



Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

PART 2

TENANCY TERMS

7 Statutory terms of tenancy

- (1) The Scottish Ministers may by regulations prescribe terms (referred to in this Act as “statutory terms”).
- (2) Statutory terms are terms of every private residential tenancy to which the regulations prescribing them apply, subject to any provision made under subsection (3).
- (3) The Scottish Ministers may by regulations provide that—
 - (a) in some circumstances, a statutory term is not a term of a private residential tenancy,
 - (b) in some or all circumstances, a statutory term applies as a term of a private residential tenancy subject to any modification of the term agreed between the landlord and tenant under the tenancy.

8 Regulations under section 7

- (1) Regulations may not be made under section 7(1) unless—
 - (a) they prescribe, in relation to the tenancies to which the regulations are to apply, the terms set out in schedule 2, or
 - (b) those terms are prescribed in relation to those tenancies already.
- (2) Regulations made under section 7 may not be revoked in exercise of the power conferred by that section to the extent that their revocation would result in terms set out in schedule 2 not applying in relation to some or all private residential tenancies.
- (3) Nothing in this section prevents provision being made under section 7(3) so that—
 - (a) in some circumstances, a term set out in schedule 2 is not a term of a private residential tenancy,

- (b) in some or all circumstances, a term set out in schedule 2 applies subject to modification.
- (4) Before making regulations under section 7, the Scottish Ministers must consult such persons representing the interests of tenants and landlords under private residential tenancies as they think fit.
- (5) Where regulations are made under section 7 before section 1 comes into force, the reference in subsection (4) to tenants and landlords under private residential tenancies is to be read as a reference to persons who are likely to be affected by the regulations.

9 Protection of terms allowing use of shared living accommodation

- (1) A term of a private residential tenancy which entitles the tenant to use shared living accommodation may not be terminated or modified so as to reduce the entitlement which the tenant had at the commencement of the private residential tenancy, unless the tenant agrees to the termination or modification of the term after the tenancy commences.
- (2) Subsection (1) does not affect the operation of any term of the tenancy which allows the identity or number of persons in common with whom the tenant is entitled to use the shared living accommodation to change.
- (3) In this section, “shared living accommodation” means property—
 - (a) which the terms of the tenancy entitle the tenant to use in common with another person, and
 - (b) which is of such a nature that any let property must include it, or be treated as including it, in order to be regarded as a separate dwelling.