

SCHEDULES

SCHEDULE 3

HOUSING ASSOCIATION TENANCIES

PART III

APPLICATION OF RENT (SCOTLAND) ACT 1971

- 13 (1) The provisions of this paragraph apply on and after the operative date in any case where—
- (a) a tenancy of a dwelling-house under which the interest of the landlord belonged to a housing association has come to an end at a time before the operative date (whether before or after the passing of this Act), and
 - (b) on the date when it came to an end, the tenancy was one to which sections 60 to 66 of the 1972 Act applied, and
 - (c) if the tenancy had come to an end after the operative date it would, by virtue of section 18(1) of this Act, have then been a protected tenancy.
- (2) No order for possession of the dwelling-house shall be made which would not be made if the tenancy had been a protected tenancy at the time it came to an end.
- (3) Where a court has made an order for possession of the dwelling-house before the operative date, but the order has not been executed, the court, if of opinion that the order would not have been made if the tenancy had been a protected tenancy when it came to an end may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of enabling him to continue in possession.
- (4) If on the operative date the person who was the tenant under the tenancy which has come to an end duly retains possession of the dwelling-house, he shall be deemed to do so as a statutory tenant under a regulated tenancy and as a person who became a statutory tenant on the termination of a protected tenancy under which he was the tenant.
- (5) If on the operative date a person duly retains possession of the dwelling-house as being a person who, in the circumstances described in paragraph 1(3)(c) above, would have been the first successor, within the meaning of Schedule 1 to the 1971 Act he shall be deemed to do so as the statutory tenant under a regulated tenancy and as a person who became a statutory tenant by virtue of paragraph 2 or paragraph 3 of that Schedule.
- (6) If on the operative date a person duly retains possession of the dwelling-house as being a person who, in the circumstances described in paragraph 1(3)(c) above, would have become the statutory tenant on the death of a first successor, he shall be deemed to do so as the statutory tenant under a regulated tenancy and as a person

Status: This is the original version (as it was originally enacted).

who became a statutory tenant by virtue of paragraph 6 or paragraph 7 of Schedule 1 to the 1971 Act.

- (7) References in the preceding provisions of this paragraph to a person duly retaining possession of a dwelling-house are references to his retaining possession without any order for possession having been made or, where such an order has been made,—
- (a) during any period while its operation is postponed or its execution is suspended ; or
 - (b) after it has been rescinded.
- (8) Subject to sub-paragraph (9) below, the tenancy referred to in sub-paragraph (1) above shall be treated as the original contract of tenancy for the purposes of section 12 of the 1971 Act (terms and conditions of statutory tenancies) in relation to a statutory tenancy imposed by any of sub-paragraphs (4) to (6) above.
- (9) The court may by order vary all or any of the terms of a statutory tenancy imposed by any of sub-paragraphs (4) to (6) above in any way appearing to the court to be just and equitable (and whether or not in a way authorised by the provisions of sections 22 and 23 of the 1971 Act).