



# Housing (Scotland) Act 2010

## 2010 asp 17

### PART 16

#### MISCELLANEOUS

#### 154 Police accommodation not to be Scottish secure tenancy

In paragraph 2 of schedule 1 to the Housing (Scotland) Act 2001 (asp 10)—

- (a) sub-paragraph (a) is repealed,
- (b) in sub-paragraph (c), for the words “a police force or” substitute “an”,
- (c) at the end of the paragraph insert—

“(2) A tenancy is not a Scottish secure tenancy if the landlord is a local authority landlord and—

- (a) the house occupied by the tenant is held by the landlord for the purposes of a police force, or
- (b) the tenant is let the house expressly on a temporary basis pending its being required for the purposes of a police force.

(3) Sub-paragraph (2)(a) does not prevent a tenancy from being a Scottish secure tenancy if—

- (a) the tenancy was created before the relevant day,
- (b) the tenant moved to the house in pursuance of—
  - (i) an order for recovery of possession made under section 16(2) of the Housing (Scotland) Act 2001 (asp 10), on any of the grounds set out in paragraphs 9 to 13 and 15 of schedule 2 to that Act, in respect of a house subject to a Scottish secure tenancy created before the relevant day, or
  - (ii) the operation of section 19(3)(b), 21(3)(b) or 22(6) of that Act following termination of a Scottish secure tenancy created before the relevant day,
- (c) the tenant moved to the house from a house subject to a Scottish secure tenancy created before the relevant day in pursuance of a decision by the landlord to demolish that other house as a result of which—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the tenancy of that other house was terminated by written agreement between the landlord and the tenant, and
- (ii) the house was made available to the tenant,
- (d) the tenant occupied the house immediately before the relevant day under a short Scottish secure tenancy which has, since that day, been converted into a Scottish secure tenancy under section 37, or
- (e) the tenant—
  - (i) occupied the house (or any other house held by the landlord for the purposes of a police force) under a Scottish secure tenancy immediately before the creation of the tenancy, and
  - (ii) agreed to terminate that Scottish secure tenancy without having been notified by the landlord of the effect of sub-paragraph (2)(a) at least 28 days before so agreeing.

(4) In this paragraph—

“police force” has the same meaning as in the Police (Scotland) Act 1967 (c.77),

“relevant day” means the day on which section 154 of the Housing (Scotland) Act 2010 (asp 17) comes into force.”