

Status: Point in time view as at 30/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

(introduced by section 2)

EVICTION FROM DWELLING-HOUSES

Private residential tenancies: eviction grounds to be discretionary

- 1 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies, in relation to a notice to leave within the meaning of section 62 of that Act served on a tenant while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 51(2) (First-tier Tribunal's power to issue an eviction order) has effect as if the words “or must” were repealed.
- (3) Schedule 3 (eviction grounds) has effect as if—
- (a) in paragraph 1(2) (landlord intends to sell)—
 - (i) in the opening words, for the word “must” there were substituted “may”,
 - (ii) after paragraph (a), the word “and” were repealed,
 - (iii) after paragraph (b) there were inserted “, and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
 - (b) in paragraph 2(2) (property to be sold by lender)—
 - (i) in the opening words, for the word “must” there were substituted “may”,
 - (ii) after paragraph (b), the word “and” were repealed,
 - (iii) after paragraph (c) there were inserted “, and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
 - (c) in paragraph 3(2) (landlord intends to refurbish)—
 - (i) in the opening words, for the word “must” there were substituted “may”,
 - (ii) after paragraph (b), the word “and” were repealed,
 - (iii) after paragraph (c) there were inserted “, and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
 - (d) in paragraph 4(2) (landlord intends to live in property)—
 - (i) for the word “must” there were substituted “may”,
 - (ii) the words from “the landlord” to “3 months” were paragraph (a),
 - (iii) after paragraph (a) there were inserted “, and
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”,
 - (e) in paragraph 6(2) (landlord intends to use for non-residential purpose)—
 - (i) for the word “must” there were substituted “may”,
 - (ii) the words from “the landlord” to “home” were paragraph (a),
 - (iii) after paragraph (a) there were inserted “, and
 - (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”,
 - (f) in paragraph 7(2) (property required for religious purpose)—

Status: Point in time view as at 30/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 1. (See end of Document for details)

- (i) in the opening words, for the word “must” there were substituted “may”;
- (ii) after paragraph (b) the word “and” were repealed,
- (iii) after paragraph (c) there were inserted “, and
 - (d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (g) in paragraph 8 (not an employee)—
 - (i) in the opening words of sub-paragraph (2), for the word “must” there were substituted “may”;
 - (ii) for paragraph (c) there were substituted—
 - “(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
 - (iii) sub-paragraph (3) were repealed,
 - (iv) in sub-paragraph (4), for the words “sub-paragraphs (2) and (3)” there were substituted “sub-paragraph (2)”;
- (h) in paragraph 10(2) (not occupying let property)—
 - (i) in the opening words, for the word “must” there were substituted “may”;
 - (ii) after paragraph (a), the word “and” were repealed,
 - (iii) after paragraph (b) there were inserted “, and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”,
- (i) in paragraph 12 (rent arrears), sub-paragraph (2) were repealed,
- (j) in paragraph 13(2) (criminal behaviour)—
 - (i) in the opening words, for the word “must” there were substituted “may”;
 - (ii) after paragraph (a), the word “and” were repealed,
 - (iii) after paragraph (b) there were inserted “, and
 - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”.

Private residential tenancies: extension of notice periods

^{F12}

Textual Amendments

- F1** Sch. 1 para. 2 expires (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Assured tenancies: eviction grounds to be discretionary

- 3 (1) The Housing (Scotland) Act 1988 applies, in relation to a notice served on a tenant under section 19 or 33(1)(d) of that Act while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 18 (orders for possession) has effect as if—
- (a) subsections (3) and (3A) were repealed,

Status: Point in time view as at 30/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 1. (See end of Document for details)

- (b) in subsection (4), for “Part II” there were substituted “ Part I or Part II ”,
 - (c) in subsection (4A), after the word “possession” there were inserted “ on Ground 8 in Part I of Schedule 5 to this Act or ”.
- (3) Section 20 has effect as if subsection (6) (no discretion where landlord entitled to possession) were repealed.
- (4) Section 33 (recovery of possession on termination of a short assured tenancy) has effect as if in subsection (1)—
- (a) in the opening words, for the word “shall” there were substituted “ may ”,
 - (b) after paragraph (b), the word “and” were repealed,
 - (c) after paragraph (d) there were inserted “, and
 - (e) that it is reasonable to make an order for possession.”.
- (5) Schedule 5 (grounds for possession of houses let on assured tenancies) has effect as if for the heading of Part I there were substituted “ Certain grounds on which First-tier Tribunal may order possession in relation to the period of the Coronavirus (Scotland) Act 2020 ”.

Assured tenancies: extension of notice periods

F24

.....

Textual Amendments

- F2** Sch. 1 para. 4 expires (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Tenancies under the Rent (Scotland) Act 1984: eviction grounds to be discretionary

- 5 (1) The Rent (Scotland) Act 1984 applies, in relation to a notice served on a tenant in accordance with section 112(1) of that Act while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 11 (grounds for possession of certain dwelling-houses) has effect as if—
- (a) in subsection (1)(b), after the words “Part I” there were inserted “ or Part II ”,
 - (b) subsection (2) were repealed.
- (3) Section 12 (extended discretion of court) has effect as if—
- (a) in subsection (1), the words “Subject to subsection (5) below,” were repealed,
 - (b) in subsection (2), the words “, subject to subsection (5) below,” were repealed,
 - (c) subsection (5) were repealed.
- (4) Section 14 (conditions applying to recovery of short tenancies) has effect as if, in subsection (1), after the word “Act” there were inserted “ provided the First-tier Tribunal considers it reasonable to allow such recovery ”.
- (5) Schedule 2 (grounds for possession for protected or statutory tenancies) has effect as if for the heading of Part II there were substituted “ Certain cases in which First-tier

Status: Point in time view as at 30/03/2022.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 1. (See end of Document for details)

Tribunal may order possession in relation to the period of the Coronavirus (Scotland) Act 2020 ”.

Tenancies under the Rent (Scotland) Act 1984: extension of notice periods

F36

Textual Amendments

F3 Sch. 1 paras. 6-10 expire (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Scottish secure tenancies: extension of notice periods

F37

Textual Amendments

F3 Sch. 1 paras. 6-10 expire (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Power to modify notice periods

F38

Textual Amendments

F3 Sch. 1 paras. 6-10 expire (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Consequential modifications in relation to prescribed forms

F39

Textual Amendments

F3 Sch. 1 paras. 6-10 expire (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Errors in notices

F310

Textual Amendments

F3 Sch. 1 paras. 6-10 expire (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\)](#), **reg. 2(a)** (with regs. 4, 5)

Status:

Point in time view as at 30/03/2022.

Changes to legislation:

There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 1.