

These notes relate to the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8) which received Royal Assent on 10 August 2022

CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT: OVERVIEW

Part 4: Tenancies

Saving and transitional provision

Section 48: Tenancies: saving provision

181. This section makes saving provision to deal with notices that are served before 1 October 2022 (i.e. before the date of commencement of Part 4). This will affect eviction proceedings that are raised in relation to those notices even if the eviction proceedings themselves are only raised on or after 1 October 2022.
182. In all such cases, sections 43 to 47 of this Act will not apply. Instead, the law as modified by the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No.2) Act 2020 will continue in effect, despite the expiry of Part 1 of those Acts. Similarly, the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 will also continue to apply.
183. The result is that the existing temporary law on evictions will continue to apply to all pre-commencement eviction notices and all eviction proceedings raised in relation to those notices.
184. In most places, the provision made by this Act is the same as the existing temporary law. However, as set out above, some minor changes are made by this Act: for example, the pre-action protocol in section 47 applies to all rent arrears eviction grounds under the 1988 Act, not just one of them. Section 48 therefore ensures that if a notice is served by a landlord on the basis of the current law, the position that applies to the parties involved does not change.