



Housing (Scotland) Act 1987

1987 CHAPTER 26

PART VI

CLOSING AND DEMOLITION ORDERS

Possession

128 [^{F1}Recovery of possession of house subject to statutorily regulated tenancy]

[^{F2}(1)] Nothing in [^{F3}an enactment mentioned in subsection (2)] shall be deemed to affect the provisions of this Act relating to obtaining possession of a house with respect to which a closing order, or a demolition order has been made or to which a resolution passed under section 125 applies, or to prevent possession being obtained—

- (a) of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to housing;
- (b) of any house possession of which is required for the purpose of securing compliance with any byelaws made for the prevention of overcrowding;
- (c) of any premises by any owner in a case where an undertaking has been given under this Part that those premises shall not be used for human habitation.

[^{F4}(2) The enactments referred to in subsection (1) are—

- (a) the Rent (Scotland) Act 1984;
- (b) Part II of the Housing (Scotland) Act 1988;
- (c) the Private Housing (Tenancies) (Scotland) Act 2016.]

Textual Amendments

- F1** S. 128 heading substituted (1.12.2017) by virtue of [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) (asp 19), s. 79(2), [sch. 4 para. 4\(6\)\(d\)](#); S.S.I. 2017/346, reg. 2, sch.
- F2** S. 128(1): s. 128 renumbered as s. 128(1) (1.12.2017) by [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) (asp 19), s. 79(2), [sch. 4 para. 4\(6\)\(b\)](#); S.S.I. 2017/346, reg. 2, sch.

Changes to legislation: *Housing (Scotland) Act 1987, Section 128 is up to date with all changes known to be in force on or before 06 May 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) View outstanding changes*

- F3** Words in s. 128 substituted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(6)(a)**; S.S.I. 2017/346, reg. 2, sch.
- F4** S. 128(2) inserted (1.12.2017) by Private Housing (Tenancies) (Scotland) Act 2016 (asp 19), s. 79(2), **sch. 4 para. 4(6)(c)**; S.S.I. 2017/346, reg. 2, sch.

Changes to legislation:

Housing (Scotland) Act 1987, Section 128 is up to date with all changes known to be in force on or before 06 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(3)(i)s. 21(3)(ai)(ii) by [2001 asp 10 Sch. 10 para. 13\(3\)\(c\)](#)[para. 13\(I\)-\(iii\)](#)
- s. 24(3)(f) and word(s) inserted by [2003 asp 10 s. 5\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 31(2C)(c) words substituted by [2004 asp 8 Sch. 4 para. 2](#)
- s. 61(2)(a)(ia) by [2001 asp 10 Sch. 10 para. 13\(6\)\(a\)\(ii\)](#)
- s. 63(1A)-(61C) by [2001 asp 10 s. 46\(2\)](#)
- s. 66(1)(vi)(vii) by [2001 asp 10 Sch. 10 para. 13\(9\)\(b\)](#)
- s. 286(a)(c) by [2001 asp 10 Sch. 10 para. 13\(40\)\(a\)\(b\)](#)