



Private Housing (Tenancies) (Scotland) Act 2016 2016 asp 19

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

PART 1

PRIVATE RESIDENTIAL TENANCY

- 1 Meaning of private residential tenancy
- 2 Interpretation of section 1
- 3 Writing not required to constitute private residential tenancy
- 4 Extended meaning of tenancy in this Act
- 5 Extended meaning of tenancy and related expressions in other enactments
- 6 Power to modify schedule 1

PART 2

TENANCY TERMS

- 7 Statutory terms of tenancy
- 8 Regulations under section 7
- 9 Protection of terms allowing use of shared living accommodation

PART 3

TENANCY INFORMATION

Landlord's duties to provide information

- 10 Duty to provide written terms of tenancy
- 11 Duty to provide specified information
- 12 Regulations about providing information
- 13 Prohibition on charging for information

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

First-tier Tribunal's powers

- 14 Application to First-tier Tribunal to draw up terms
- 15 First-tier Tribunal's power to draw up terms
- 16 First-tier Tribunal's power to sanction failure to provide information
- 17 Meaning of notice period in sections 14 and 16

PART 4

RENT

CHAPTER 1

RESTRICTIONS IN RELATION TO RENT, OTHER CHARGES AND DILIGENCE

Restrictions on rent increases

- 18 Method by which rent may be increased
- 19 Frequency with which rent may be increased

Restrictions on other charges and diligence

- 20 No premiums, advance payments, etc.
- 21 Restriction on diligence

CHAPTER 2

RENT VARIATION INSTIGATED BY LANDLORD'S NOTICE

Process by which rent may be varied

- 22 Landlord's power to increase rent
- 23 Modification of rent-increase notice by parties
- 24 Tenant's right to refer increase to rent officer
- 25 Rent officer's power to set rent
- 26 Rent officer's duty to issue provisional order
- 27 Rent officer's power to correct final order
- 28 Right of appeal to First-tier Tribunal
- 29 First-tier Tribunal's power to set rent
- 30 Finality of First-tier Tribunal's decision
- 31 Liability for over or under paid rent
- 32 Determination of open market rent
- 33 Withdrawal of referral or appeal

Information about open market rent determinations

- 34 Duty to make information available

CHAPTER 3

RENT PRESSURE ZONES

Designation and effect of rent pressure zone

- 35 Request by local authority that a zone be designated
- 36 Scottish Ministers' duty to react to request
- 37 Power to designate a zone

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

- 38 Restriction on rent increases within a zone
- 39 Limits on power to designate a zone
- 40 Procedure for designating a zone: consultation and information
- 41 Power to change inflation index

Improvements to let property

- 42 Rent officer's power to allow rent rise in consequence of improvement
- 43 Further provision about making and determining an application under section 42

PART 5

TERMINATION

CHAPTER 1

SECURITY OF TENURE

- 44 No termination by parties except in accordance with this Part
- 45 Landlord's interest transfers with ownership of property
- 46 Protection for sub-tenants
- 47 Qualification of sub-tenant protection

CHAPTER 2

TERMINATION BY TENANT

- 48 Tenant's ability to bring tenancy to an end
- 49 Requirements for notice to be given by tenant

CHAPTER 3

TERMINATION AT LANDLORD'S INSTIGATION

Consensual termination

- 50 Termination by notice to leave and tenant leaving

Eviction order

- 51 First-tier Tribunal's power to issue an eviction order
- 52 Applications for eviction orders and consideration of them
- 53 First-tier Tribunal's power to disapply protection for sub-tenants

Restrictions on applying for eviction order

- 54 Restriction on applying during the notice period
- 55 Restriction on applying 6 months after the notice period expires
- 56 Restriction on applying without notifying local authority

Wrongful termination

- 57 Wrongful termination by eviction order
- 58 Wrongful termination without eviction order
- 59 Wrongful-termination order

*Status: Point in time view as at 01/12/2017.**Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)*

60 Notice to local authority of wrongful-termination order

Sub-tenancies

61 Sub-tenancy notice to leave

CHAPTER 4

INTERPRETATION OF PART

62 Meaning of notice to leave and stated eviction ground

63 Landlord includes lender in some cases

64 Six month periods

PART 6

DEATH OF THE TENANT

65 Termination of tenancy on tenant's death

66 Termination of joint tenant's interest on death

67 Partner's entitlement to inherit

68 Other family member's entitlement to inherit

69 Carer's entitlement to inherit

70 Interpretation of Part

PART 7

MISCELLANEOUS PROVISIONS

71 First-tier Tribunal's jurisdiction

72 First-tier Tribunal's duty to report unregistered landlords

73 Minor errors in documents

PART 8

CONSEQUENTIAL AND TRANSITIONAL PROVISION

74 Consequential modifications

75 Transitional provision

PART 9

FINAL PROVISIONS

76 Ancillary regulations

77 Regulation-making powers

78 Interpretation

79 Commencement

80 Short title

SCHEDULE 1 — TENANCIES WHICH CANNOT BE PRIVATE RESIDENTIAL
TENANCIES*Low rent*

1 (1) A tenancy cannot be a private residential tenancy if—...

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Shop

2 A tenancy cannot be a private residential tenancy if it...

Licensed premises

3 A tenancy cannot be a private residential tenancy if it...

Agricultural land

4 (1) A tenancy cannot be a private residential tenancy if...

Student let

5 (1) A tenancy cannot be a private residential tenancy if—...

Holiday let

6 A tenancy cannot be a private residential tenancy if the...

Resident landlord

7 A tenancy cannot be a private residential tenancy if paragraph...

8 This paragraph applies to a tenancy if—

9 (1) This paragraph applies to a tenancy if sub-paragraphs (2)...

10 If, at any time, the landlord holds the landlord's interest...

11 In a case where two or more persons jointly are...

Police housing

12 A tenancy cannot be a private residential tenancy if the...

Military housing

13 A tenancy cannot be a private residential tenancy if the...

Social housing

14 A tenancy cannot be a private residential tenancy if the...

Sublet, assigned, etc. social housing

15 A tenancy cannot be a private residential tenancy if it...

Homeless persons

16 A tenancy cannot be a private residential tenancy if it...

Persons on probation or released from prison etc.

17 A tenancy cannot be a private residential tenancy if it...

Asylum seekers

18 A tenancy cannot be a private residential tenancy if the...

Displaced persons

19 A tenancy cannot be a private residential tenancy if the...

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Shared ownership

- 20 A tenancy cannot be a private residential tenancy if it...

Tenancies under previous legislation

- 21 A tenancy cannot be a private residential tenancy if it...

SCHEDULE 2 — STATUTORY TERMS REQUIRED BY SECTION 8

Rent receipts

- 1 Where any payment of rent is made in cash, the...

Rent increases

- 2 The rent may be increased in accordance with Chapter 2...

Notification about other residents

- 3 If a person aged 16 or over (who is not...
4 If— (a) in accordance with the term specified in paragraph...

Subletting etc.

- 5 The tenant may not, without the written agreement of the...

Access for repairs etc.

- 6 The tenant is to allow reasonable access to the let...
7 (1) The following are authorised purposes— (a) carrying out any...
8 The tenant is to allow reasonable use of facilities within...

SCHEDULE 3 — EVICTION GROUNDS

PART 1 — LET PROPERTY REQUIRED FOR ANOTHER PURPOSE

Landlord intends to sell

- 1 (1) It is an eviction ground that the landlord intends...

Property to be sold by lender

- 2 (1) It is an eviction ground that a lender intends...

Landlord intends to refurbish

- 3 (1) It is an eviction ground that the landlord intends...

Landlord intends to live in property

- 4 (1) It is an eviction ground that the landlord intends...

Family member intends to live in property

- 5 (1) It is an eviction ground that a member of...

Landlord intends to use for non-residential purpose

- 6 (1) It is an eviction ground that the landlord intends...

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Property required for religious purpose

- 7 (1) It is an eviction ground that the let property...
PART 2 — TENANT'S STATUS

Not an employee

- 8 (1) It is an eviction ground that the tenancy was...

No longer in need of supported accommodation

- 9 (1) It is an eviction ground that the tenancy was...
PART 3 — TENANT'S CONDUCT

Not occupying let property

- 10 (1) It is an eviction ground that the tenant is...

Breach of tenancy agreement

- 11 (1) It is an eviction ground that the tenant has...

Rent arrears

- 12 (1) It is an eviction ground that the tenant has...

Criminal behaviour

- 13 (1) It is an eviction ground that the tenant has...

Anti-social behaviour

- 14 (1) It is an eviction ground that the tenant has...

*Association with person who has relevant conviction
or engaged in relevant anti-social behaviour*

- 15 (1) It is an eviction ground that the tenant associates...
PART 4 — LEGAL IMPEDIMENT TO LET CONTINUING

Landlord has ceased to be registered

- 16 (1) It is an eviction ground that the landlord is...

HMO licence has been revoked

- 17 (1) It is an eviction ground that the let property...

Overcrowding statutory notice

- 18 (1) It is an eviction ground that an overcrowding statutory...

SCHEDULE 4 — CONSEQUENTIAL MODIFICATIONS

Land Tenure Reform (Scotland) Act 1974

- 1 After section 8(3) of the Land Tenure Reform (Scotland) Act...

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Rent (Scotland) Act 1984

- 2 (1) The Rent (Scotland) Act 1984 is amended as follows....

Bankruptcy (Scotland) Act 1985

- 3 In section 31(9) of the Bankruptcy (Scotland) Act 1985, after...

Housing (Scotland) Act 1987

- 4 (1) The Housing (Scotland) Act 1987 is amended as follows....

Social Security Contributions and Benefits Act 1992

- 5 In section 130C(2) of the Social Security Contributions and Benefits...

Requirements of Writing (Scotland) Act 1995

- 6 After section 1(7) of the Requirements of Writing (Scotland) Act...

Housing (Scotland) Act 2001

- 7 (1) The Housing (Scotland) Act 2001 is amended as follows....

Homelessness etc. (Scotland) Act 2003

- 8 In section 11(5) of the Homelessness etc. (Scotland) Act 2003,...

Housing (Scotland) Act 2006

- 9 (1) The Housing (Scotland) Act 2006 is amended as follows....

Bankruptcy and Diligence etc. (Scotland) Act 2007

- 10 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is...

Housing (Scotland) Act 2014

- 11 In section 94(1) of the Housing (Scotland) Act 2014, after...

SCHEDULE 5 — TRANSITION FROM REGIMES UNDER EARLIER ENACTMENTS

PART 1 — NO NEW ASSURED TENANCIES

No new assured tenancies

- 1 (1) Section 12 of the Housing (Scotland) Act 1988 is...

No new short assured tenancies

- 2 (1) The Housing (Scotland) Act 1988 is amended as follows....

PART 2 — CONVERSION OF TENANCIES UNDER PREVIOUS REGIMES

Change of tenancy status by agreement

- 3 (1) The Housing (Scotland) Act 1988 is amended as follows....

Status: Point in time view as at 01/12/2017.

Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016. (See end of Document for details)

Change of tenancy status on succession

- 4 After section 3A of the Rent (Scotland) Act 1984 there...
- 5 After section 31 of the Housing (Scotland) Act 1988 there...

Status:

Point in time view as at 01/12/2017.

Changes to legislation:

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016.