

2002 No. 315

HOUSING

**The Short Scottish Secure Tenancies (Notices) Regulations
2002**

Made 26th June 2002

Laid before the Scottish Parliament 27th June 2002

Coming into force 30th September 2002

The Scottish Ministers, in exercise of the powers conferred on them by sections 34(4) and 109(2) of the Housing (Scotland) Act 2001(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Short Scottish Secure Tenancies (Notices) Regulations 2002 and shall come into force on 30th September 2002.

Form of Notice to Prospective Tenant

2. The form of the notice contained in the Schedule to these Regulations is hereby prescribed for the purposes of section 34(4) of the Housing (Scotland) Act 2001.

MARGARET CURRAN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th June 2002

SCHEDULE

[FORM SSST1: FOR USE ONLY BY A LANDLORD]

SHORT SCOTTISH SECURE TENANCIES

HOUSING (SCOTLAND) ACT 2001

NOTICE UNDER SECTION 34 TO BE SERVED ON A PROSPECTIVE TENANT OF A SHORT SCOTTISH SECURE TENANCY

IMPORTANT: INFORMATION FOR PROSPECTIVE TENANT(S)

This notice informs you as prospective tenant(s) that the tenancy being offered by the prospective landlord(s) is a short Scottish secure tenancy under section 34 of the Housing (Scotland) Act 2001 (the Act).

Please read this notice carefully.

Part 1. To
(name of prospective tenant(s))

NOTE 1 TO PROSPECTIVE TENANT.
TO BE VALID THIS NOTICE MUST BE SERVED BEFORE THE CREATION OF A TENANCY AGREEMENT. A SHORT SCOTTISH SECURE TENANCY WILL NOT EXIST IF A VALID NOTICE HAS NOT BEEN SERVED.

Part 2. I your prospective landlord(s)/I your prospective landlord's agent*
.....
(name of landlord(s))

of.....
.....

.....
(address and telephone number of landlord(s))
give notice that the tenancy being offered to you of the house at.....

.....
.....
(address of house)

the term of which is
(specify term)

to which this notice relates is to be a short Scottish secure tenancy in terms of section 34 of the Act and that the grounds set out in paragraph of Schedule 6 to the Act are satisfied, which are

.....
.....
.....

Signed..... (landlord(s))

Date.....

NOTE 2 TO PROSPECTIVE TENANT.

A SHORT SCOTTISH SECURE TENANCY HAS MANY OF THE FEATURES OF THE SCOTTISH SECURE TENANCY BUT THERE ARE ALSO SOME DIFFERENCES. IT CAN BE OFFERED UNDER ANY OF THE GROUNDS LAID OUT IN SCHEDULE 6 TO THE ACT. UNLESS IT FOLLOWS IMMEDIATELY AFTER ANOTHER SHORT SCOTTISH SECURE TENANCY OF THE SAME HOUSE, (WITH THE SAME TENANT) IT MUST BE FOR NOT LESS THAN 6 MONTHS.

NOTE 3 TO PROSPECTIVE TENANT.

A LANDLORD OF A SHORT SCOTTISH SECURE TENANCY HAS SPECIAL RIGHTS TO REPOSSESS THE HOUSE. IF THE LANDLORD TERMINATES THE TENANCY BY ISSUING A VALID NOTICE IN TERMS OF SECTION 36 OF THE ACT AND GIVES THE TENANT AT LEAST 2 MONTHS NOTICE (OR A LONGER PERIOD IF THE TENANCY AGREEMENT PROVIDES) OF HIS INTENTION TO REPOSSESS THE HOUSE THE COURT MUST GRANT THE LANDLORD AN ORDER ALLOWING HIM TO EVICT THE TENANT IF HE APPLIES FOR ONE AT THE END OF THE TENANCY PERIOD SET OUT IN THE TENANCY AGREEMENT.

ALSO, A LANDLORD OF A SHORT SCOTTISH SECURE TENANCY CAN RAISE PROCEEDINGS TO REPOSSESS THE HOUSE IN TERMS OF SECTION 14 OF THE ACT UNDER ANY OF THE GROUNDS SET OUT IN PART 1 OF SCHEDULE 2.

Part 3. Address and telephone number of agents if appropriate

of landlord(s) agents

of tenant(s) agent

.....
.....
.....
.....

NOTE 4 TO PROSPECTIVE TENANT

THE CIRCUMSTANCES UNDER WHICH A SHORT SCOTTISH SECURE TENANCY MAY BE OFFERED ARE SET OUT IN SCHEDULE 6 TO THE ACT. IN SUMMARY THESE ARE:

TEMPORARY LETS TO PERSONS MOVING INTO THE AREA IN ORDER TO TAKE UP EMPLOYMENT;

TEMPORARY LETS TO HOMELESS PERSONS FOR TENANCIES OF 6 MONTHS OR OVER; (LETS TO HOMELESS PERSONS OF UNDER 6 MONTHS ARE COVERED BY SCHEDULE 1 TO THE ACT, I.E. TENANCIES WHICH ARE NOT SCOTTISH SECURE TENANCIES);

TEMPORARY LETS TO PERSONS REQUIRING OR RECEIVING HOUSING SUPPORT SERVICES (I.E. AS DEFINED IN SECTION 91(8) OF THE ACT);

LETS TO PERSONS ON A TEMPORARY BASIS PENDING DEVELOPMENT AFFECTING THE HOUSE IN TERMS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997(a);

LETS IN HOUSES LEASED BY THE LANDLORD FROM ANOTHER BODY WHERE THE TERMS OF THE LEASE PRECLUDE THE LANDLORD FROM SUBLETTING UNDER A SCOTTISH SECURE TENANCY;

LETS TO PERSONS AGAINST WHOM AN ORDER FOR RECOVERY OF POSSESSION ON THE GROUNDS OF ANTI-SOCIAL BEHAVIOUR IN RELATION TO A TENANCY IN SCOTLAND, ENGLAND, WALES OR NORTHERN IRELAND, HAS BEEN MADE WITHIN A PERIOD OF 3 YEARS PRIOR TO THE SERVICE OF A NOTICE THAT A SHORT SCOTTISH SECURE TENANCY WILL BE OFFERED;

LETS TO PERSONS WHERE THEY OR OTHER MEMBERS OF THEIR HOUSEHOLD ARE THE SUBJECT OF ANTI-SOCIAL BEHAVIOUR ORDERS GRANTED UNDER S 19 OF THE CRIME AND DISORDER ACT 1998(b);

THE SCOTTISH MINISTERS UNDER SECTION 34(3) OF THE ACT MAY MODIFY THIS LIST BY ORDER.

NOTE 5 TO PROSPECTIVE TENANT

IF YOU DO NOT AGREE THAT THE TENANCY OFFERED BY THIS NOTICE SHOULD BE A SHORT SCOTTISH SECURE TENANCY YOU HAVE A RIGHT OF APPEAL TO THE COURTS UNDER SECTION 38 OF THE ACT;

IF YOU AGREE TO TAKE UP THE TENANCY AFTER YOUR LANDLORD HAS SERVED THIS NOTICE ON YOU, YOUR TENANCY WILL BE A SHORT SCOTTISH SECURE TENANCY. YOU SHOULD KEEP THIS NOTICE IN A SAFE PLACE ALONG WITH THE WRITTEN DOCUMENT SETTING OUT THE TERMS OF TENANCY WHICH YOUR LANDLORD MUST PROVIDE UNDER SECTION 23 OF THE ACT ONCE THE TERMS ARE AGREED.

NOTE 6 TO PROSPECTIVE TENANT

IF YOU REQUIRE FURTHER GUIDANCE ON SHORT SCOTTISH SECURE TENANCIES, CONSULT A SOLICITOR OR ANY ORGANISATION WHICH GIVES ADVICE ON HOUSING MATTERS.

(a) 1997 c.8.
(b) 1998 c.37.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the notice that is to be used by a prospective landlord when notifying a prospective tenant that the tenancy being offered is a short Scottish secure tenancy.

The Schedule to the Regulations sets out the notice that is to be sent out. The notice specifies the grounds for granting a short Scottish secure tenancy and the term of the tenancy.

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