so.

[<sup>F7</sup>(4A) In considering for the purposes of subsection (4) above whether it is reasonable to make an order for possession on Ground 11 or 12 in Part II of Schedule 5 to this Act, the [<sup>F8</sup>First-tier Tribunal] shall have regard, in particular, to]—

- [<sup>F9</sup>(a) the extent to which any delay or failure to pay rent taken into account by the [<sup>F8</sup>Tribunal] in determining that the Ground is established is or was a consequence of a delay or failure in the payment of relevant housing benefit [<sup>F10</sup>or relevant universal credit][<sup>F11</sup>, and
- (b) the extent to which the landlord has complied with the pre-action protocol specified by the Scottish Ministers in regulations.]

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- (5) Part III of Schedule 5 to this Act shall have effect for supplementing Ground 9 in that Schedule and Part IV of that Schedule shall have effect in relation to notices given as mentioned in Grounds 1 to 5 of that Schedule.
- (6) The [<sup>F12</sup>First-tier Tribunal] shall not make an order for possession of a house which is for the time being let on an assured tenancy, not being a statutory assured tenancy, unless—
- (a) the ground for possession is Ground 2 <sup>F13</sup> ... in Part I of Schedule 5 to this Act or any of the grounds in Part II of that Schedule, other than Ground 9 <sup>F14</sup> ... Ground 10 [<sup>F15</sup>, Ground 15] or Ground 17; and
  - (b) the terms of the tenancy make provision for it to be brought to an end on the ground in question.
- [<sup>F16</sup>(6A) Nothing in subsection (6) above affects the [<sup>F17</sup>First-tier Tribunal] 's power to make an order for possession of a house which is for the time being let on an assured tenancy, not being a statutory assured tenancy, where the ground for possession is Ground 15 in Part II of Schedule 5 to this Act.]
- (7) Subject to the preceding provisions of this section, the [<sup>F18</sup>First-tier Tribunal] may make an order for possession of a house on grounds relating to a contractual tenancy which has been terminated; and where an order is made in such circumstances, any statutory assured tenancy which has arisen on that termination shall, without any notice, end on the day on which the order takes effect.
- [<sup>F19</sup>(8) In [<sup>F20</sup>subsection (4A)] above—
- (a) “relevant housing benefit” means—
    - (i) any rent allowance or rent rebate to which the tenant was entitled in respect of the rent under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971); or
    - (ii) any payment on account of any such entitlement awarded under Regulation 91 of those Regulations;
  - [<sup>F21</sup>(aa) “relevant universal credit” means universal credit to which the tenant was entitled which includes an amount under section 11 of the Welfare Reform Act 2012 in respect of the rent;]
  - (b) references to delay or failure in the payment of relevant housing benefit [<sup>F22</sup>or relevant universal credit] do not include such delay or failure so far as referable to any act or omission of the tenant.]
- [<sup>F23</sup>(9) Regulations under subsection (4A)(b) may make provision about—
- (a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),
  - (b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,
  - (c) such other matters as the Scottish Ministers consider appropriate.
- (10) Regulations under subsection (4A)(b) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).]

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### Textual Amendments

- F1** Words in s. 18(1) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(a)**; [S.S.I. 2017/330](#), art. 3, sch.
- F2** [S. 18\(3\)](#) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(2)(a)**, 59(1)
- F3** [S. 18\(3A\)](#) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(2)(a)**, 59(1)
- F4** Words in s. 18(4) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(d)(i)**; [S.S.I. 2017/330](#), art. 3, sch.
- F5** Words in s. 18(4) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(2)(b)**, 59(1)
- F6** Words in s. 18(4) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(d)(ii)**; [S.S.I. 2017/330](#), art. 3, sch.
- F7** [S. 18\(4A\)](#) inserted (2.7.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), **ss. 12(4)**, 14(1); [S.S.I. 2004/288](#), art. 2
- F8** Words in s. 18(4A) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(e)**; [S.S.I. 2017/330](#), art. 3, sch.
- F9** Words in s. 18(4A)(a) renumbered as s. 18(4A)(a) (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 47(2)(a)(i)**, 59(1)
- F10** Words in s. 18(4A) inserted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, **4(b)**
- F11** [S. 18\(4A\)\(b\)](#) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 47(2)(a)(ii)**, 59(1)
- F12** Words in s. 18(6) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(f)**; [S.S.I. 2017/330](#), art. 3, sch.
- F13** Words in s. 18(6)(a) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(2)(c)**, 59(1)
- F14** Word in s. 18(6)(a) repealed (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), **ss. 100(a)**, 145(2); [S.S.I. 2004/420](#), art. 3, Sch. 1 (with art. 4(3)(4))
- F15** Words in s. 18(6)(a) inserted (28.10.2004) by [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#), **ss. 100(b)**, 145(2); [S.S.I. 2004/420](#), art. 3, Sch. 1 (with art. 4(3)(4))
- F16** [S. 18\(6A\)](#) inserted (17.5.2006) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 180**, 195(3) (with s. 193); [S.S.I. 2006/252](#), art. 2
- F17** Words in s. 18(6A) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(g)**; [S.S.I. 2017/330](#), art. 3, sch.
- F18** Words in s. 18(7) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 35(h)**; [S.S.I. 2017/330](#), art. 3, sch.
- F19** [S. 18\(8\)](#) inserted (2.7.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), **ss. 12(5)**, 14(1); [S.S.I. 2004/288](#), art. 2
- F20** Words in s. 18(8) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(2)(d)**, 59(1)
- F21** [S. 18\(8\)\(aa\)](#) inserted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, **4(c)(i)**
- F22** Words in s. 18(8)(b) inserted (29.4.2013) by [The Welfare Reform \(Consequential Amendments\) \(Scotland\) \(No. 2\) Regulations 2013 \(S.S.I. 2013/137\)](#), regs. 1, **4(c)(ii)**
- F23** [S. 18\(9\)\(10\)](#) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 47(2)(b)**, 59(1)

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

- C1** S. 18 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(2)** (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)**)

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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. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- 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\(4\)](#)