
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 154

HOUSING

The Short Scottish Secure Tenancies (Notice) Regulations 2018

<i>Made</i>	- - - - -	<i>12th May 2018</i>
<i>Laid before the Scottish Parliament</i>	- - - - -	<i>15th May 2018</i>
<i>Coming into force</i>	- -	<i>1st May 2019</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 34(4) and 109(2) of the Housing (Scotland) Act 2001⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Short Scottish Secure Tenancies (Notice) Regulations 2018 and shall come into force on 1st May 2019.

(2) In these Regulations “the Act” means the Housing (Scotland) Act 2001.

Form of notice to prospective tenant

2. A notice under section 34(4) (short Scottish secure tenancies) of the Act must be in the form set out in the schedule.

Revocation

3. The Short Scottish Secure Tenancies (Notices) Regulations 2002⁽²⁾ are revoked.

Saving Provision

4. Despite their revocation by regulation 3, the Short Scottish Secure Tenancies (Notices) Regulations 2002 continue to have effect in relation to any notice under section 34(4) of the Act served prior to 1st May 2019.

(1) 2001 asp 10.
(2) S.S.I. 2002/315.

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St Andrew's House,
Edinburgh
12th May 2018

KEVIN STEWART
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2

FORM SSST1: FOR USE ONLY BY A LANDLORD

SHORT SCOTTISH SECURE TENANCIES

HOUSING (SCOTLAND) ACT 2001

NOTICE UNDER SECTION 34 TO BE SERVED ON A PROSPECTIVE TENANT OF A SHORT SCOTTISH SECURE TENANCY

Important information for prospective tenant(s) - Please read this notice carefully.

This notice informs you, as prospective tenant(s) that the tenancy being offered by the prospective landlord(s) is a short Scottish secure tenancy under section 34 of the Housing (Scotland) Act 2001 (asp 10) (the Act).

Part 1. To.....
(Name of prospective tenant(s))

Part 2. [I/ We*] [your prospective landlord(s)/your prospective landlord's agent*]; *Delete where applicable
.....
(Name of prospective landlord(s)/prospective landlord's agent)

of.....
.....
.....
(address and telephone number of prospective landlord(s)/prospective landlord's agent)

give notice that the tenancy being offered to you of the house
at.....
.....
(address of house)

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the term of which is.....

(specify term)

to which this notice relates is to be a short Scottish secure tenancy in terms of section 34 of the Act and that the grounds set out in paragraph [insert paragraph number] of schedule 6 of the Act are satisfied, which are

.....
.....
.....

Signed.....

(prospective landlord(s)/prospective landlord’s agent)

Dated.....

NOTES TO PROSPECTIVE TENANT

NOTE 1

To be valid this notice must be served before the creation of a tenancy agreement. A short Scottish secure tenancy will not exist if a valid notice has not been served.

NOTE 2

A short Scottish secure tenancy has many of the features of the Scottish secure tenancy but there are also some differences. It can be offered under any of the grounds laid out in schedule 6 of the Act.

Where the short Scottish secure tenancy is granted under paragraph 1, 2 or 2A of schedule 6 it will be for 12 months unless the term is extended by 6 months under section 35A of the Act. An extension may only be made where you are in receipt of housing support services and the landlord has served a notice in terms of section 35A(2) of the Act giving you two months’ notice of the extension including the reasons for the extension. At the end of the 12 or 18 month term the short Scottish secure tenancy granted under these paragraphs will automatically convert to a Scottish secure tenancy unless the landlord has taken steps to recover possession of the house.

Where the short Scottish secure tenancy is granted under any of the other grounds laid out in schedule 6 it must be for not less than 6 months unless it follows immediately after another short Scottish secure tenancy of the same house with you.

NOTE 3

A landlord of a short Scottish secure tenancy has special rights to repossess the house. If the landlord terminates the tenancy by issuing a valid notice in terms of section 36 of the Act and gives you at least 2 months' notice (or a longer period if the tenancy agreement provides) of the landlord's intention to repossess the house the court must grant the landlord an order allowing the landlord to evict you if the landlord applies for one at the end of the tenancy.

In the case of a short Scottish secure tenancy granted under paragraph 1, 2 or 2A of schedule 6 of the Act the notice in terms of section 36 must include a statement of the obligation(s) of the tenancy which the landlord considers to have been broken.

Also, a landlord of a short Scottish secure tenancy can raise proceedings to repossess the house in terms of section 14 of the Act under any of the grounds set out in Part 1 of schedule 2. You must be given a valid notice under section 14 which provides at least 4 weeks' notice prior to the landlord raising proceedings for recovery of possession.

NOTE 4

The circumstances under which a short Scottish secure tenancy may be offered are set out in schedule 6 of the Act. In summary these are:

Lets to persons against whom an order for recovery of possession on the grounds of antisocial behaviour in relation to a tenancy in Scotland, England, Wales or Northern Ireland, has been made within a period of 3 years prior to the service of a notice that a short Scottish secure tenancy will be offered;

Lets to persons where they or other members of their household are the subject of an antisocial behaviour order granted under section 234AA of the Criminal Procedure (Scotland) Act 1995 (c.46) or section 4 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8);

Lets to persons where they, other members of their household, or a visitor to their house has acted in an antisocial manner towards, or harassed, another person residing in, visiting or carrying out business in the locality of their house within a period of 3 years prior to the service of a notice that a short Scottish secure tenancy is being offered;

Temporary lets to persons moving into the area in order to take up employment;

Lets to persons on a temporary basis pending development affecting the house in terms of the Town and Country Planning (Scotland) Act 1997 (c.8);

Temporary lets to homeless persons for tenancies of 6 months or over (lets to homeless persons of under 6 months are covered by schedule 1 of the Act, i.e. tenancies which are not Scottish secure tenancies);

Temporary lets to persons receiving housing support services (i.e. as defined in section 91(8) of the Act) and no other grounds are available;

Lets in houses leased by the landlord from another body where the terms of the lease preclude the landlord from subletting under a Scottish secure tenancy;

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Temporary lets to persons who own other property to enable arrangements to be made in respect of that property to allow the person's housing needs to be met.

The Scottish Ministers may modify this list by Order made under section 34(3) of the Act.

NOTE 5

If you do not agree that the tenancy offered by this notice should be a short Scottish secure tenancy you have a right of appeal to the courts under section 38 of the Act.

If you agree to take up the tenancy after your landlord has served this notice on you, your tenancy will be a short Scottish secure tenancy. **You should keep this notice in a safe place along with the written document setting out the terms of the tenancy which your landlord must provide under section 23 of the Act once the terms are agreed.**

NOTE 6

If you have questions about this notice, speak to your landlord or contact one of the following:

- Shelter Scotland
- your local Housing Advice Centre
- your local Citizens Advice Bureau
- your local Law Centre
- a solicitor (you may be able to get legal aid depending on your income).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the notice that is to be used by a prospective landlord when notifying a prospective tenant that the tenancy offered is a short Scottish secure tenancy.

Regulation 2 and the schedule sets out the notice that is to be sent out. The notice specifies the grounds for granting a short Scottish secure tenancy and the term of the tenancy.

Regulation 4 makes a saving provision in respect of any notice that was issued prior to 1st May 2019 in the form prescribed by the Short Scottish Secure Tenancies (Notices) Regulations 2002, which Regulations are revoked as at that date by regulation 3.

Document Generated: 2024-03-20

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