

Status: Point in time view as at 01/12/1998.

Changes to legislation: Housing (Scotland) Act 1987, SCHEDULE 4 is up to date with all changes known to be in force on or before 26 July 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)

SCHEDULES

SCHEDULE 4

Section 55(6).

TERMS OF SECURE TENANCY RELATING TO SUBLETTING, ETC.

- 1 —A secure tenant who wishes to assign, sublet or otherwise give up to another person possession of the house which is the subject of the secure tenancy or any part thereof or take in a lodger shall serve on the landlord an application in writing for the landlord's consent, giving details of the proposed transaction, and in particular of any payment which has been or is to be received by the tenant in consideration of the transaction.
- 2 —In relation to an application under paragraph 1, the landlord may consent, or may refuse consent, provided that it is not refused unreasonably.
- 3
 - (a) The landlord shall serve on the tenant notice in writing of consent or refusal, and in the case of refusal the reasons therefor, within one month of receipt of the application;
 - (b) where the landlord fails to serve a notice in accordance with paragraph (a) within the period therein mentioned, the landlord shall be deemed to have consented to the application.
- 4 —A tenant who is aggrieved by a refusal (other than a refusal on the grounds provided for in section 55(2)) may raise proceedings by summary application in the sheriff court of the district in which the house is situated.
- 5 —In proceedings under paragraph 4, the sheriff shall order the landlord to consent to the application unless it appears to him that the refusal is reasonable.
- 6 —In deciding whether a refusal is reasonable the sheriff shall have regard in particular to—
 - (a) whether the consent would lead to overcrowding of the house in such circumstances as to render the occupier guilty of an offence under section 139; and
 - (b) whether the landlord proposes to carry out works on the house or on the building of which it forms part so that the proposed works will affect the accommodation likely to be used by the sub-tenant or lodger who would reside in the house as a result of the consent.

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