

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 1 – eviction for dwelling-houses

Private residential tenancies: extension of notice periods

19. Paragraph 2 provides that during the relevant period, the length of time that a landlord must give a tenant when issuing a notice to leave under paragraph 62 of the 2016 Act is extended. The exact length of notice will depend on the grounds for repossession used by the landlord.
20. Subparagraph (2) of paragraph 2 inserts new subsections (2), (3) and (3A) into section 54 of the 2016 Act during the relevant period. Accordingly, during the relevant period, the period of notice in relation to a notice to leave under the 2016 Act is either 28 days, three months or six months. The period begins on the day on which the tenant receives the notice from the landlord. Subparagraph (3) provides that if the only ground stated is that the tenant is not occupying the let property then the 28 days' notice will apply.
21. In terms of subsection (3A), a notice period of 3 months applies if only a ground or grounds listed in that subsection are stated in the notice to leave or where a ground or grounds listed in that subsection are stated in the notice to leave alongside the ground that the tenant is not occupying the let property as their home. The grounds listed in subsection (3A) are that the property is being repossessed because the landlord or a family member intends to live in the let property; the tenant has a relevant conviction, engaged in antisocial behaviour, or the tenant associates with a person who has done so; the landlord is not registered with a relevant local authority or does not hold a House in Multiple Occupation license. Where neither subsection (3) nor (3A) applies, the notice period will be six months.
22. Subparagraph (3) of paragraph 2 substitutes section 64 of the 2016 during the relevant period. The substituted section 64 provides that with the exception of the references to six months in section 59 in the 2016 Act, any reference to a period of six months or three months in Part V of the 2016 Act means either the same day six months after the month in which it began or, if the month in which the period ends has no such day, the final day of that month. For example if the start of the six month period was 4 February the last day of the six month period would be 4 August, and if the start date was 31 August the last day would be 28 or 29 February, depending on whether or not it was a leap year.