Changes to legislation: *Housing (Scotland) Act 2001, Paragraph 2 is up to date with all changes known to be in force on or before 20 September 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*

SCHEDULE 1
TENANCIES WHICH ARE NOT SCOTTISH SECURE TENANCIES

Commencement Information

I1 Sch. 1 wholly in force at 30.9.2002, see s. 113(1)(2) and S.S.I. 2002/321, **art. 2**, Sch. (subject to transitional provisions and savings in arts. 3-5)

Police and fire service accommodation

2 [F1]...

[F2](2) A tenancy is not a Scottish secure tenancy if the landlord is a local authority landlord and—

(a) the house occupied by the tenant is [F3]provided] by the landlord for the purposes of [F4]the Police Service of Scotland] , or

(b) the tenant is let the house expressly on a temporary basis pending its being required for the purposes of [F5]the Police Service of Scotland] .

(3) Sub-paragraph (2)(a) does not prevent a tenancy from being a Scottish secure tenancy if—

(a) the tenancy was created before the relevant day,

(b) the tenant moved to the house in pursuance of—

(i) an order for recovery of possession made under section 16(2) of the Housing (Scotland) Act 2001 (asp 10), on any of the grounds set out in paragraphs 9 to 13 and 15 of schedule 2 to that Act, in respect of a house subject to a Scottish secure tenancy created before the relevant day, or

(ii) the operation of section 19(3)(b), 21(3)(b) or 22(6) of that Act following termination of a Scottish secure tenancy created before the relevant day,

(c) the tenant moved to the house from a house subject to a Scottish secure tenancy created before the relevant day in pursuance of a decision by the landlord to demolish that other house as a result of which—

(i) the tenancy of that other house was terminated by written agreement between the landlord and the tenant, and

(ii) the house was made available to the tenant,

(d) the tenant occupied the house immediately before the relevant day under a short Scottish secure tenancy which has, since that day, been converted into a Scottish secure tenancy under section 37, or

(e) the tenant—

(i) occupied the house (or any other house held by the landlord for the purposes of a police force) under a Scottish secure tenancy immediately before the creation of the tenancy, and

(ii) agreed to terminate that Scottish secure tenancy without having been notified by the landlord of the effect of sub-paragraph (2)(a) at least 28 days before so agreeing.

(4) In this paragraph—

"police force" has the same meaning as in the Police (Scotland) Act 1967 (c.77),

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"relevant day" means the day on which section 154 of the Housing (Scotland) Act 2010 (asp 17) comes into force.**]**

Textual Amendments

F1 Words in sch. 1 para. 2 repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

F2 Sch. 1 para. 2(2)-(4) inserted (1.3.2011) by Housing (Scotland) Act 2010 (asp 17), **ss. 154(c)**, 166(2); S.S.I. 2011/96, art. 2, sch.

F3 Word in sch. 1 para. 2(2)(a) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 1 para. 18(a)**

F4 Words in sch. 1 para. 2(2)(a) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 1 para. 18(b)**

F5 Words in sch. 1 para. 2(2)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 1 para. 18(b)**

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. 5(5A) inserted by 2003 asp 10 s. 5(4)(c) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by 2021 asp 16 s. 22(2)(a)(i)
- s. 14(1)(b) inserted by 2021 asp 16 s. 22(2)(a)(ii)
- s. 14(1A)(1B) inserted by 2021 asp 16 s. 22(2)(b)
- s. 14(5C)-(5E) inserted by 2021 asp 16 s. 22(2)(e)
- s. 16(2)(d)(e) inserted by 2021 asp 16 s. 22(3)(b)(ii)
- s. 16(3ZA)(3ZB) inserted by 2021 asp 16 s. 22(3)(c)
- s. 16(5C) inserted by 2021 asp 16 s. 22(3)(e)
- s. 16(7)-(10) inserted by 2021 asp 16 s. 22(3)(f)
- s. 34(7A)-(7C) inserted by 2003 asp 10 s. 6(2) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by 2003 asp 10 s. 6(3)(b) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by 2019 asp 10 s. 18(3)
- sch. 2 para. 15A inserted by 2021 asp 16 s. 22(4)
- sch. 6 para. 5A and cross-heading inserted by 2003 asp 10 s. 5(5) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)