



Housing (Scotland) Act 2001

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PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Miscellaneous and general

38 Appeals

- (1) A person who is aggrieved by a decision of a landlord mentioned in section 11(1)(b) to make a house available to the person for occupancy on the basis of—
- (a) an occupancy agreement instead of a Scottish secure tenancy or a short Scottish secure tenancy,
 - (b) a tenancy which is not a Scottish secure tenancy or a short Scottish secure tenancy, or
 - (c) a short Scottish secure tenancy instead of a Scottish secure tenancy,
- may raise proceedings by summary application.
- (2) In such proceedings the court may, if it considers that there are good grounds for doing so, order the landlord to let the house to the person under a Scottish secure tenancy or, as the case may be, a short Scottish secure tenancy.

39 Application of sections 23 to 33 to other tenancies

Where a tenancy is excluded from being a Scottish secure tenancy only by the operation of paragraph 1 or 9 of schedule 1, sections 23 to 33 apply to the tenancy as if it were a Scottish secure tenancy.

40 Notices

- (1) A notice or other document authorised or required by this Chapter to be given to a person (however expressed) may be given—
- (a) by delivering it to that person,
 - (b) by leaving it at that person’s proper address, or
 - (c) by sending it by recorded delivery letter to that person at that address.
- (2) For the purposes of subsection (1) and of paragraph 4 of Schedule 1 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I.1999/1379), a person’s proper address is that person’s last known address.

41 Interpretation of Chapter 1

In this Chapter, unless otherwise expressly provided—

“co-operative housing association” has the meaning given in section 300(1)(b) of the 1987 Act,

“court” means the sheriff court for the district in which is situated the house to which the tenancy in question relates, and “proceedings” means proceedings in that court,

“landlord” means a person who lets a house to a tenant for human habitation, and includes any person from time to time deriving title under the original landlord,

“notice” means notice in writing,

“tenancy” means an agreement under which a house is made available for human habitation, and “lease” and related expressions are to be construed accordingly,

“tenant” means a person who leases a house from a landlord and whose right in the house derives directly from the landlord, and in the case of a joint tenancy means all the tenants.