
Changes to legislation: Housing Act 1988, Section 3 is up to date with all changes known to be in force on or before 22 June 2019. 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)

SCHEDULES

SCHEDULE 17

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

GENERAL AMENDMENTS

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

- 3 For the said section 16, as it applies to Scotland, there shall be substituted the following section—

“16 Protection of tenure of certain rented premises by extension of Housing (Scotland) Act 1988.

- (1) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man’s period of residence protection—

- (a) a tenancy qualifying for protection ends without being continued or renewed by agreement (whether on the same or different terms and conditions), and
- (b) by reason only of such circumstances as are mentioned in subsection (4) below, on the ending of that tenancy no statutory tenancy of the rented family residence would arise, apart from the provisions of this section,

sections 12 to 31 of the Housing (Scotland) Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and had not existed immediately before the ending of that tenancy and, accordingly, as if on the ending of that tenancy there arose a statutory assured tenancy during the remainder of that period.

- (2) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man’s period of residence protection—

- (a) a tenancy qualifying for protection would come to an end, apart from the provisions of this section,
- (b) by reason only of such circumstances as are mentioned in subsection (4) below that tenancy is not an assured tenancy, and
- (c) if that tenancy had been an assured tenancy, it would not have come to an end at that time,

sections 12 to 31 of the Housing (Scotland) Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and, accordingly, as if

Changes to legislation: Housing Act 1988, Section 3 is up to date with all changes known to be in force on or before 22 June 2019. 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)

the tenancy had become an assured tenancy immediately before it would otherwise have come to an end.

- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.
- (4) The circumstances referred to in subsections (1) and (2) above are one or more of the following, that is to say—
- (a) that the circumstances mentioned in paragraph 2 of Schedule 4 to the Housing (Scotland) Act 1988 applied with respect to the tenancy qualifying for protection;
 - (b) that the circumstances mentioned in paragraph 5 of that Schedule applied with respect to the tenancy qualifying for protection; and
 - (c) that the reversion immediately expectant on the tenancy qualifying for protection belongs to any of the bodies specified in paragraph 11 of that Schedule.”

Changes to legislation:

Housing Act 1988, Section 3 is up to date with all changes known to be in force on or before 22 June 2019. 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.

Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)