SCOTTISH STATUTORY INSTRUMENTS

2025 No. 404

LANDLORD AND TENANT

The Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025

Made - - - -	*16th December 2025*
Laid before the Scottish Parliament	*18th December 2025*
Coming into force - -	*1st August 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 14(4) of the Housing (Scotland) Act 2001(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Amendment Regulations 2025 and come into force on 1 August 2026.

Interpretation

2. In these Regulations—

"the 2012 Regulations" means the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012(**b**).

Amendment of the 2012 Regulations

3. The 2012 Regulations are amended in accordance with regulations 4 and 5.

4. In regulation 3—

(a) in paragraph (1) after "paragraph (2)" insert "and (3)",

(b) after paragraph (2) insert—

"(3) Where proceedings are to be raised on the ground set out in paragraph 15A of schedule 2 of the Act, the prescribed form of notice for the purposes of section 14(4) of the Act is contained in Schedule 3.".

(**a**) 2001 asp 10 ("the 2001 Act"). Section 14 is relevantly amended by section 155(a) of the Housing (Scotland) Act 2010 (asp 17), section 14(1) of the Housing (Scotland) Act 2014 (asp 14) and section 22(2) and 22(5) of the Domestic Abuse (Protection) (Scotland) Act 2021 (asp 16). In relation to a short Scottish secure tenancy, section 14(4) is modified by section 36(8) of the 2001 Act. Section 36(8) was inserted by section 11(f) of the Housing (Scotland) Act 2014 (asp 14). Section 109 is relevantly amended by section 155(c)(ii) of the Housing (Scotland) Act 2010 (asp 17) and article 2 of S.S.I. 2011/445.

(**b**) S.S.I. 2012/92. The Guidance Notes in schedule 1 are amended by regulation 3 of S.S.I. 2018/156. The Guidance Notes in schedule 2 are amended by regulation 4 of S.S.I. 2018/156.

5. The schedule of these Regulations is inserted as Schedule 3 of the 2012 Regulations.

MAIRI McALLAN
A member of the Scottish Government

St Andrew's House,
Edinburgh
16th December 2025

SCHEDULE

Regulation 5

NEW SCHEDULE 3 TO BE INSERTED INTO THE 2012 REGULATIONS

"SCHEDULE 3

Regulation 3(3)

NOTICE OF PROCEEDINGS FOR RECOVERY OF POSSESSION OR TERMINATION OF JOINT TENANT'S INTEREST ON ABUSIVE BEHAVIOUR GROUND

This notice is to inform you, …… *(name of tenant [or qualifying occupier])* that ……, being the landlord of the dwellinghouse at …… *(address)* may, at any time during the period of 6 months beginning on …… (see Guidance Notes), raise proceedings for [possession of that dwellinghouse/termination of [your/name of tenant's]* interest in the tenancy for that dwellinghouse]* on the ground that [you/name of tenant's]* [have/has]* engaged in behaviour that is abusive within the terms of paragraph 15A (see Guidance Notes) of Part 1 of schedule 2 of the Housing (Scotland) Act 2001.

We also inform you that we are seeking [possession/termination]* under the above ground for the following reasons:

……

……

……

(state particulars of how the ground arose: continue on additional sheets if required).
**Delete where not applicable*

Signed ……

Date ……

GUIDANCE NOTES

This notice is to inform you that the landlord may raise proceedings in the sheriff court to [gain possession of the house/terminate [your/name of tenant's]* interest in the tenancy for the house at *(address)*]* It is not a notice to quit and does not affect your right to continue living in the house or obligations to pay rent.

[Text for notice to a tenant:

You cannot be evicted from your house unless the sheriff grants a [possession order/termination order and warrant of ejection]*.]*

[Text for notice to a qualifying occupier where the landlord is asking for the qualifying occupier to be named in the decree:

You cannot be evicted from your house unless the sheriff grants a [possession order/termination order and warrant of ejection]* and you are named in the order granted by the court]*

These notes are intended for guidance only. If you are at all uncertain about what this notice means or if you are unsure of your rights you should get advice as quickly as possible. You may be able to get this from your landlord, from your local Housing Advice Centre (which is independent of your

landlord), a Citizens Advice Bureau, or from a solicitor. If you need to employ a solicitor, legal aid may be available depending on your income.

The date given in the notice is the earliest date on which the landlord can start court action. After that date the landlord is allowed to start court action at any time during the following 6 months. If the landlord does not start court action in that 6 month period they would have to serve another one of these notices on you before they could start court action.

The law sets out the grounds on which the sheriff may order [recovery of possession of the house/termination of [your/the tenant's]* interest in the tenancy]*. The landlord has explained in the notice the reason or reasons why they are considering taking court action on the ground set out in paragraph 15A of Part 1 of schedule 2 of the Housing (Scotland) Act 2001.

[Text for all notices to a tenant:

Your landlord will serve a notice on any qualifying occupiers who live with you. A qualifying occupier is a person who is 16 years old or more and occupies your house as their only or main home. This can be a family member, a partner or ex-partner, a lodger or someone you have assigned, sublet or given up the house or part of the house to, with the landlord's consent. The qualifying occupier can be party to any court action by applying to the sheriff court. This allows the sheriff to consider a qualifying occupier's rights and the consequences of the court action for them.]*

[Text for all notices to a qualifying occupier:

As a qualifying occupier, you have a right to play a part in any court action arising from this notice. You are entitled to have your rights considered and you or your representative will be able to put your point of view to the sheriff, for example, to explain the consequences of the court action for you.]*

[Text where notice is to a tenant and section 16(2)(e)/16(3ZA)(b) of the Housing (Scotland) Act 2001 (ground 15A streamlined action) does not apply:

If the landlord does take court action, the sheriff will be concerned with whether the facts of the case are correct and, if so, whether it is reasonable to make the order. In deciding whether it is reasonable, the sheriff must take into account all the circumstances of the case and, in particular, any risk that you will engage in further abusive behaviour towards your partner or ex-partner.

The sheriff may decide not to grant an order, or may delay the decision with or without imposing conditions which must be complied with. If an order and warrant of ejection is granted, the landlord will be able to evict you.

If the landlord does take court action, the landlord will give you advice and assistance in relation to the finding of alternative accommodation in the event that the sheriff makes an order.

[Text where notice is to a tenant and section 16(2)(e)/16(3ZA)(b) of the Housing (Scotland) Act 2001 applies (ground 15A streamlined actions):

If this notice is served on you before the day which is 12 months after-

- the day on which you were convicted of the offence forming the ground for the order; or
- where that conviction was appealed, the day on which the appeal is dismissed or abandoned,

and the landlord does take court action then the sheriff will be concerned with whether the facts of the case are correct. If satisfied, the sheriff must grant the order subject to consideration of any other rights.

If this notice is served on you on or after that day then the sheriff will not only be concerned with whether the facts of the case are correct but also whether it is reasonable to make the order. In deciding whether it is

reasonable, the sheriff must take into account all the circumstances of the case and, in particular, any risk that you will engage in further abusive behaviour towards your partner or ex-partner.

The sheriff may decide not to grant an order, or may delay the decision with or without imposing conditions which must be complied with. If an order and warrant of ejection is granted, the landlord will be able to evict you.

If the landlord does take court action, the landlord will give you advice and assistance in relation to the finding of alternative accommodation in the event that the sheriff makes an order.

[Text where notice is to a qualifying occupier and where section 16(2)(e)/16(3ZA)(b) of the Housing (Scotland) Act 2001 (ground 15A streamlined action) does not apply:

The landlord wants to [transfer the tenancy to [you/the tenant's partner or ex-partner]*/bring an end to *(name of tenant)*'s interest in the tenancy]*. If the landlord does take court action, the sheriff will be concerned with whether the facts of the case are correct and, if so, whether it is reasonable to grant the order. You should speak to the landlord or seek independent advice on how this might affect you as a qualifying occupier.

[*Only include this sentence if the landlord is asking for the qualifying occupier to be named in the decree:* If the landlord does take court action, the landlord will give you advice and assistance in relation to the finding of alternative accommodation in the event that the sheriff makes an order.]*

If you become a party to the court action, you or your representative will be able to put your point of view to the sheriff.]*

[Text where notice is to a qualifying occupier and where section 16(2)(e)/16(3ZA)(b) of the Housing (Scotland) Act 2001 applies (ground 15A streamlined actions):

The landlord wants to [transfer the tenancy to [you/the tenant's partner or ex-partner]*/bring an end to *(name of tenant)'s* interest in the tenancy]*. If the landlord does take court action, the sheriff will be concerned with whether the facts of the case are correct. If satisfied, the sheriff must grant the order subject to consideration of any other rights. You should speak to the landlord or seek independent advice on how this might affect you as a qualifying occupier.

[*Only include this sentence if the landlord is asking for the qualifying occupier to be named in the decree*: If the landlord does take court action, the landlord will give you advice and assistance in relation to the finding of alternative accommodation in the event that the sheriff makes an order.]*

If you become a party to the court action, you or your representative will be able to put your point of view to the sheriff.]*

[Additional text for actions where notice is to a qualifying occupier who is "person P" as defined in paragraph 15A of schedule 2 of the Housing (Scotland) Act 2001:

If you have concerns for your safety or if you feel that you are in immediate danger at any time, you should contact the police on 999. If you would like advice and support in connection with domestic abuse you can contact Scottish Women's Aid on 0800 027 1234, email at helpline@sdafmh.org.uk or visit dafmh.org.uk.]*

**Delete where not applicable*"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scottish Secure Tenancies (Proceedings for Possession) (Form of Notice) Regulations 2012 ("the 2012 Regulations"). The 2012 Regulations prescribe the form of notice to be used by a landlord when notifying its tenant and any qualifying occupier under a Scottish secure tenancy, within the meaning of Part 2 of the Housing (Scotland) Act 2001 ("the 2001 Act"), that the landlord may raise proceedings for recovery of possession of the house.

A notice in the prescribed form must be served by a landlord on a tenant and any qualifying occupier, in terms of section 14(2) of the 2001 Act.

These Regulations take account of the amendments made to the 2001 Act by Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 (asp 16, "the 2021 Act"). Section 22 of the 2021 Act amends sections 14 and 16 and schedule 2 of the 2001 Act. Section 22(4) of the 2021 Act inserts paragraph 15A into schedule 2 of the 2001 Act, creating a new ground on which the landlord under a Scottish secure tenancy may raise court proceedings under section 14 of the 2001 Act. On this new ground, the landlord may raise proceedings either: for recovery of possession of the house (in the case of a sole tenant), or for termination of the tenant's interest in the tenancy (in the case of a joint tenant). Sub-paragraphs (1) and (2) of the new ground require that a person ("person T") who is the tenant or one of the joint tenants has engaged in behaviour which is abusive of a person ("person P") who is a partner or ex-partner of person T. In addition, the house to which the tenancy relates must be person P's only or principal home, and person P must wish to continue living in the house. Where person T is the sole tenant, the landlord must also wish to recover possession of the house from person T for the purpose of entering into a tenancy with person P instead.

Regulations 4 and 5 amend the 2012 Regulations to provide that the prescribed form of notice where proceedings are to be raised on the new ground in paragraph 15A of schedule 2 of the 2001 Act is contained in the new schedule 3 of the 2012 Regulations.

The new notice sets out the time limit within which the landlord is permitted to raise proceedings and the ground on which the landlord intends to raise proceedings.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

£8.90

http://www.legislation.gov.uk/id/ssi/2025/404

ISBN 978-0-11-106473-3

