



# Housing (Scotland) Act 1988

## 1988 CHAPTER 43

### PART II

#### RENTED ACCOMMODATION

##### *Assured tenancies—security of tenure*

#### **19 Notice of proceedings for possession.**

- (1) The [<sup>F1</sup>First-tier Tribunal] shall not entertain proceedings for possession of a house let on an assured tenancy unless—
  - (a) the landlord (or, where there are joint landlords, any of them) has served on the tenant a notice in accordance with this section; or
  - (b) [<sup>F2</sup>the Tribunal] considers it reasonable to dispense with the requirement of such a notice.
- (2) The [<sup>F3</sup>First-tier Tribunal] shall not make an order for possession on any of the grounds in Schedule 5 to this Act unless that ground [<sup>F4</sup>and particulars of it are] specified in the notice under this section; but the grounds specified in such a notice may be altered or added to with the leave of the [<sup>F3</sup>Tribunal].
- (3) A notice under this section is one [<sup>F5</sup>in the prescribed form] informing the tenant that—
  - (a) the landlord intends to raise proceedings for possession of the house on one or more of the grounds specified in the notice; and
  - (b) those proceedings will not be raised earlier than the expiry of the period of two weeks or two months (whichever is appropriate under subsection (4) below) from the date of service of the notice.
- (4) The minimum period to be specified in a notice as mentioned in subsection (3)(b) above is—
  - (a) two months if the notice specifies any of Grounds 1, 2, 5, 6, 7, 9 and 17 in Schedule 5 to this Act (whether with or without other grounds); and
  - (b) in any other case, two weeks.

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*Changes to legislation: Housing (Scotland) Act 1988, Section 19 is up to date with all changes known to be in force on or before 20 February 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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<sup>F6</sup>(5) .....

- (6) Where a notice under this section relating to a contractual tenancy—
- (a) is served during the tenancy; or
  - (b) is served after the tenancy has been terminated but relates (in whole or in part) to events occurring during the tenancy,
- the notice shall have effect notwithstanding that the tenant becomes or has become tenant under a statutory assured tenancy arising on the termination of the contractual tenancy.
- (7) A notice under this section shall cease to have effect 6 months after the date on or after which the proceedings for possession to which it relates could have been raised.

#### Textual Amendments

- F1** Words in s. 19(1) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 36(a)(i)**; S.S.I. 2017/330, art. 3, sch.
- F2** Words in s. 19(1)(b) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 36(a)(ii)**; S.S.I. 2017/330, art. 3, sch.
- F3** Words in s. 19(2) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), **sch. 1 para. 36(b)**; S.S.I. 2017/330, art. 3, sch.
- F4** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 85(a)**
- F5** Words inserted by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. 140(1), **Sch. 17 Pt. I para. 85(b)**
- F6** S. 19(5) repealed (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 44(3)**, 59(1)

#### Modifications etc. (not altering text)

- C1** S. 19 modified (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), **sch. 2 para. 5(3)** (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by S.S.I. 2023/82, regs. 1(3), **2(2)**); and (27.9.2023) by S.S.I. 2023/275, regs. 1(2), **2(2)**)
- C2** S. 19 modified (temp.) (28.10.2022) by virtue of [Cost of Living \(Tenant Protection\) \(Scotland\) Act 2022 \(asp 10\)](#), s. 13(1), **sch. 2 para. 5(3)** (with ss. 1(2), 6, 7, 8) (as amended (1.4.2023) by S.S.I. 2023/82, regs. 1(3), **2(2)**); and (27.9.2023) by S.S.I. 2023/275, regs. 1(2), **2(2)**)

**Changes to legislation:**

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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\(4\)](#)