

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 1 – eviction for dwelling-houses*

##### **Scottish secure tenancies: extension of notice periods**

32. Paragraph 7 sets out the provisions in the Housing (Scotland) Act 2001 (“the 2001 Act”) which are modified in relation to a notice of proceedings form issued under section 14(2)(a) or section 36(2)(a) of that Act during the relevant period.
33. Subparagraph (2) of paragraph 7 changes the earliest date that proceedings for recovery of possession can be raised under section 14(4)(b)(i) of the 2001 Act from 4 weeks from the date of service of the notice to a date calculated in accordance with subsections (4A), (4B) or (4C) subject to which section 14 of the 2001 Act is to have effect.
34. Subparagraph (2) provides that the 2001 Act is to be read as if a new subsection (4A) were inserted into section 14 of the 2001 Act during the relevant period. New subsection (4A) modifies the earliest date on which proceedings for recovery of possession can be raised from the current 4 weeks after the date a notice of proceedings is served to 3 months where the ground for recovery of possession is specified is paragraph 2, 6, 7 or 8 of schedule 2 of the 2001 Act. Where paragraph 5 of schedule 2 is also specified in the notice the earliest date proceedings can be raised is 3 months. It also has the effect of modifying the earliest date on which proceedings for recovery of possession can be raised from the current 4 weeks after the date a notice of proceedings is served to 6 months in cases where the ground for recovery of possession is set out in paragraph 1, 3, 4 or 9 to 12 of schedule 2 of the 2001 Act. The 6 month date applies whether or not any other grounds are also specified in the notice.
35. Subparagraph (3) of paragraph 7 modifies section 36 of the 2001 Act during the relevant period. It has the effect of modifying the earliest date that proceedings for recovery of possession can be raised under section 36 for short Scottish secure tenancies which are at the end of their term from the current 2 months to a date calculated in accordance with section 36(3A), (3B) and (3C) subject to which section 36 the 2001 Act is to have effect.
36. Subparagraph (3) provides that the 2001 Act is to be read as if a new subsection (3A) were inserted into section 36 and which modifies the date on which proceedings for recovery of possession can be raised from the current 2 weeks after the date a notice of proceedings is served to 6 months where the tenancy was given under one of the grounds at paragraphs 3 to 7A of schedule 6 of the 2001 Act. The date on which proceedings for recovery of possession can be raised for short Scottish secure tenancies given under section 35, or paragraphs 1, 2 or 2A of schedule 6 of the 2001 Act remains at 2 months.
37. Subparagraph (3) also modifies section 36(8) of the 2001 Act during the relevant period to provide that the date that proceedings for recovery of possession can be raised for a short Scottish secure tenancy when section 14(4) of the 2001 Act is being used to recover possession is equivalent to the timescales which apply in accordance with the modifications for Scottish secure tenancies.