



# Private Housing (Tenancies) (Scotland) Act 2016

2016 asp 19

## PART 5

### TERMINATION

#### CHAPTER 4

##### INTERPRETATION OF PART

#### **62 Meaning of notice to leave and stated eviction ground**

- (1) References in this Part to a notice to leave are to a notice which—
  - (a) is in writing,
  - (b) specifies the day on which the landlord under the tenancy in question expects to become entitled to make an application for an eviction order to the First-tier Tribunal,
  - (c) states the eviction ground, or grounds, on the basis of which the landlord proposes to seek an eviction order in the event that the tenant does not vacate the let property before the end of the day specified in accordance with paragraph (b), and
  - (d) fulfils any other requirements prescribed by the Scottish Ministers in regulations.
- (2) In a case where two or more persons jointly are the landlord under a tenancy, references in this Part to the tenant receiving a notice to leave from the landlord are to the tenant receiving one from any of those persons.
- (3) References in this Part to the eviction ground, or grounds, stated in a notice to leave are to the ground, or grounds, stated in it in accordance with subsection (1)(c).
- (4) The day to be specified in accordance with subsection (1)(b) is the day falling after the day on which the notice period defined in section 54(2) will expire.

*Status: Point in time view as at 07/04/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, CHAPTER 4. (See end of Document for details)*

- (5) For the purpose of subsection (4), it is to be assumed that the tenant will receive the notice to leave 48 hours after it is sent.

#### Commencement Information

- I1** S. 62(1) in force at 31.10.2016 for specified purposes by [S.S.I. 2016/298, reg. 2, sch.](#)  
**I2** S. 62(1) in force at 1.12.2017 in so far as not already in force by [S.S.I. 2017/346, reg. 2, sch.](#)  
**I3** S. 62(2)-(5) in force at 1.12.2017 by [S.S.I. 2017/346, reg. 2, sch.](#)

### 63 Landlord includes lender in some cases

In—

- (a) sections 50 to 56, and
- (b) sections 61 and 62,

references to the landlord under a private residential tenancy include a creditor in a heritable security over the let property who is entitled to sell the property.

#### Commencement Information

- I4** S. 63 in force at 1.12.2017 by [S.S.I. 2017/346, reg. 2, sch.](#)

### 64 <sup>[F1]</sup> Six month periods<sup>[F1]</sup> Three or six month periods

<sup>[F1]</sup>(1) A reference in this Part to a period of three or, as the case may be, six months (however expressed) is to a period which ends in the month which falls three or, as the case may be, six months after the month in which it began, either—

- (a) on the same day of the month as it began, or
- (b) if the month in which the period ends has no such day, on the final day of that month.

(2) Subsection (1) does not apply in relation to the references to six months in section 59.]

#### Textual Amendments

- F1** S. 64 substituted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\), s. 17\(1\), sch. 1 para. 2\(1\)\(3\)](#) (with [ss. 11-13, sch. 1 paras. 8, 10](#)) (which affecting provision expires (30.3.2022) by virtue of [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2022 \(S.S.I. 2022/64\), reg. 2\(a\)](#) (with [regs. 4, 5](#)))

#### Commencement Information

- I5** S. 64 in force at 1.12.2017 by [S.S.I. 2017/346, reg. 2, sch.](#)

**Status:**

Point in time view as at 07/04/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Private Housing (Tenancies) (Scotland) Act 2016, CHAPTER 4.