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*Changes to legislation: Housing (Scotland) Act 1987, SCHEDULE 2 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

Section 44(4), (5)

#### TENANCIES WHICH ARE NOT SECURE TENANCIES

##### *Premises occupied under contract of employment*

- 1 (1) A tenancy shall not be a secure tenancy if the tenant (or one of joint tenants) is an employee of the landlord or of any local authority or development corporation, and his contract of employment requires him to occupy the house for the better performance of his duties.
- (2) In this paragraph “contract of employment” means a contract of service or of apprenticeship, whether express or implied, and (if it is express) whether it is oral or in writing.

##### *Temporary letting to person seeking accommodation*

- 2 —A tenancy shall not be a secure tenancy if the house was let by the landlord expressly on a temporary basis to a person moving into an area in order to take up employment there, and for the purpose of enabling him to seek accommodation in the area.

##### *Temporary letting pending development*

- 3 —A tenancy shall not be a secure tenancy if the house was let by the landlord to the tenant expressly on a temporary basis, pending development affecting the house.

In this paragraph “development” has the meaning assigned to it by section 19 of the Town and Country Planning (Scotland) Act 1972.

##### *Temporary accommodation during works*

- 4 —A tenancy shall not be a secure tenancy if the house is occupied by the tenant while works are being carried out on the house which he normally occupies as his home, and if he is entitled to return there after the works are completed—
- (a) by agreement; or
  - (b) by virtue of an order of the sheriff under section 48(5).

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*Accommodation for homeless persons*

- 5 —A tenancy shall not be a secure tenancy if the house is being let to the tenant expressly on a temporary basis, in the fulfilment of a duty imposed on a local authority by Part II.

VALID FROM 11/11/1999

*[<sup>F1</sup> Accommodation for asylum-seekers]*

**Textual Amendments**

- F1** Crossheading and para. 5A inserted (11.11.1999) in Sch. 2 by 1999 c. 33, ss. 169(1), 170(3), Sch. 14 para. 82

- <sup>F2</sup>5A (1) A tenancy shall not be a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.

- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.

**Textual Amendments**

- F2** Crossheading and para. 5A inserted (11.11.1999) in Sch. 2 by 1999 c. 33, ss. 169(1), 170(3), Sch. 14 para. 82

*Agricultural and business premises*

- 6 —A tenancy shall not be a secure tenancy if the house—
- (a) is let together with agricultural land exceeding two acres in extent;
  - (b) consists of or includes premises which are used as a shop or office for business, trade or professional purposes;
  - (c) consists of or includes premises licensed for the sale of exciseable liquor; or
  - (d) is let in conjunction with any purpose mentioned in sub-paragraph (b) or (c).

*Police and fire authorities*

- 7 —A tenancy shall not be a secure tenancy if the landlord is an authority or committee mentioned in—
- (a) section 61(2)(a)(viii) and the tenant—
    - (i) is a constable of a police force, within the meaning of the Police (Scotland) Act 1967, who in pursuance of regulations under

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- section 26 of that Act occupies the house without obligation to pay rent or rates; or
- (ii) in a case where head (i) above does not apply, is let the house expressly on a temporary basis pending its being required for the purposes of such a police force; or
- (b) section 61(2)(a)(ix) and the tenant—
- (i) is a member of a fire brigade, maintained in pursuance of the <sup>M1</sup>Fire Services Act 1947, who occupies the house in consequence of a condition in his contract of employment that he live in close proximity to a particular fire station; or
- (ii) in a case where head (i) above does not apply, is let the house expressly on a temporary basis pending its being required for the purposes of such a fire brigade.

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**Marginal Citations**

**M1** 1947 c. 41.

*Houses part of, or within curtilage of, certain other buildings*

- 8 —A tenancy shall not be a secure tenancy if the house forms part of, or is within the curtilage of, a building which mainly—
- (a) is held by the landlord for purposes other than the provision of housing accommodation; and
- (b) consists of accommodation other than housing accommodation.

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