



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Short assured tenancies*

### **33 Recovery of possession on termination of a short assured tenancy.**

- (1) Without prejudice to any right of the landlord under a short assured tenancy to recover possession of the house let on the tenancy in accordance with sections 12 to 31 of this Act, the [<sup>F1</sup>First-tier Tribunal][<sup>F2</sup>may] make an order for possession of the house if [<sup>F3</sup>the Tribunal] is satisfied—
- (a) that the short assured tenancy has reached its finish;
  - (b) that tacit relocation is not operating; <sup>F4</sup>...
  - <sup>F5</sup>(c) .....
  - (d) that the landlord (or, where there are joint landlords, any of them) has given to the tenant notice stating that he requires possession of the house [<sup>F6</sup>, and
  - (e) that it is reasonable to make an order for possession.]
- (2) The period of notice to be given under subsection (1)(d) above shall be—
- (i) if the terms of the tenancy provide, in relation to such notice, for a period of more than two months, that period;
  - (ii) in any other case, two months.
- (3) A notice under paragraph (d) of subsection (1) above may be served before, at or after the termination of the tenancy to which it relates.
- (4) Where the [<sup>F7</sup>First-tier Tribunal] makes an order for possession of a house by virtue of subsection (1) above, any statutory assured tenancy which has arisen as at that finish shall end (without further notice) on the day on which the order takes effect.

[<sup>F8</sup>(5) For the avoidance of doubt, sections 18 and 19 do not apply for the purpose of a landlord seeking to recover possession of the house under this section.]

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*Changes to legislation: Housing (Scotland) Act 1988, Section 33 is up to date with all changes known to be in force on or before 28 February 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*

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### Textual Amendments

- F1** Words in s. 33(1) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 44(a)(i)**; S.S.I. 2017/330, art. 3, sch.
- F2** Word in s. 33(1) substituted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(5)(a)**, 59(1)
- F3** Words in s. 33(1) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 44(a)(ii)**; S.S.I. 2017/330, art. 3, sch.
- F4** Word in s. 33(1) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(5)(b)**, 59(1)
- F5** S. 33(1)(c) repealed (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 5 para. 2(3)(b)**; S.S.I. 2017/346, reg. 2, **sch.** (with reg. 6)
- F6** S. 33(1)(e) and word inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(5)(c)**, 59(1)
- F7** Words in s. 33(4) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 44(b)**; S.S.I. 2017/330, art. 3, sch.
- F8** S. 33(5) inserted (31.8.2011) by [Private Rented Housing \(Scotland\) Act 2011 \(asp 14\)](#), **ss. 34**, 41(3); S.S.I. 2011/270, art. 2, Sch.

**Changes to legislation:**

Housing (Scotland) Act 1988, Section 33 is up to date with all changes known to be in force on or before 28 February 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.

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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\(4\)](#)