



Housing (Scotland) Act 2010

2010 asp 17

PART 16

MISCELLANEOUS

153 Tenant protection: repossession orders

The Housing (Scotland) Act 2001 ([asp 10](#)) is amended as follows—

(a) in section 16, after subsection (5) insert—

“(5A) Where an order is made under subsection (2) in proceedings under section 14 on the ground that rent lawfully due from the tenant has not been paid (as set out in paragraph 1 of schedule 2) or on grounds including that ground—

- (a) subsection (5)(a) does not apply,
- (b) the tenancy is terminated only if the landlord recovers possession of the house in pursuance of the order,
- (c) the order must specify the period for which the landlord’s right to recover possession of the house is to have effect (being no longer than any maximum period which the Scottish Ministers by order prescribe), and
- (d) the landlord must have regard to any guidance issued by the Scottish Ministers about recovery of possession in pursuance of the order.

(5B) Before making an order under subsection (5A)(c) or issuing guidance under subsection (5A)(d), the Scottish Ministers must consult—

- (a) such bodies representing local authorities,
- (b) such registered social landlords or bodies representing them,
- (c) such bodies representing tenants’ interests, and
- (d) such other persons,

as they think fit.”

(b) in section 109(6), after second “section” insert “16(5A)(c) or”.