

Changes to legislation: Housing (Scotland) Act 1988, Cross Heading: Ground 7 is up to date with all changes known to be in force on or before 29 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 I

[^{F1}CERTAIN GROUNDS ON WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

Textual Amendments

- F1** Sch. 5 Pt. 1 heading substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), [ss. 44\(6\)\(b\)](#), 59(1)

Ground 7

The tenancy has devolved under the will or intestacy of the former tenant and the proceedings for the recovery of possession are begun not later than twelve months after the death of the former tenant or, if the [^{F1}First-tier Tribunal] so directs, after the date on which, in his opinion, the landlord (or, where there are joint landlords, any of them) became aware of the former tenant's death.

Textual Amendments

- F1** Words in Sch. 5 substituted (1.12.2017) by virtue of [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

For the purposes of this Ground, the acceptance by the landlord of rent from a new tenant after the death of the former tenant shall not be regarded as creating a new tenancy, unless the landlord agrees in writing to a change (as compared with the tenancy before the death) in the amount of the rent, the period of the tenancy, the premises which are let or any other term of the tenancy.

Textual Amendments

- F1** Words in Sch. 5 substituted (1.12.2017) by virtue of [Housing \(Scotland\) Act 2014](#) (asp 14), s. 104(3), [sch. 1 para. 48\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.

Changes to legislation:

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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. 25ZB25ZC inserted (temp.) by [S.S.I. 2024/89 reg. 3\(1\)\(3\)](#)
- 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\(4\)](#)