

*These notes relate to the Homelessness etc. (Scotland) Act
2003 (asp 10) which received Royal Assent on 9 April 2003*

HOMELESSNESS ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

ASSURED TENANCIES: RECOVERY OF POSSESSION

Section 12: Assured tenancies: recovery of possession for non-payment of rent

20. **Section 12** amends section 18 of the Housing (Scotland) Act 1988 to allow the sheriff discretion not to make an order for possession under Ground 8 of Schedule 5 to that Act in circumstances where the rent arrears are a consequence of a delay or failure in the payment of housing benefit. It also directs the sheriff to have regard to delay or failure in payment of housing benefit when considering whether it is reasonable to make an order for possession under Ground 11 or 12 of Schedule 5. References to delay or failure in a payment do not include circumstances where this is a result of any act or omission of the tenant.