



Housing (Scotland) Act 2014

2014 asp 14

PART 2

SOCIAL HOUSING

Scottish secure tenancy

12 Assignment, sublet and joint tenancy of Scottish secure tenancy

(1) In section 11 of the 2001 Act (Scottish secure tenancy)—

- (a) in subsection (6), the words “, or is intended to be,” are repealed, and
- (b) after subsection (6) insert

“(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.”.

(2) In section 32 of the 2001 Act (assignment, subletting, etc.)—

- (a) in subsection (1)—
 - (i) the word “and” immediately preceding paragraph (b) is repealed,
 - (ii) in paragraph (b), after “been” insert “ the tenant's and ”,
 - (iii) in paragraph (b), for “6” substitute “ 12 ”, and
 - (iv) after paragraph (b), insert “ and
- (c) in the case of a sublet, only where the house has been the tenant's only or principal home throughout the period of 12 months ending with the date of the

Changes to legislation: Housing (Scotland) Act 2014, Section 12 is up to date with all changes known to be in force on or before 27 May 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) View outstanding changes

application for the landlord's consent to the sublet under paragraph 9 of schedule 5.”,

(b) after subsection (1), insert—

“(1A) For the purposes of an assignation mentioned in subsection (1)(b), a period may be considered in relation to a person only if—

- (a) the person was the tenant of the house throughout that period, or
- (b) at any time before that period began, the landlord was notified by—
 - (i) the person, or
 - (ii) 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.

(1B) For the purposes of a sublet mentioned in subsection (1)(c), a period may be considered in relation to a tenant only if—

- (a) the tenant was the tenant of the house throughout that period, or
- (b) at any time before that period began, the landlord was notified by—
 - (i) the tenant, or
 - (ii) any other person who was the tenant of the house in question when the notice was given,
 that the house in question was the tenant's only or principal home.”, and

(c) in subsection (3)—

- (i) the word “or” immediately preceding paragraph (e) is repealed, and
- (ii) after paragraph (e), insert—
 - “(f) in the case of consent to an assignation by a local authority or a registered social landlord, if the proposed assignee is not a person to whom that local authority or registered social landlord would give a reasonable preference when selecting tenants under section 20(1) of the 1987 Act, or
 - (g) in the case of consent to an assignation, if the assignation would in the opinion of the landlord, result in the house being under-occupied.”.

Commencement Information

II S. 12 in force at 1.11.2019 by S.S.I. 2018/153, art. 2, sch. (with arts. 6, 7, 9)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2016/412, art. 3(1) (a) by [S.S.I. 2017/330 art. 2](#)
- specified provision(s) amendment to earlier commencing SSI 2015/272 Sch. by [S.S.I. 2015/349 art. 2\(2\)](#)