Housing (Scotland) Act 2001

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PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Succession

22 Succession to Scottish secure tenancy

(1) On the death of a tenant under a Scottish secure tenancy, the tenancy passes by operation of law to a qualified person.

(2) On the death of a qualified person who succeeded to a tenancy under subsection (1), the tenancy passes by operation of law to another qualified person.

(3) If, for the purpose of subsection (1) or (2), there is no qualified person, or every qualified person declines the tenancy, the tenancy is terminated.

(4) On the death of a qualified person who succeeded to a tenancy under subsection (2), the tenancy is terminated.

(5) Schedule 3, which makes provision as to who are qualified persons for the purposes of this section and as to the operation of subsections (1) and (2), has effect.

(6) Where, in a case to which paragraph 5 of schedule 3 applies—

(a) a tenancy is terminated by operation of subsection (3), and

(b) there is a person who would have been a qualified person but for that paragraph,

the landlord must make other suitable accommodation available to that person.

(7) Part 2 of schedule 2 has effect to determine whether accommodation is suitable for the purposes of subsection (6).

(8) Subsection (4) does not operate so as to terminate the Scottish secure tenancy of any tenant under a joint tenancy where such a joint tenant continues to use the house as that person's only or principal home.

(9) Where a tenancy is terminated by operation of subsection (4) and there is a qualified person (other than a joint tenant to whom subsection (8) applies), that person is entitled to continue as tenant for a period not exceeding 6 months, but the tenancy ceases to be a Scottish secure tenancy.

(10) Where a tenant gives up a Scottish secure tenancy in order to occupy another house which is subject to a Scottish secure tenancy, following termination of the first tenancy by an order under section 16(2)(b), those tenancies are, for the purposes of this section, to be treated as being a single tenancy.