



Housing (Scotland) Act 2001

2001 asp 10

PART 2

TENANTS OF SOCIAL LANDLORDS

CHAPTER 1

SCOTTISH SECURE TENANCIES

Succession

22 Succession to Scottish secure tenancy

- (1) On the death of a tenant under a Scottish secure tenancy, the tenancy passes by operation of law to a qualified person.
- (2) On the death of a qualified person who succeeded to a tenancy under subsection (1), the tenancy passes by operation of law to another qualified person.
- (3) If, for the purpose of subsection (1) or (2), there is no qualified person, or every qualified person declines the tenancy, the tenancy is terminated.
- (4) On the death of a qualified person who succeeded to a tenancy under subsection (2), the tenancy is terminated.
- (5) Schedule 3, which makes provision as to who are qualified persons for the purposes of this section and as to the operation of subsections (1) and (2), has effect.
- (6) Where, in a case to which paragraph 5 of schedule 3 applies—
 - (a) a tenancy is terminated by operation of subsection (3), and
 - (b) there is a person who would have been a qualified person but for that paragraph,the landlord must make other suitable accommodation available to that person.
- (7) Part 2 of schedule 2 has effect to determine whether accommodation is suitable for the purposes of subsection (6).

Changes to legislation: Housing (Scotland) Act 2001, Cross Heading: Succession is up to date with all changes known to be in force on or before 15 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) [View outstanding changes](#)

- (8) Subsection (4) does not operate so as to terminate the Scottish secure tenancy of any tenant under a joint tenancy where such a joint tenant continues to use the house as that person's only or principal home.
- (9) Where a tenancy is terminated by operation of subsection (4) and there is a qualified person (other than a joint tenant to whom subsection (8) applies), that person is entitled to continue as tenant for a period not exceeding 6 months, but the tenancy ceases to be a Scottish secure tenancy.
- (10) Where a tenant gives up a Scottish secure tenancy in order to occupy another house which is subject to a Scottish secure tenancy, following termination of the first tenancy by an order under section 16(2)(b), those tenancies are, for the purposes of this section, to be treated as being a single tenancy.

Commencement Information

- II** S. 22 wholly in force at 30.9.2002, see s. 113(1)(2) and [S.S.I. 2002/321](#), [art. 2](#) (subject to transitional provisions and savings in [arts. 3-5](#))

Changes to legislation:

Housing (Scotland) Act 2001, Cross Heading: Succession is up to date with all changes known to be in force on or before 15 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.

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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. 5(5A) inserted by [2003 asp 10 s. 5\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by [2021 asp 16 s. 22\(2\)\(a\)\(i\)](#)
- s. 14(1)(b) inserted by [2021 asp 16 s. 22\(2\)\(a\)\(ii\)](#)
- s. 14(1A)(1B) inserted by [2021 asp 16 s. 22\(2\)\(b\)](#)
- s. 14(5C)-(5E) inserted by [2021 asp 16 s. 22\(2\)\(e\)](#)
- s. 16(2)(d)(e) inserted by [2021 asp 16 s. 22\(3\)\(b\)\(ii\)](#)
- s. 16(3ZA)(3ZB) inserted by [2021 asp 16 s. 22\(3\)\(c\)](#)
- s. 16(5C) inserted by [2021 asp 16 s. 22\(3\)\(e\)](#)
- s. 16(7)-(10) inserted by [2021 asp 16 s. 22\(3\)\(f\)](#)
- s. 34(7A)-(7C) inserted by [2003 asp 10 s. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by [2003 asp 10 s. 6\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by [2019 asp 10 s. 18\(3\)](#)
- sch. 2 para. 15A inserted by [2021 asp 16 s. 22\(4\)](#)
- sch. 6 para. 5A and cross-heading inserted by [2003 asp 10 s. 5\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)