



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART III

RIGHTS OF PUBLIC SECTOR TENANTS

Security of tenure

46 Restriction on termination of secure tenancy

- (1) Notwithstanding any provision contained in the tenancy agreement, a secure tenancy may not be brought to an end except—
- (a) by the death of the tenant (or, where there is more than one, of any of them), where there is no qualified person within the meaning of section 52;
 - (b) by operation of section 52(4) or (5);
 - (c) by written agreement between the landlord and the tenant;
 - (d) by operation of section 50(2);
 - (e) by an order for recovery of possession under section 48(2); or
 - (f) by 4 weeks' notice given by the tenant to the landlord.
- (2) If, while the house which the tenant under a secure tenancy normally occupies is not available for occupation, the tenant is accommodated temporarily in another house of which the landlord is a body mentioned in section 44(2), either—
- (a) by agreement; or
 - (b) following an order under section 48(2) (in a case where an order has also been made under subsection (5) of that section),

the landlord shall not be entitled to bring the tenant's occupation of the other house to an end before the house which he normally occupies is available for occupation unless the secure tenancy has been brought to an end.