
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 330 (C. 24)

HOUSING

**The Housing (Scotland) Act 2014 (Commencement
No. 7, Amendment and Saving Provision) Order 2017**

<i>Made</i>	- - - -	<i>5th October 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>6th October 2017</i>
<i>Coming into force</i>	- -	<i>1st December 2017</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 104(3) and (5) of the Housing (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Scotland) Act 2014 (Commencement No. 7, Amendment and Saving Provision) Order 2017 and comes into force on 1st December 2017.

(2) In this Order, “the Act” means the Housing (Scotland) Act 2014.

Amendment of the Housing (Scotland) Act 2014 (Commencement No. 6 and Transitional Provision) Order 2016

2.—(1) The Housing (Scotland) Act 2014 (Commencement No. 6 and Transitional Provision) Order 2016⁽²⁾ is amended as follows.

(2) In article 3(1)(a) (transitional provision) and in the last entry in column 3 of the table in the schedule (appointed day), for “31st September 2018”, substitute “2nd October 2018”.

Appointed day

3.—(1) The day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the schedule (the subject-matter of which is described in column 2 of that table) is 1st December 2017.

(2) Where a purpose is specified in column 3 of the table in the schedule, a provision specified in column 1 comes into force in accordance with paragraph (1) only for that purpose.

(1) 2014 asp 14.
(2) S.S.I. 2016/412.

Saving provision

4. The transfer of functions and jurisdiction of the sheriff to the First-tier Tribunal made by section 16 of the Act has no effect in relation to any—

- (a) action arising from any tenancy referred to in section 16(1) of the Act where the application to the sheriff was made prior to 1st December 2017; and
- (b) any appeal against the decision of a sheriff in an action of the kind mentioned in paragraph (a) where the appeal—
 - (i) has not been determined prior to 1st December 2017; or
 - (ii) is made on or after 1st December 2017 in relation to a decision of a sheriff made on or after that date.

St Andrew's House,
Edinburgh
5th October 2017

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST DECEMBER 2017

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject-matter</i>	<i>Purpose</i>
Section 16(1) and (2)	Regulated and assured tenancies etc.	
Section 16(3) and schedule 1 so far as they relate to paragraphs 1 to 6, 8 and 10 to 48	Regulated and assured tenancies etc.	
Section 16(3) and schedule 1 so far they relate to paragraph 7	Regulated and assured tenancies etc.	For the purpose of proceedings in relation to a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984) ⁽³⁾ and an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988) ⁽⁴⁾
Section 17 and schedule 1, Paragraphs 49 to 51	1, Repairing standard	
Section 18 and schedule 1, paragraphs 52 to 55	1, Right to adapt rented houses	
Section 19 and schedule 1, paragraphs 56 to 60	1, Landlord registration	

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order brings into force various provisions of the Housing (Scotland) Act 2014 (“the Act”).

Article 2 amends an incorrect date in the Housing (Scotland) Act 2014 (Commencement No. 6 and Transitional Provision) Order 2016.

Article 3 appoints 1st December 2017 for the coming into force of section 16 and Part 1 of schedule 1 of the Act, section 17 and Part 2 of that schedule, section 18 and Part 3 of that schedule and section 19 and Part 4 of that schedule.

The effect of section 16 of the Act is to transfer the functions and jurisdiction of the sheriff (except in relation to criminal offences) in respect of certain types of tenancy, to the First-tier Tribunal for Scotland. The types of tenancy are: regulated tenancies and Part VII contracts under the Rent

⁽³⁾ 1984 c.58.

⁽⁴⁾ 1988 c.43.

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(Scotland) Act 1984 and assured tenancies under the Housing (Scotland) Act 1988. Sections 17, 18 and 19 make amendments consequential to the transfer of functions and jurisdiction in relation to the repairing standard, the right to adapt rented houses and landlord registration, respectively.

The third entry in the table in the schedule commences paragraph 7 of schedule 1 of the Act only for the purpose of proceedings in relation to a regulated or an assured tenancy. Paragraph 7 makes a consequential amendment to section 23(1) (prohibition of eviction without due process of law) of the Rent (Scotland) Act 1984. As section 23 applies to various types of tenancy and excepts others, including Part VII contracts, it is commenced only in relation to those types of tenancy in respect of which jurisdiction is transferring to the First-tier Tribunal for Scotland.

Article 4 makes a saving provision in relation to proceedings begun in the sheriff court prior to 1st December 2017 and appeals in relation to those proceedings whether an appeal is made before or after 1st December 2017.

The Bill for the Act received Royal Assent on 1st August 2014. Sections 100, 101, 102, 104 and 105 of the Act came into force on that day by virtue of section 104(1) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Housing (Scotland) Act 2014 which have been, or are due to be brought into force by commencement orders made before the date of this Order are detailed in the table below.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1(1)	1st August 2016	S.S.I. 2014/264
Section 1(2)	20th November 2014	S.S.I. 2014/264
Section 1(3) (partially)	20th November 2014	S.S.I. 2014/264
Section 1(3) (remainder)	1st July 2017	S.S.I. 2014/264
Section 2	20th November 2014	S.S.I. 2014/264
Section 4(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 6(2) (partially)	20th November 2014	S.S.I. 2014/264
Section 7(1)(b)	20th November 2014	S.S.I. 2014/264
Section 14(1)	20th November 2014	S.S.I. 2014/264
Section 20	20th November 2014	S.S.I. 2014/264
Section 22	1st December 2015	S.S.I. 2015/272
Section 23(1)	20th November 2014	S.S.I. 2014/264
Section 23 (remainder)	1st December 2015	S.S.I. 2015/272
Section 24	20th November 2014	S.S.I. 2014/264
Section 25(1)(a) (partially), (1)(b) to (e) and (2) to (11)	1st December 2015	S.S.I. 2015/349
Section 25(1)(a) (partially)	1st April 2016	S.S.I. 2015/349
Section 25(1)(a) (remainder)	1st June 2016	S.S.I. 2015/349
Section 26(7)	20th November 2014	S.S.I. 2014/264

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 26 (remainder) and 27	1st December 2015	S.S.I. 2015/272
Section 28	20th November 2014	S.S.I. 2014/264
Section 29(2)(b) (partially)	2nd February 2016	S.S.I. 2015/430
Section 29 (remainder)	31st January 2018	S.S.I. 2016/412
Section 30(2)(f) (partially)	2nd February 2016	S.S.I. 2015/430
Section 30 (remainder)	31st January 2018	S.S.I. 2016/412
Section 31	31st January 2018	S.S.I. 2016/412
Section 32(2)(c) (partially)	2nd February 2016	S.S.I. 2015/430
Section 32 (remainder)	31st January 2018	S.S.I. 2016/412
Sections 33 to 43	31st January 2018	S.S.I. 2016/412
Section 45	31st January 2018	S.S.I. 2016/412
Section 46	20th November 2014	S.S.I. 2014/264
Section 47 to 51	31st January 2018	S.S.I. 2016/412
Section 52(2)	2nd February 2016	S.S.I. 2015/430
Section 52 (remainder)	31st January 2018	S.S.I. 2016/412
Sections 53 to 60	31st January 2018	S.S.I. 2016/412
Section 61	20th November 2014	S.S.I. 2014/264
Section 62 (partially)	20th November 2014	S.S.I. 2014/264
Section 62 (remainder)	31st January 2018	S.S.I. 2016/412
Section 63	1st May 2017	S.S.I. 2016/412
Sections 64 and 65 (partially)	20th November 2014	S.S.I. 2014/264
Sections 64 and 65 (remainder)	1st May 2017	S.S.I. 2016/412
Sections 66 to 69	1st May 2017	S.S.I. 2016/412
Section 70	20th November 2014	S.S.I. 2014/264
Sections 71 to 76	1st May 2017	S.S.I. 2016/412
Section 77 (partially)	20th November 2014	S.S.I. 2014/264
Section 77 (remainder)	1st May 2017	S.S.I. 2016/412
Sections 78 to 81	1st May 2017	S.S.I. 2016/412
Section 82	20th November 2014	S.S.I. 2014/264
Sections 83 and 84	1st May 2017	S.S.I. 2016/412
Section 85(3) and (4)	20th November 2014	S.S.I. 2014/264
Section 85 (remainder)	1st April 2015	S.S.I. 2015/122
Section 86(1) (partially)	13th November 2014	S.S.I. 2014/264
Section 86(2) (partially)	13th November 2014	S.S.I. 2014/264

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<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 86 (remainder)	16th December 2014	S.S.I. 2014/264
Sections 87 and 88	1st April 2015	S.S.I. 2015/122
Section 89	13th July 2015	S.S.I. 2015/272
Sections 90 to 92	1st April 2015	S.S.I. 2015/122
Sections 94 to 96	20th November 2014	S.S.I. 2014/264
Section 97 (partially)	20th November 2014	S.S.I. 2014/264
Section 97 (remainder)	31st August 2015	S.S.I. 2015/272
Section 98	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	20th November 2014	S.S.I. 2014/264
Section 103 (partially)	1st August 2016	S.S.I. 2014/264
Schedule 2 (partially)	20th November 2014	S.S.I. 2014/264
Schedule 2 (partially)	1st August 2016	S.S.I. 2014/264