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# The Scottish Secure Tenancy

## A Leaflet for Tenants



SCOTTISH EXECUTIVE

**Making it work together**

Are you a tenant of a local authority or housing association? If so, then you should read this leaflet. The Housing (Scotland) Act 2001 introduces a number of important changes to your tenancy rights, which will apply from 30 September 2002. From this date, the new Scottish secure tenancy (SST) will replace the old secure and assured tenancies to provide a single tenancy for both local authority and housing association tenants, with improved rights.

Read on to find out more about these changes and what they will mean for you.

### **What is the Scottish secure tenancy?**

It is a new statutory tenancy that will replace your existing secure or assured tenancy.

From 30 September 2002, all tenants of local authorities, housing associations (including tenants who are members of fully mutual co-operative housing associations), and water and sewerage authorities, will become Scottish secure tenants. There are some exceptions to this, for example, tied houses (i.e. a house you have to live in because of your job). If you are not sure about your tenancy, you should contact your landlord.

### **What will my rights be under the Scottish secure tenancy?**

**From 30 September 2002, you will have the following rights.**

#### **Security of tenure**

You cannot be evicted from your home without a court order.

## **Joint tenancy**

You and anyone who lives in (or is going to stay in) your house and uses it as their only home can apply for a joint tenancy. Your landlord must agree to this unless they have good reasons for not doing so.

## **Succession**

If you die, your tenancy can be succeeded to by either:

- your husband or wife;
- the other joint tenant;
- your partner (of either sex) who was living with you for at least six months beforehand.

If none of the above people qualifies or chooses to succeed, the tenancy can pass to:

- another member of your family who was living with you when you died.

If none of the above people qualifies or chooses to succeed, the tenancy can pass to:

- a carer who lives with you in your home and gave up their only or main home to care for you or a member of your family.

The tenancy can be succeeded to twice.

For example, if there is a couple who are husband and wife and the man is the tenant, the tenancy would pass to his wife when he dies. If the wife died later on, an adult son or daughter would have the right to succeed to the tenancy.

## **Assignment, exchanges, subletting**

You can sublet your tenancy, exchange your house or take in a lodger. You can also assign

(sign over) your tenancy to anyone who has lived in your house as their only home for at least six months. You must get written permission from your landlord. Your landlord can only refuse permission if there are good reasons for doing so. You should think carefully before doing any of the above and get advice.

### **Repairs**

Your landlord must carry out certain types of small urgent repairs within a given timescale (this is referred to as the 'right to repair').

### **Compensation for improvements**

You have a right to receive compensation at the end of your tenancy for certain types of improvements you have made to your home, as long as your landlord gave you permission to make the improvements in the first place.

### **Information**

Your landlord must give you a written tenancy agreement, information about your landlord's complaints procedure and, before your tenancy begins, information about the right to buy and any responsibilities you may have if you buy your home.

If you ask, your landlord must give you information about policies on setting rent, allocating houses, repairs and maintenance.

### **Consultation**

Your landlord must consult with you, and take account of your views, before making or changing any housing management policies that are likely to significantly affect you, for example, repairs and maintenance, rent and service charges. Tenants' groups can register

with their landlord and have a right to be consulted. You can ask your landlord for a copy of their tenant participation strategy, which outlines their arrangements for asking and considering your views.

### **Right to manage**

You and your neighbours can get together to form a tenant management co-operative and enter into an agreement with your landlord to manage your own homes.

### **Will I lose any of my existing rights?**

**No**, you will not lose any of your existing rights. In fact, some of your existing rights will be strengthened **and** you will also receive new rights. If you currently have the right to buy your home, the conditions you enjoy will be protected for as long as you stay in the same house (see opposite).

### **Will I need to sign a new tenancy agreement?**

On 30 September this year, your current tenancy will automatically convert to a Scottish secure tenancy and you will receive all the rights that go with it. Your landlord will contact you, probably within the next few months, to sign a new tenancy agreement which may include matters in addition to your statutory tenancy. However, your landlord cannot change any of the tenancy rights set out in legislation. When you sign your tenancy agreement, your landlord will explain all the rights and responsibilities that are set out.



## **What is the short Scottish secure tenancy?**

This is a new type of tenancy which can only be used in limited circumstances if the tenancy will be temporary.

The circumstances in which the short Scottish secure tenancy can be used are set out in legislation.



The short SST includes the same rights as the full SST except that there is no right to buy, your tenancy cannot be succeeded to when you die and your right to stay in your home is more limited than with a full Scottish secure tenancy. If your landlord offers you a short SST and you are not happy with it, you have the right to appeal.



## **Will I be able to buy my house?**

If you had the right to buy before 30 September this year, the conditions you enjoy (including a discount and eligibility period) will not change as long as you continue to stay in the same house.



If you are a tenant of a housing association and you do not currently have the right to buy, you may gain the right to buy your home in the future. Although you will not be able to buy your home for up to 10 years, the time you spend in a relevant tenancy will count towards your eligibility and discount.



You will not be able to buy your home from your landlord if you are a tenant of:

- a charitable housing association that was a registered charity set up before 18 July 2001 (unless you had the right to buy before 30 September 2002 or have a preserved right to buy following a stock transfer);
- a fully mutual co-operative housing association;
- a housing association with fewer than 100 houses; or
- a group housing scheme for people with special needs.

If you only gain the right to buy your home for the first time on or after 30 September 2002, or if you choose to move house after this date, you will get the modernised right to buy.

The qualifying time for the modernised right to buy will be a continuous five-year period with a maximum discount of 35% or £15,000, whichever is lower.

If you are not sure about whether or not you have the right to buy or which conditions apply, you should contact your landlord first.

You can get separate leaflets on 'Your Right to Buy Your Home', 'Compensation for Improvement Scheme' and 'Right to Repair Scheme' from your landlord or:

The Scottish Executive

Housing 2:3

Area 1-G

Victoria Quay

Edinburgh EH6 6QQ.

Phone: 0131 244 2105

[www.scotland.gov.uk](http://www.scotland.gov.uk)

e.mail: [housing.information@scotland.gsi.gov.uk](mailto:housing.information@scotland.gsi.gov.uk)

Alternative formats and community language versions of this leaflet are available on request from the Scottish Executive, Housing 2:3, Area 1-G, Victoria Quay, Edinburgh EH6 6QQ Tel: 0131 244 2105. The leaflet can also be viewed on the Scottish Executive website at [www.scotland.gov.uk](http://www.scotland.gov.uk)

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如果需要本手冊的其他形式或語言版本，請向蘇格蘭行政院索取，位址是：Scottish Executive, Housing 2:3, Area 1-G, Victoria Quay, Edinburgh EH6 6QQ；電話：0131 244 2105。也可以到蘇格蘭行政院的網站上瀏覽本手冊：[www.scotland.gov.uk](http://www.scotland.gov.uk)

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