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

SCHEDULES

SCHEDULE 2

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

PART IV

SUITABLE ALTERNATIVE ACCOMMODATION

- 1 For the purposes of section 11(1)(a) above, a certificate of the housing authority for the district in which the dwelling-house in question is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.
- 2 Where no certificate as is mentioned in paragraph 1 above is produced to the [F1First-tier Tribunal], accommodation shall be deemed to be suitable for the purposes of section 11(1)(a) above if it consists of either—
- (a) premises which are to be let as a separate dwelling such that they will then be let on a protected tenancy, or
 - (b) premises to be let as a separate dwelling on terms which will, in the opinion of the [F1Tribunal], afford to the tenant security of tenure reasonably equivalent to the security afforded by Part II of this Act in the case of a protected tenancy,
- and in the opinion of the [F1Tribunal], the accommodation fulfils the relevant conditions as defined in paragraph 3 below.

Textual Amendments

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

- 3 (1) For the purposes of paragraph 2 above, the relevant conditions are that the accommodation is reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—
- (a) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided in the neighbourhood by any housing authority for persons whose needs as regards extent are, in the opinion of the [F2First-tier Tribunal], similar to those of the tenant and his family; or
 - (b) reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character;
- and that if any furniture was provided for use under the protected or statutory tenancy in question, furniture is provided for use in the accommodation which is either similar to that so provided or is reasonably suitable to the needs of the tenant and his family.

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- (2) For the purposes of sub-paragraph (1)(a) above, a certificate of a housing authority stating—
- (a) the extent of the accommodation afforded by dwelling-houses provided by the authority to meet the needs of tenants with families of such number as may be specified in the certificate, and
 - (b) the amount of the rent charged by the authority for dwelling-houses affording accommodation of that extent,
- shall be conclusive evidence of the facts so stated.

Textual Amendments

F2 Words in sch. 2 Pt. IV para. 3(1)(a) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), s. 104\(3\), sch. 1 para. 31\(c\)\(ii\)](#); S.S.I. 2017/330, art. 3, sch.

- 4 Accommodation shall not be deemed to be suitable to the needs of the tenant and his family if the result of their occupation of the accommodation would be that it would be an overcrowded dwelling-house for the purposes of section [F3 135] of the M1 Housing (Scotland) Act [F3 1987].

Textual Amendments

F3 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339, Sch. 23 para. 29\(8\)\(a\)](#)

Marginal Citations

M1 1966 c. 49.

- 5 Any document purporting to be a certificate of a housing authority named therein issued for the purposes of this Schedule and to be signed by the clerk to that authority shall be received in evidence and, unless the contrary is shown, shall be deemed to be such a certificate without further proof.
- 6 In this Schedule “housing authority” means a local authority for the purposes of Part [F4 I] of the Housing (Scotland) Act [F4 1987], and “district”, in relation to such an authority, means the district for supplying the needs of which the authority has power under that Part of that Act.

Textual Amendments

F4 Words substituted by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\), ss. 335, 339, Sch. 23 para. 29\(8\)\(b\)](#)

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