



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

PRIVATE HOUSING (TENANCIES) (SCOTLAND) ACT 2016

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Status: Point in time view as at 30/03/2022.

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

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SCHEDULE 1 — TENANCIES WHICH CANNOT BE PRIVATE RESIDENTIAL TENANCIES

Low rent

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

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

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...

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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...

Accommodation for veterans and care leavers

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

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...

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Landlord intends to use for non-residential purpose

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

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

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Land Tenure Reform (Scotland) Act 1974

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

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

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Change of tenancy status by agreement

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

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...

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