

SCHEDULES

SCHEDULE 2

GROUND FOR POSSESSION OF DWELLING-HOUSES LET ON OR SUBJECT TO PROTECTED OR STATUTORY TENANCIES

PART II

[^{F1}FURTHER CASES IN WHICH FIRST-TIER TRIBUNAL MAY ORDER POSSESSION]

Textual Amendments

- F1** Sch. 2 Pt. 2 heading substituted (1.10.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), ss. 45(5)(b), 59(1)

Case 21

Where the dwelling-house is let by a person (in this Case referred to as “the owner”) at any time after 30th November 1980 and—

- (a) at the time when the owner acquired the dwelling-house he was a member of the regular armed forces of the Crown;
- (b) at the relevant date the owner was a member of the regular armed forces of the Crown;
- (c) not later than the relevant date the owner gave notice in writing to the tenant that possession might be recovered under this Case;
- (d) the dwelling-house has not, since 1st December 1980, been let by the owner on a protected tenancy with respect to which the condition mentioned in paragraph (c) above was not satisfied; and
- (e) the [^{F1}First-tier Tribunal] is of the opinion that—
 - (i) the dwelling-house is required as a residence for the owner; or
 - (ii) of the conditions set out in paragraph (c) of Case 11 of this Schedule one of those in subparagraphs (ii) to (vi) would be satisfied if the owner of the dwelling-house concerned was the owner occupier:

Provided that if the [^{F1}First-tier Tribunal] is of the opinion that, notwithstanding that the condition in paragraph (c) or (d) above is not complied with, it is just and equitable to make an order for possession of the dwelling-house, the court may dispense with the requirements of either or both of these paragraphs, as the case may require.

In this Case “regular armed forces of the Crown” has the same meaning as in section 1 of the ^{M1}House of Commons Disqualification Act 1975.

Changes to legislation: *There are currently no known outstanding effects for the Rent (Scotland) Act 1984, Cross Heading: Case 21. (See end of Document for details)*

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Textual Amendments

F1 Words in sch. 2 substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 31(a)**; [S.S.I. 2017/330](#), art. 3, sch.

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Marginal Citations

M1 [1975 c. 24](#).

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Marginal Citations

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