

Changes to legislation: Housing (Scotland) Act 1988, Paragraph 2 is up to date with all changes known to be in force on or before 21 March 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

SCHEDULES

SCHEDULE 5

GROUND FOR POSSESSION OF HOUSES LET ON ASSURED TENANCIES

Modifications etc. (not altering text)

- C1** Sch. 5 modified (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022](#) (asp 10), s. 13(1), [sch. 2 para. 5\(4\)](#) (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by [S.S.I. 2023/82](#), regs. 1(3), [2\(2\)](#)); and (27.9.2023) by [S.S.I. 2023/275](#), regs. 1(2), [2\(2\)](#)

PART III

SUITABLE ALTERNATIVE ACCOMMODATION

- 2 Where no such certificate as is mentioned in paragraph 1 above is produced to the [^{F1}First-tier Tribunal], accommodation shall be deemed to be suitable for the purposes of Ground 9 above if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on an assured tenancy, other than—
 - (i) a tenancy in respect of which notice is served not later than the beginning of the tenancy that possession might be recovered on any of Grounds 1 to 5 above; or
 - (ii) a short assured tenancy, within the meaning of Part II of this Act; or
 - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the [^{F2}Tribunal], afford to the tenant security of tenure reasonably equivalent to the security afforded by Part II of this Act in the case of an assured tenancy of a kind mentioned in paragraph (a) above,
- and, in the opinion of the [^{F3}Tribunal], the accommodation fulfils the relevant conditions as defined in paragraph 3 below.

Textual Amendments

- F1** Words in Sch. 5 para. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(d\)\(i\)](#); [S.S.I. 2017/330](#), art. 3, sch.
- F2** Word in Sch. 5 para. 2(b) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(d\)\(ii\)](#); [S.S.I. 2017/330](#), art. 3, sch.
- F3** Word in Sch. 5 para. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(d\)\(iii\)](#); [S.S.I. 2017/330](#), art. 3, sch.

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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. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)