



# Housing (Scotland) Act 2014

## 2014 asp 14

### PART 2

#### SOCIAL HOUSING

##### *Short Scottish secure tenancy*

#### **11 Short Scottish secure tenancy: recovery of possession**

In section 36 of the 2001 Act (recovery of possession)—

- (a) in subsection (2), after paragraph (a) insert—
  - “(aa) in the case of a short Scottish secure tenancy created by virtue of section 35 or paragraph 1, 2 or 2A of schedule 6, the landlord considers that any obligation of the tenancy has been broken,”
- (b) in subsection (3), after paragraph (a) insert—
  - “(aa) state the reason why the landlord is seeking recovery of possession (including, in a case where subsection (2)(aa) applies, the obligations which the landlord considers to have been broken),”
- (c) after subsection (4), insert—
  - “(4A) A tenant may, before the end of the period of 14 days beginning with the day of service of a notice under subsection (2), apply to the landlord for a review of a decision to seek recovery of possession of the house which is the subject of the tenancy.
  - (4B) If an application for a review under subsection (4A) is made, the landlord must, before the day specified in the notice by virtue of subsection (3)(b)—
    - (a) confirm its decision to seek recovery of possession or withdraw its notice under subsection (2),
    - (b) notify the tenant of its decision on the review, and
    - (c) where its decision on the review is to confirm the decision to seek recovery of possession, notify the tenant of the reasons.

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*Status: This is the original version (as it was originally enacted).*

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- (4C) The Scottish Ministers may by regulations make further provision about the procedure to be followed in connection with a review following an application under subsection (4A).”,
- (d) in subsection (5)(a), after “34(5)” insert “or, in a case where subsection (2) (aa) applies, the end of the term applicable to the tenancy in accordance with section 34(6A), 35(3A) or 35A(1)”,
  - (e) in subsection (7), after “16” insert “, but subject to the modification mentioned in subsection (8)”, and
  - (f) after subsection (7), insert—
    - “(8) In relation to the recovery of possession of the house which is the subject of a short Scottish secure tenancy, section 14(4) is to be read as if for paragraph (b) there were substituted—
      - “(b) a date, not earlier than 4 weeks from the date of service of the notice on or after which the landlord may raise proceedings for recovery of possession,””