



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Assured tenancies*

#### 12 Assured tenancies.

- (1) A tenancy under which a house is let as a separate dwelling is for the purposes of this Act an assured tenancy if and so long as—
- the tenant or, as the case may be, at least one of the joint tenants is an individual; and
  - the tenant or, as the case may be, at least one of the joint tenants occupies the house as his only or principal home; and
  - the tenancy is not one which, by virtue of subsection [<sup>F1</sup>(1A) or] (2) below, cannot be an assured tenancy.

[<sup>F2</sup>(1A) A tenancy cannot be an assured tenancy if it is granted on or after [<sup>F3</sup>1 December 2017] .]

- (2) If and so long as a tenancy falls within any paragraph of Schedule 4 to this Act, it cannot be an assured tenancy; and in that Schedule “tenancy” means a tenancy under which a house is let as a separate dwelling.

[<sup>F4</sup>(3) Subsection (1) is subject to section 46A.]

#### Textual Amendments

- F1** Words in s. 12(1) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), [sch. 5 para. 1\(2\)](#); S.S.I. 2017/346, reg. 2, sch. (with reg. 6)
- F2** S. 12(1A) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), [sch. 5 para. 1\(3\)](#); S.S.I. 2017/346, reg. 2, sch. (with reg. 6)

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**Changes to legislation:** *Housing (Scotland) Act 1988, Section 12 is up to date with all changes known to be in force on or before 16 August 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) View outstanding changes*

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- F3** Words in s. 12(1A) substituted (1.12.2017) by [The Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(Commencement No. 3, Amendment, Saving Provision and Revocation\) Regulations 2017 \(S.S.I. 2017/346\)](#), regs. 1(1), **4(2)**
- F4** S. 12(3) inserted (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016 \(asp 19\)](#), s. 79(2), **sch. 5 para. 3(2)**; [S.S.I. 2017/346](#), reg. 2, sch. (with reg. 6)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1)(aa) and word inserted by [2001 asp 10 s. 50\(2\)\(c\)](#)
- s. 66(2A) inserted by [2001 asp 10 s. 50\(3\)](#)
- s. 66(5A) inserted by [2001 asp 10 s. 50\(4\)](#)
- sch. 17 para. 19-26 repealed by [2014 asp 14 sch. 2 para. 5\(4\)](#)