

SCHEDULE 1 EVICTION FROM DWELLING-HOUSES

Scottish secure tenancies: extension of notice periods

- 7 (1) The Housing (Scotland) Act 2001 applies, in relation to a notice served on a tenant under section 14(2)(a) or 36(2)(a) of that Act while this paragraph is in force, in accordance with the modifications in this paragraph.
- (2) Section 14 (proceedings for possession) has effect as if—
- (a) for subsection (4)(b)(i) there were substituted—
 - “(i) the date calculated in accordance with subsection (4A), or”,
 - (b) after subsection (4) there were inserted—
 - “(4A) For the purpose of subsection (4)(b)(i), the date is the date falling—
 - (a) 4 weeks after the date of service of the notice if subsection (4B) applies,
 - (b) 3 months after the date of service of the notice if subsection (4C) applies,
 - (c) 6 months after the date of service of the notice if subsection (4D) applies.
 - (4B) This subsection applies if the notice under subsection (2) specifies only the ground set out in paragraph 5 of schedule 2.
 - (4C) This subsection applies if the notice under subsection (2) specifies a ground set out in any of the following paragraphs of schedule 2 (whether with or without also specifying the ground referred to in subsection (4B))—
 - (a) paragraph 2,
 - (b) paragraphs 6 to 8.
 - (4D) This subsection applies if the notice under subsection (2) specifies a ground set out in any of the following paragraphs of schedule 2 (whether with or without other grounds)—
 - (a) paragraph 1,
 - (b) paragraph 3 or 4,
 - (c) paragraphs 9 to 15.”.
- (3) Section 36 (recovery of possession of short Scottish secure tenancies) has effect as if—
- (a) for subsection (3)(b)(i), there were substituted—
 - “(i) the date calculated in accordance with subsection (3A), or such longer period from the date of service of the notice as the tenancy agreement may provide, or”,
 - (b) after subsection (3) there were inserted—
 - “(3A) For the purpose of subsection (3)(b)(i), the date is the date falling—
 - (a) 2 months from the date of service of the notice if subsection (3B) applies,

Status: This is the original version (as it was originally enacted).

- (b) 6 months from the date of service of the notice if subsection (3C) applies.
- (3B) This subsection applies if the tenancy is a short Scottish secure tenancy by virtue of section 35 or paragraph 1, 2 or 2A of schedule 6.
- (3C) This subsection applies if the tenancy is a short Scottish secure tenancy by virtue of any of paragraphs 3 to 7A of schedule 6.”
- (c) in subsection (8), for the words which are to be read as if they were substituted for paragraph (b) of section 14(4) there were substituted—
 - “(b) a date, not earlier than the date calculated in accordance with subsection (4A), on or after which the landlord may raise proceedings for recovery of possession,”.