



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Creation and termination of tenancy

21 Joint tenancies: abandoning tenant's recourse to court

- (1) A joint tenant under a Scottish secure tenancy who is aggrieved by the bringing to an end of the tenant's interest in the tenancy under subsection (3) of section 20 may raise proceedings by summary application within 8 weeks after the date of service of the notice under that subsection.
- (2) Subsection (3) of this section applies where, in proceedings under this section, it appears to the court that the landlord—
 - (a) has failed to comply with any provision of section 20,
 - (b) did not have reasonable grounds for finding that the tenant—
 - (i) was not occupying the house, or
 - (ii) did not intend to occupy it as the tenant's home, or
 - (c) was in error in finding that the tenant did not intend to occupy the house as the tenant's home, and the tenant had reasonable cause, by reason of illness or otherwise, for failing to notify the landlord of the tenant's intention so to occupy it.
- (3) Where this subsection applies, the court must—
 - (a) grant a declarator that the notice under section 20(3) is of no effect, or
 - (b) if it would be unreasonable to grant such a declarator, direct the landlord to make other suitable accommodation available to the tenant.

Status: Point in time view as at 30/09/2002.

Changes to legislation: Housing (Scotland) Act 2001, Section 21 is up to date with all changes known to be in force on or before 29 October 2023. 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)

- (4) On granting a declarator under subsection (3)(a) the court may make such further order in relation to the tenant's interest in the tenancy as it thinks fit.
- (5) Part 2 of schedule 2 has effect to determine whether accommodation is suitable for the purposes of subsection (3)(b).

Commencement Information

- II** S. 21 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)

Status:

Point in time view as at 30/09/2002.

Changes to legislation:

Housing (Scotland) Act 2001, Section 21 is up to date with all changes known to be in force on or before 29 October 2023. 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.