

**Changes to legislation:** Housing (Scotland) Act 2001, PART 2 is up to date with all changes known to be in force on or before 17 November 2020. 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 2 SCOTTISH SECURE TENANCY: GROUNDS FOR RECOVERY OF POSSESSION OF HOUSE

### Commencement Information

- II** Sch. 2 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)

## PART 2

### SUITABILITY OF ACCOMMODATION

- 16 For the purposes of sections 16(4), 19(5), 21(5) and 22(7), accommodation is suitable if—
- (a) it consists of premises which are to be let as a separate dwelling under a Scottish secure tenancy or under [F1a private residential tenancy] , and
  - (b) it is reasonably suitable to the needs of the tenant and the tenant's family.

### Textual Amendments

- F1** Words in sch. 2 para. 16(a) substituted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), sch. 4 para. 7(5); S.S.I. 2017/346, reg. 2, sch.

- 17 In determining whether accommodation is reasonably suitable to the needs of the tenant and the tenant's family, regard is to be had to—
- (a) its proximity to the place of work (including attendance at an educational institution) of the tenant and of members of the tenant's family, compared with the tenant's existing house,
  - (b) the extent of the accommodation required by the tenant and the tenant's family,
  - (c) the character of the accommodation offered compared to the tenant's existing house,
  - (d) the terms on which the accommodation is offered to the tenant compared with the terms of the tenant's existing tenancy,
  - (e) if any furniture was provided by the landlord for use under the existing tenancy, whether furniture is to be provided for use under the new tenancy which is of a comparable nature in relation to the needs of the tenant and the tenant's family,
  - (f) any special needs of the tenant or the tenant's family.
- 18 If the landlord has made an offer in writing to the tenant of new accommodation which complies with paragraph 16(a) and which appears to it to be suitable, specifying the date when the accommodation will be available and the date (not being less than 14 days from the date of the offer) by which the offer must be accepted, the accommodation so offered is deemed to be suitable if—
- (a) the landlord shows that the tenant accepted the offer within the time duly specified in the offer, or

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- (b) the landlord shows that the tenant did not so accept the offer, and the tenant does not satisfy the court that the tenant acted reasonably in failing to accept the offer.

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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. 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. 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)