



Housing (Scotland) Act 1988

1988 CHAPTER 43

PART II

RENTED ACCOMMODATION

Assured tenancies—security of tenure

21 Special provisions applicable to shared accommodation.

- (1) This section applies in a case falling within subsection (1) of section 14 above and expressions used in this section have the same meaning as in that section.
- (2) Without prejudice to the enforcement of any order made under subsection (3) below, while the tenant is in possession of the separate accommodation, no order shall be made for possession of any of the shared accommodation, whether on the application of the immediate landlord of the tenant or on the application of any person from whom that landlord derives title, unless a like order has been made, or is made at the same time, in respect of the separate accommodation; and the provisions of section 17 above shall have effect accordingly.
- (3) On the application of the landlord, the [^{F1}First-tier Tribunal] may make such order as [^{F2}Tribunal] thinks just either—
 - (a) terminating the right of the tenant to use the whole or any part of the shared accommodation other than living accommodation; or
 - (b) modifying his right to use the whole or any part of the shared accommodation, whether by varying the persons or increasing the number of persons entitled to the use of that accommodation, or otherwise.
- (4) No order shall be made under subsection (3) above so as to effect any termination or modification of the rights of the tenant which, apart from section 14(2) above, could not be effected by or under the terms of the tenancy.

Status: Point in time view as at 01/10/2022.

Changes to legislation: Housing (Scotland) Act 1988, Section 21 is up to date with all changes known to be in force on or before 06 August 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)

Textual Amendments

- F1** Words in s. 21(3) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 38\(a\)](#); [S.S.I. 2017/330](#), art. 3, sch.
- F2** Word in s. 21(3) substituted (1.12.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), s. 104(3), [sch. 1 para. 38\(b\)](#); [S.S.I. 2017/330](#), art. 3, sch.

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