



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

#### CHAPTER 1

#### SCOTTISH SECURE TENANCIES

##### *Tenancy agreement and information*

### **23 Tenant's right to written tenancy agreement and information**

- (1) The landlord under a Scottish secure tenancy must—
  - (a) draw up a tenancy agreement stating (expressly or by reference) the terms of the tenancy,
  - (b) ensure that it is, before the commencement of the tenancy, subscribed [<sup>F1</sup>or authenticated] by the landlord and the tenant in accordance with the Requirements of Writing (Scotland) Act 1995 (c.7), and
  - (c) supply a copy to the tenant.
- (2) The tenant is not liable for any fees in respect of anything done under subsection (1).
- (3) The Scottish Ministers may issue guidance as to the form and content of a tenancy agreement; and such guidance may include, in particular, a model tenancy agreement.
- (4) Before the creation of a Scottish secure tenancy the landlord must provide the tenant with information about—
  - (a) the tenant's right under Part III of the 1987 Act to purchase the house which is the subject of the tenancy, and
  - (b) the obligations which the tenant is likely to incur if that right is exercised, including any obligation to maintain any building of which the house forms part and any common areas.
- (5) Where the tenant's right under that Part to purchase the house is affected by any amendment to that Part or the exercise of any power conferred by that Part, the landlord

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*Changes to legislation: Housing (Scotland) Act 2001, Cross Heading: Tenancy agreement and information is up to date with all changes known to be in force on or before 17 April 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*

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must inform the tenant of that fact and of the extent to which the tenant's right to purchase is affected.

- (6) The landlord under a Scottish secure tenancy must provide the tenant with information about its complaints procedure and must, if the tenant so requests, provide the tenant with information about—
- (a) the terms of the tenancy,
  - (b) the landlord's policy and procedure in relation to setting of rent and charges,
  - (c) the landlord's policy and rules in relation to—
    - (i) admission of applicants to any housing list,
    - (ii) priority of allocation of houses,
    - (iii) transfers of tenants between houses owned by the landlord,
    - (iv) exchanges of houses owned by the landlord with houses owned by other bodies,
    - (v) repairs and maintenance,
  - <sup>F2</sup>(d) .....
  - (e) the obligations which the tenant is likely to incur if the tenant's right under that Part to purchase the house is exercised, including any obligation to maintain any building of which the house forms part and any common areas,
  - (f) where the landlord is a local authority landlord or a registered social landlord, the landlord's tenant participation strategy,
  - (g) the landlord's arrangements for taking decisions in the exercise of its functions in relation to the management of housing accommodation and the provision of related services by it.

#### Textual Amendments

- F1** Words in s. 23(1)(b) inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012](#) (asp 5), ss. 122, 123, **sch. 5 para. 42(a)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F2** S. 23(6)(d) repealed (1.8.2016) by [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), **sch. 2 para. 10(3)**; S.S.I. 2014/264, art. 2, sch. (with art. 4)

#### Commencement Information

- I1** S. 23 wholly in force at 30.9.2002, see s. 113(1)(2) and [S.S.I. 2002/321](#), **art. 2** (subject to transitional provisions and savings in [arts. 3-5](#))

**Changes to legislation:**

Housing (Scotland) Act 2001, Cross Heading: Tenancy agreement and information is up to date with all changes known to be in force on or before 17 April 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.

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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. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)