# Housing (Scotland) Act 2001

**2001 asp 10**

## PART 2

TENANTS OF SOCIAL LANDLORDS

## CHAPTER 1

SCOTTISH SECURE TENANCIES

*Creation and termination of tenancy*

### 11 Scottish secure tenancy

(1) A tenancy of a house is a Scottish secure tenancy if—

(a) the house is let as a separate dwelling,

(b) the landlord is—

(i) a local authority landlord, **[**[F1]or**]**

(ii) a registered social landlord, [F2]...

[F2](iii) . . . . . .

specified, or of a description specified, in an order made by the Scottish Ministers, **[**[F3]or is Scottish Water,**]**

(c) the tenant is an individual and the house is the tenant's only or principal home,

(d) where the landlord is a registered social landlord which is a co-operative housing association, the tenant is a member of the association, and

(e) the tenancy—

(i) was created on or after such date as the order may specify in relation to the landlord, or

(ii) was created before that date and is of a description specified in the order in relation to the landlord.

(2) An order under subsection (1) may, without prejudice to section 109(2) or 110, make provision for ensuring that rights of the landlord, the tenant and any other person under or in relation to a tenancy which becomes a Scottish secure tenancy by virtue of the order are not adversely affected by the tenancy becoming a Scottish secure tenancy.

***Changes to legislation:*** *Housing (Scotland) Act 2001, Section 11 is up to date with all changes known to be in force on or before 10 June 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*

(3) In this Act, "local authority landlord" means a landlord which is a local authority, a joint board or joint committee of two or more local authorities, or the common good of a local authority, or any trust under the control of a local authority.

(4) A tenancy is not a Scottish secure tenancy if it is a tenancy of a kind mentioned in schedule 1.

(5) The tenant under a Scottish secure tenancy and one or more other individuals falling within subsection (6) may jointly apply in writing to the landlord for the other individuals to be included with the tenant as joint tenants under the tenancy; and the landlord must consent to the alteration of the tenancy unless it has reasonable grounds for not doing so.

(6) An individual falls within this subsection if the house in question is [F4]... that person's only or principal home.

**[**[F5](6A) An application under subsection (5) may be made only where the house in question has been the only or principal home of the person falling within subsection (6) throughout the period of 12 months ending with the date of the application.

(6B) For the purposes of subsection (6A) a period may be considered in relation to a person only if, at any time before that period began, the landlord was notified by—

(a) the person, or

(b) any other person who was the tenant of the house in question when the notice was given,

that the house in question was the person's only or principal home.**]**

(7) It is a term of every Scottish secure tenancy that the tenant complies with paragraphs (c) and (d) of subsection (1).

(8) Without prejudice to sections 14 and 16 and schedule 2, a tenancy which is a Scottish secure tenancy continues to be a Scottish secure tenancy even if subsection (1)(b), (c) or (d) is no longer satisfied.

(9) Where—

(a) the house which a tenant under a Scottish secure tenancy normally occupies is not available for occupation, and

(b) the tenant is accommodated temporarily in another house the landlord of which is a local authority landlord or a registered social landlord,

the other house is to be taken, for the purposes of this Chapter except sections 12 to 16 and paragraph 4 of schedule 1, to be the house which the tenant normally occupies.

**Textual Amendments**

**F1** Word in s. 11(1)(b) inserted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), **sch. para. 8(2)(a)(i)**

**F2** S. 11(1)(b)(iii) and word repealed (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), **sch. para. 8(2)(a)(ii)**

**F3** Words in s. 11(1)(b) inserted (25.6.2003) by The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 (S.S.I. 2003/331), **sch. para. 8(2)(b)**

**F4** Words in s. 11(6) repealed (1.11.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 12(1)(a)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 6, 7, 9)

***Changes to legislation:*** *Housing (Scotland) Act 2001, Section 11 is up to date with all changes known to be in force on or before 10 June 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*

**F5** S. 11(6A)(6B) inserted (1.11.2019) by Housing (Scotland) Act 2014 (asp 14), **ss. 12(1)(b)**, 104(3); S.S.I. 2018/153, art. 2, sch. (with arts. 6, 7, 9)

## Commencement Information

**I1** S. 11 wholly in force at 30.9.2002, see s. 113(1)(2) and S.S.I. 2002/321, **art. 2** (subject to transitional provisions and savings in arts. 3-5)

**Changes to legislation:**
Housing (Scotland) Act 2001, Section 11 is up to date with all changes known to be in force on or before 10 June 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.
View outstanding changes

**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)